

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

BLYTHE 265 N. Broadway, Blythe, CA 92225
 INDIO 46-200 Oasis St., Indio, CA 92201

MENIFEE 27401 Menifee Center Dr., Menifee, CA 92584
 RIVERSIDE 4175 Main St., Riverside, CA 92501

RI-FL069

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar Number and Address</i>) TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY CASE NUMBER: _____
PETITIONER: RESPONDENT:	
ORDER APPOINTING EXPERT FOR FINANCIAL MATTERS (EC §730)	

1. APPOINTMENT OF EXPERT:

_____ (referred to as "EXPERT") is appointed as the Court's EXPERT under California Evidence Code section 730 unless the EXPERT notifies the Court within ten (10) calendar days of notification that the EXPERT chooses not to accept the appointment. The EXPERT's contact information is:

Address: _____ Telephone: _____
 _____ Facsimile: _____
 Email: _____

2. TASKS OF EXPERT

A. The EXPERT is deemed qualified to perform the following tasks and must do so, provided that the parties comply with the provisions set forth below regarding COMPENSATION, DOCUMENTS, AND INFORMATION, and subject to the provision regarding WITHDRAWAL.

Perform an analysis of Petitioner's Respondent's income available for support.

Perform an analysis of the community property interest in the business known as:

 as of the most practical date nearest _____.

Prepare a valuation of the community's interest in stock options or other forms of money interests, such as bonds, notes, mutual funds, and retirement and pension plans in:

Calculate the income tax consequences of: _____

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- Calculate the community and separate property interest in that certain real estate property located at (address): _____
- Prepare a written tracing of: _____
- Prepare an analysis of Petitioner's Respondent's separate property claims relating to: _____
- Prepare an analysis and quantification of Petitioner's Respondent's reimbursement claims: _____
- Calculate child and/or spousal support arrearages including interest due.
- Assist with settlement.
- Other: _____

B. If there is any dispute over the scope of the work, the EXPERT may request a conference call with the Court and the attorneys or self-represented parties according to the provisions in paragraph 7 below.

3. FACTS

- A.** The parties' date of marriage is _____ .
- B.** The parties' date of separation is
 - agreed as _____
 - disputed. The claims of the parties are:
 - Petitioner: _____
 - Respondent: _____

4. COMPENSATION

- A.** Under most circumstances, the EXPERT will request that the parties and their counsel execute a fee schedule or engagement agreement before they will accept the assignment contained in this order.
- B.** Payment of fees and retainer will be as follows:
 - (1) The retainer of the EXPERT in the amount of \$ _____ will be paid forthwith within _____ days and will be applied to the final invoice. Any unused portion of the retainer will be refunded by the EXPERT at the conclusion of the EXPERT's services.

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- (2) The retainer will be paid as follows:
- (a) The petitioner must pay the EXPERT the sum of \$ _____
 - (b) The respondent must pay the EXPERT the sum of \$ _____
 - (c) The party listed below must pay the entire retainer:
 - Petitioner
 - Respondent
 - (d) Other: _____
 - (e) The provision for the payment of the retainer is without prejudice; the Court retains jurisdiction to later order a different allocation of payment between the parties.
- (3) The billed amounts must be paid on a timely basis as follows:
- (a) By withdrawal from the account located at _____ , account number (last four digits) _____. Either party is authorized to make such withdrawal.
 - (b) The Party (or Parties, if applicable) must pay the billed amounts within fifteen (15) calendar days of receipt of invoice in the following percentages:
 - Petitioner _____ %
 - Respondent _____ %
 - (c) Other: _____
 - (d) The provision for the payment of the billed amounts is without prejudice; the Court retains the jurisdiction to later order a different allocation of payment between the parties.

5. DOCUMENTS AND INFORMATION

- A. The parties must provide all records requested by the EXPERT, subject to objections based on privilege, within forty-five (45) calendar days of receipt of a written request.
- B. Each party must provide timely responses to the questions of the EXPERT.
- C. If requested by the EXPERT, the parties must provide the EXPERT with written authorizations directing third parties to provide documents, records and/or information.

6. COMMUNICATION

- A. The EXPERT has the right to initiate contact with a party's counsel, or if the party is unrepresented with a self-represented litigant, solely for the purpose of gathering information pertinent to the financial evaluation. In the event counsel, or a self-represented litigant communicates in writing with the EXPERT, counsel or the self-represented litigant must serve a copy of the written communication on the opposing party. The EXPERT shall only accept and review written communications from counsel or a self-represented litigant if the communication includes a statement confirming that the opposing side has been provided a copy of the communication.

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- B. The attorneys must notify the EXPERT of all court dates. The EXPERT may participate telephonically regarding scheduling of meetings and/or hearings and the status of EXPERT’s work.

7. DISPUTES

The EXPERT may initiate contact with the Court to obtain the Court’s assistance in resolving disputes relating to the completion of the EXPERT’s assignment, such as, but not limited to, the production of documents, the scope of the assignment, scheduling court appearances, the payment of the EXPERT’s fees, or any issue related to a breach of this Order.

- A. Prior to initiating such contact with the Court, the EXPERT must give written notice to each side of the nature of the dispute and the EXPERT’s intention to notify the Court at least two (2) calendar days prior to contacting the Court.
- B. At the direction of the Court’s clerk, contact by the EXPERT with the Court must be by letter, by telephone conference call, by declaration or by motion filed by the EXPERT.
- C. Any telephone conference call must include parties and their counsel, if represented.
- D. Any written communication must be copied to counsel for the parties or the party if the party is self-represented.

8. PROCEDURES FOR REPORTING

- A. The EXPERT may provide a status report to the Court at any time in his or her discretion according to the provision above.
- B. If requested by the EXPERT, the parties and/or counsel shall meet with the EXPERT after the report is finished. The decision to meet with the parties shall be at the discretion of the EXPERT.
- C. Alternatively, the EXPERT may choose to distribute a draft report to counsel for the parties, or to the parties directly if they are self-represented. At such meeting, or within ten (10) calendar days of meeting or receipt of the report, the parties agree to provide to the EXPERT, in writing, any and all objections to the findings and conclusions, and any additional factual information they believe the EXPERT should consider and/or any errors they believe the EXPERT made.
- D. If ten (10) calendar days is not sufficient, counsel for the parties, or party if the party is self-represented, may request additional time from the EXPERT, which may not exceed thirty (30) calendar days. The EXPERT’s report not being delivered to the Court or counsel for the parties, or the party if the party is self-represented, at least ten (10) calendar days prior to the hearing or trial, will be grounds for a continuance.
- E. The final report of the EXPERT must be sent to the Court and copies provided to counsel for the parties, provided that the parties have complied with the provisions set forth herein including the COMPENSATION AND DOCUMENTS AND INFORMATION provisions.

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F. The parties stipulate that the final report of the EXPERT shall be admitted into evidence at any hearing or trial in this matter, over any hearsay and foundation objections, subject to cross-examination.

(INITIALS OF STIPULATING PARTY)

(INITIALS OF STIPULATING PARTY)

G. If either party wishes to cross-examine the EXPERT, that party will give the EXPERT no less than thirty (30) calendar days written notice and must advance the fees requested by the EXPERT to prepare for and appear at the hearing, subject to reimbursement or reallocation by the Court. Fees for preparing and appearing, as requested by the EXPERT must be tendered no less than five (5) calendar days prior to the appearance.

9. ENFORCEMENT BY EXPERT

The EXPERT may bring a motion in this action to enforce the provisions of this order.

10. WITHDRAWAL OF THE EXPERT

The EXPERT may withdraw at any time as a result of the failure of a party to comply with the terms of this order or at any time the expert determines that the expert cannot complete the assignment. The EXPERT must notify the Court and the parties in writing of the facts that form the basis of the need to withdraw.

Dated: _____

(JUDGE/COMMISSIONER OF THE SUPERIOR COURT)