

IN THE SUPREME COURT, STATE OF WYOMING

APRIL TERM, A. D., 1958

SEP 26 1958

In the Matter of)
)
Rules of Civil Procedure.)

ORDER

It appearing to the court that ambiguity and possible conflict occurs by the incorporation in Rule 75(a) of the second sentence of that paragraph, and that the Wyoming State Bar at its annual September, 1958, meeting recommended that such second sentence be deleted, and

It further appearing that the Wyoming State Bar at said meeting has recommended that there be added to Rule 73(a) at the end of the first sentence of the second paragraph a provision relating to the ordering and payment of a transcript of the portions of the evidence deemed necessary for an appeal, and the court being advised in the premises

IT IS ORDERED that there be, and there is hereby, deleted from Rule 75(a) of the Rules of Civil Procedure the second sentence which reads as follows:

"In all cases, the district court for good cause shown may extend the time for serving and filing the designation as originally prescribed or as extended by a previous order; but the district court shall not extend the time to a day more than four months from the date of filing the notice of appeal except for good cause shown at a hearing upon appellant's application therefor held within four months from the date of filing the notice of

appeal, after notice served upon appellee; or by stipulation of the parties."

IT IS FURTHER ORDERED that the source note to Rule 75(a) shall be changed to read as follows:

"75(a) is the Federal Rule, modified by substituting 'Within thirty days after filing the notice of appeal' for 'Promptly after an appeal to a court of appeals is taken.'"

IT IS FURTHER ORDERED that there be added to Rule 73(a) of the Rules of Civil Procedure at the end of the first sentence of the second paragraph, the following:

"The appellant shall concurrently order and arrange for the payment of a transcript of the portions of the evidence deemed necessary for the appeal, and written evidence of the compliance with this requirement shall be filed in the case or endorsed upon the notice of appeal."

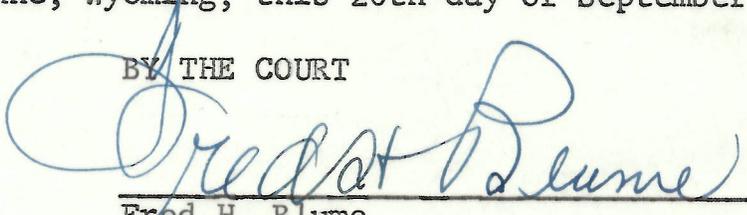
IT IS FURTHER ORDERED that there be added to the source note to Rule 73(a) the following:

", and by adding the second sentence of the second paragraph."

IT IS FURTHER ORDERED that this Order be published in the next ensuing publication of the Wyoming Law Journal; that these changes in the Rules of Civil Procedure shall become effective sixty days after such publication; that the editors of the Wyoming Law Journal shall inform the court of such date of publication, and that this Order shall be spread at length upon the journal of this court.

Dated at Cheyenne, Wyoming, this 26th day of September, 1958.

BY THE COURT



Fred H. Blume
Chief Justice