

IN THE SUPREME COURT, STATE OF WYOMING

OCTOBER TERM, A.D. 2002

In the Matter of the Adoption )  
of Amendments to the Wyoming )  
Rules of Civil Procedure )

IN THE SUPREME COURT  
STATE OF WYOMING  
FILED

DEC 18 2002

**ORDER ADOPTING AMENDMENTS TO THE  
WYOMING RULES OF CIVIL PROCEDURE**

*Judy Pacheco*  
JUDY PACHECO, CLERK

This matter came before the Court by direction of the Board of Judicial Policy and Administration to amend the Wyoming Rules of Civil Procedure. It is therefore,

ORDERED that the amendments to the Wyoming Rules of Civil Procedure, a copy of which is attached hereto, are adopted; that said rules shall be published in the advance sheets of the Pacific Reporter and in the Wyoming Reporter; that said rules shall become effective January 1, 2003, shall be spread at length upon the journal of this court and shall thereupon supercede the current Wyoming Rules of Civil Procedure.

Dated this 17<sup>TH</sup> day of December, 2002.

BY THE COURT:

*William U. Hill*

WILLIAM U. HILL  
Chief Justice

## Wyoming Rules of Civil Procedure

### Rule 26. General provisions governing discovery.

....

(b) *Discovery scope and limits.* -- Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:

(1)(A) In General. -- Parties may obtain discovery regarding any matter, not privileged, ~~which is relevant to the subject matter involved in the pending action, whether it relates to that is relevant to the claim or defense of the party seeking discovery or to the claim or defense of the party seeking discovery or the claim or defense of any other party,~~ including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. For good cause, the court may order discovery of any matter relevant to the subject matter involved in the action. It is not ground for objection that the information sought will be inadmissible. Relevant information need not be admissible at the trial if the information sought—discovery appears reasonably calculated to lead to discovery of admissible evidence. All discovery is subject to the limitations imposed by Rule 26(b)(1)(B)(i), (ii), and (iii).

....

### Rule 30. Depositions upon oral examination.

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(d) *Schedule and duration; motion to terminate or limit examination.* --

....

(2) ~~By order, the court may limit the time permitted for the conduct of~~ Unless otherwise authorized by the court or stipulated by the parties, a deposition is limited to one day of seven hours, but the court shall allow additional time consistent with Rule 26(b)(1)(B) if needed for a fair examination of the deponent or if the deponent or another party, or other circumstances, impedes or delays the examination. If the court finds such an impediment, delay, or other conduct that has frustrated the fair examination of

the deponent, it may impose upon the persons responsible costs and attorney's fees incurred by any parties as a result thereof.

....

**Rule 37. Failure to make or cooperate in discovery; sanctions.**

....

(c) ~~Expenses on~~ Failure to supplement or amend responses; failure to admit. –

(1) A party that without substantial justification fails to supplement or amend a prior response to discovery as required by Rule 26(e) is not, unless such failure is harmless, permitted to use as evidence at trial, at a hearing, or on a motion any witness or information not so disclosed. In addition to or in lieu of this sanction, the court, on motion and after affording an opportunity to be heard, may impose other appropriate sanctions. In addition to requiring payment of reasonable expenses, including attorney's fees, these sanctions may include any of the actions authorized under Rule 37(b)(2)(A), (B), and (C) and may include informing the jury of the failure to make disclosure.

(2) If a party fails to admit ....

**Rule 38. Jury trial of right.**

....

(b) *Demand*

....

(2) Jury Fees.

A. All demands for trial by jury in district courts shall be accompanied by a deposit of \$50.00, if a six person jury is demanded, or \$150.00, if a twelve person jury is demanded. The jury fees in cases where jury trials are demanded shall be paid to the clerk of court, and paid by the clerk into the county treasury at the close of each month, and the clerk shall tax costs in each such case, and in all other cases in which a jury trial is had, a jury fee of \$50.00, if a six person jury trial is held, or \$150.00, if a twelve person jury trial is held, to be recovered by the unsuccessful party, as other costs, and in case the party making such

deposit is successful, that party shall recover such deposit from the opposite party, as part of the costs in the case.

**Rule 40. Assignment of cases for trial or alternative dispute resolution.**

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(d) *Fees and costs.* -- For those cases filed in court and assigned for settlement conference or mediation, ~~the parties shall pay no additional fee or costs. A person other than an active judge conducting a settlement conference or serving as a mediator shall be compensated from available public funds for services performed in a particular case at a rate of not less than \$50.00 per hour. The person to be compensated shall submit to the clerk of the supreme court a statement of fees for service rendered, together with the report required by subdivision (e).~~

~~Settlement conference or mediation is available under this rule to persons regardless of whether suit has been filed. For those cases not filed in court, but having been assigned and accepted for settlement conference or mediation, a filing fee of \$15.00 shall be paid to the clerk of the supreme court. Compensation for services in these cases shall be arranged by agreement between the parties and the person conducting the settlement conference or serving as the mediator, and that person's statement shall be paid within 30 days of receipt by the parties.~~

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