

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2016

In the Matter of Amendments to)
Rule 3.1 of the Wyoming Rules of)
Civil Procedure for Circuit Courts)

**ORDER AMENDING RULE 3.1 OF THE WYOMING RULES OF CIVIL
PROCEDURE FOR CIRCUIT COURTS**

The Board of Judicial Policy and Administration has recommended that this Court amend Rule 3.1 of the Wyoming Rules of Civil Procedure for Circuit Courts. This Court finds the Board's recommendation should be adopted. It is, therefore,

ORDERED that the amendments to Rule 3.1 of the Wyoming Rules of Civil Procedure for Circuit Courts, which are attached hereto, be, and hereby are, adopted and shall be effective March 1, 2017. The Court finds the effective date is appropriate due to an emergency and notwithstanding the requirements of Wyo. Stat. Ann. § 5-2-116. This Court finds the effective date is necessary to make Rule 3.1 consistent with recent amendments to the Wyoming Rules of Civil Procedure. Those recent amendments also become effective on March 1, 2017; and it is further

ORDERED that this order and the attached amendments be published in the advance sheets of the Pacific Reporter; the attached amendments be published in the Wyoming Court Rules Volume; and that this order and the attached amendments be published online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The amendments shall also be recorded in the journal of this Court.

DATED this 7th day of February, 2017.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice

Wyoming Rules of Civil Procedure for Circuit Courts

Rule 3.1. Commencement of action.

(a) *How Commenced.* A civil action in Circuit Court is commenced:

(1) On the date of filing a complaint with the court so long as service is accomplished within the time periods specified in Rule 3(b) of the Wyoming Rules of Civil Procedure; or

(2) On the date of the filing of a copy of the complaint, summons and proof of service. If the action is commenced under this subsection, then the complaint, the summons and proof of service must be filed within ~~ten~~ fourteen days of such service, and a notice of filing in the form of Appendix A shall be mailed to the defendant. If the complaint, summons and proof of service are not filed within ~~ten~~ fourteen days of service, the action commenced shall be deemed dismissed and the court shall have no further jurisdiction thereof. In such case the court may, in its discretion, tax a reasonable sum in favor of the defendant to compensate the defendant for expense and inconvenience, including attorney's fees, to be paid by plaintiff or plaintiff's attorney. The ~~ten~~ fourteen day filing requirement may not be waived by a defendant and shall not be deemed waived upon the filing of an answer or motion to the complaint.
