

***IN THE SUPREME COURT, STATE OF WYOMING***

***April Term, A.D. 2014***

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***In the Matter of Amendments to*** )  
***Rules 6, 26, and 58 of the Wyoming*** )  
***Rules of Civil Procedure*** )

**ORDER ADOPTING AMENDMENTS TO RULES 6, 26, AND 58 OF THE  
WYOMING RULES OF CIVIL PROCEDURE**

**The Board of Judicial Policy and Administration and the Rule 1 Study Committee** have recommended that the Court amend Rules 6, 26, 37, and 58 of the Wyoming Rules of Civil Procedure. The Court has also considered recommendations from the Permanent Rules Advisory Committee, Civil Division, which recommends the Court decline to adopt the proposed amendments to Rule 37. This Court appreciates the recommendations and input from all involved. The Court finds that the proposed amendments to Rules 6, 26, and 58 should be adopted. It is, therefore,

**ORDERED** that the amendments to Rules 6, 26, and 58 of the Wyoming Rules of Civil Procedure, attached hereto, be, and hereby are, adopted by the Court to be effective October 1, 2014; and it is further

**ORDERED** that this order and the amendments be published in the advance sheets of the Pacific Reporter; the amendments be published in the Wyoming Court Rules Volume; and that this order and the amendments be published online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The amendments to Rules 6, 26, and 58 shall thereafter be spread at length upon the journal of this Court.

**DATED** this 14<sup>th</sup> day of July, 2014.

**BY THE COURT:**

/s/

**E. JAMES BURKE**  
**Chief Justice**

## Wyoming Rules of Civil Procedure

### Rule 6. Time.

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(c) Motions and motion practice. –

(1) Unless these rules or an order of the court establish time limitations other than those contained herein, all motions, except (A) motions for enlargement of time, (B) motions made during hearing or trial, (C) motions which may be heard ex parte, and (D) motions described in subdivisions (3) and (4) below, together with supporting affidavits, if any, shall be served at least 10 days before the hearing on the motion. Except as otherwise provided in Rule 59(c), or unless the court by order permits service at some other time, a party affected by the motion may serve a response, together with affidavits, if any, at least three days prior to the hearing on the motion or within 20 days after service of the motion, whichever is earlier. Unless the court by order permits service at some other time, the moving party may serve a reply, if any, at least one day prior to the hearing on the motion or within 15 days after service of the response, whichever is earlier. Unless the court otherwise orders, any party may serve supplemental memoranda or rebuttal affidavits at least one day prior to the hearing on the motion.

(2) A request for hearing may be served by the moving party or any party affected by the motion within 20 days after service of the motion. The court may, in its discretion, determine such motions without a hearing, ~~except for those motions which will determine the final rights of a party in an action.~~ Any motion, under Rules 50(b) and (c)(2), 52(b), 59 and 60(b), not determined within 90 days after filing shall be deemed denied unless, within that period, the determination is continued by order of the court, which continuation may not exceed 60 days, at which time, if the motion has not been determined, it shall be deemed denied.

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### Rule 26. General provisions governing discovery; duty of disclosure.

(a) Required disclosures; methods to discover additional matter. –

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(2) Disclosure of expert testimony.

(A) In addition to the disclosures required by paragraph (1) or (1.1), a party shall disclose to other parties the identity of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Wyoming Rules of Evidence.

(B) (i) Except as otherwise stipulated or directed by the court, this disclosure shall, with respect to a witness who is retained or specially employed to provide expert testimony in the case or whose duties as an employee of the party regularly involve giving expert testimony, be accompanied by a written report prepared and signed by the witness or disclosure signed by counsel for the party. The report or disclosure shall contain a complete statement of all opinions to be expressed and the basis and reasons therefor; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; the qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years; the compensation to be paid for the study and testimony; and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

(ii) Unless otherwise stipulated by the parties or ordered by the court, if the witness is expected to provide opinions but no report or disclosure under (B)(i) is required, a party must provide a summary of the facts or opinions to which the witness is expected to testify and disclose the subject matter on which the witness is expected to present evidence under Rules 702, 703 or 705 of the Wyoming Rules of Evidence.

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**Rule 58. Entry of judgment or order.**

(a) *Presentation.* - Subject to the provisions of Rule 55(b) and unless otherwise ordered by the court, if the parties are unable to agree on the form and content of a proposed judgment or order, written judgments or orders it shall be presented to the court and served upon the other parties within 20 10 days after its the court's decision is made known. Before submitting the judgment or order, the party drafting it shall seek to secure the written approval as to form of the other parties. If, within 10 days, approval as to form is not obtained, the party drafting the form of judgment or order may forward the original to the court and serve a copy on the other parties with a notice advising objections must be made within 10 days. Any objection to the form or content of a proposed judgment or order, together with an alternate form of judgment or order which cures the objection(s), shall be filed with the court and served upon the other parties within 5 days after service of the proposed judgment or order. If no written objection is timely filed, the court may sign the judgment or order. If objection is timely filed, the court will resolve the matter with or without a hearing. A party objecting shall submit an alternative form of judgment or order with the objection.

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