

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2015

In the Matter of the Amendment of)
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**

This matter came before the Court upon the recommendation of the Permanent Rules Advisory Committee, Civil Division, to amend Rule 3.1 of the Wyoming Rules of Civil Procedure for Circuit Courts. After reviewing the amendment, the Court deems it necessary and proper to adopt the amendment to Rule 3.1 of the Wyoming Rules of Civil Procedure for Circuit Courts. It is, therefore,

ORDERED that Rule 3.1 of the Wyoming Rules of Civil Procedure for Circuit Courts is hereby amended as shown on the attachment hereto effective on September 1, 2015. It is further

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

DATED this 30th day of June, 2015.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice

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 ~~service of a summons together with~~ 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 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 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 day filing requirement may not be ~~expressly~~ waived by a defendant and shall not be deemed waived upon the filing of an answer or motion to the complaint ~~without reserving the issue~~.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL DISTRICT
OF AND FOR _____ COUNTY, WYOMING

_____,
PLAINTIFF(s),

vs.

CIVIL ACTION NO.

_____,
DEFENDANT(s).

NOTICE OF FILING

The Complaint in the above titled action was filed with the Court on _____. You are required to file with the Clerk of Court, and serve upon the Plaintiff's attorney, an answer to the Complaint which was served upon you, within twenty (20) days after the date the complaint was filed with the Court, exclusive of the day of filing. (If service was made outside the State of Wyoming, you are required to file and serve your answer within thirty (30) days of the date of filing the complaint with the Court, exclusive of the day of filing.) If you fail to do so, Default Judgment may be entered against you. If a Default Judgment is entered against you, the Plaintiff reserves the right to take all legal remedies available to enforce said judgment.

The undersigned does hereby certify that a copy of the foregoing NOTICE OF FILING was mailed by United States Mail, postage prepaid, on _____ to the following person at the last known address.

Defendant's full name

Defendant's street address

Defendant's city, state, zip

DATED this _____ day of _____, 20__.

By: _____