

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2017

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 Permanent Rules Advisory Committee, Civil Division, has recommended that this Court amend Rule 3.1 of the Wyoming Rules of Civil Procedure for Circuit Courts, as well as Appendix A to those Rules. This Court finds the proposed amendments should be adopted. It is, therefore,

ORDERED that the amendments to Appendix A and Rule 3.1 of the Wyoming Rules of Civil Procedure for Circuit Courts, attached hereto, be, and hereby are, adopted by the Court to be effective June 1, 2018; and it is further

ORDERED that this order and the attached amendments shall be published in the advance sheets of the Pacific Reporter; the attached amendments shall be published in the Wyoming Court Rules Volume; and that this order and the attached amendments shall 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 27th day of February, 2018.

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)~~ 4(w) 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 fourteen days of such service, and a notice of filing in the form of Appendix A shall be mailed to the defendant on the same day the complaint is filed. A defendant must file an answer within thirty-five (35) days of the filing of the complaint if the complaint is served under this sub-part. If the complaint, summons and proof of service are not filed within 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 ~~fourteen-day~~ 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.

(b) *Form of summons.* —

(1) The summons shall be signed and issued by the Clerk if filed under 3.1(a)(1) or signed and issued by the plaintiff or the plaintiff's attorney if filed under 3.1(a)(2).

(2) The summons shall contain the name and address of the court and the names of the parties to the action. It shall be directed to the defendant, state the name, address and telephone of the plaintiff's attorney, if any, and otherwise the plaintiff's address and telephone number. It shall state the time within which the defendant is required to answer the complaint in writing, and shall notify the defendant that in case of failure to do so, judgment by default may be rendered against the defendant. It shall state either that the complaint is on file with the court or that the complaint will be filed with the court within ~~ten~~ fourteen days of service.

(3) If the action is commenced under Rule 3.1 (a)(2), the summons shall also state

(i) that the defendant need not answer if the complaint is not filed within ~~ten~~ fourteen days after service, and

(ii) that plaintiff will mail a notice of filing to the defendant upon filing the summons, complaint and proof of service. When the complaint is filed with the court, the plaintiff shall send a notice of filing to the defendant (s), as provided by Rule 5 of the Wyoming Rules of Civil Procedure.

APPENDIX A

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~~ that was served upon you, within ~~twenty~~ thirty-five (20 ~~35~~) days after the date the eComplaint 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: _____
