

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2019

In the Matter of Amendments to)
Rules 5 and 26 of the Wyoming)
Rules of Civil Procedure)

**ORDER AMENDING RULES 5 AND 26 OF THE WYOMING
RULES OF CIVIL PROCEDURE**

The Permanent Rules Advisory Committee, Civil Division, and the Board of Judicial Policy and Administration have recommended the Court amend Rules 5 and 26 of the Wyoming Rules of Civil Procedure. This Court finds the proposed amendments should be adopted. It is, therefore,

ORDERED that the amendments to Rules 5 and 26 of the Wyoming Rules of Civil Procedure, attached hereto, be and hereby are adopted by the Court to be effective December 1, 2019; 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 24th day of September, 2019.

BY THE COURT:

/s/

MICHAEL K. DAVIS
Chief Justice

Wyoming Rules of Civil Procedure

Rule 5. Serving and filing pleadings and other papers.

(b) *Service: How made.* *****

(1) *Serving an Attorney.* If a party is represented by an attorney, service under this rule must be made on the attorney unless the court orders service on the party.

(2) *Service in General.* A paper is served under this rule by:

(A) handing it to the person;

(B) leaving it:

(i) at the person's office with a clerk or other person in charge or, if no one is in charge, in a conspicuous place in the office; or

(ii) if the person has no office or the office is closed, at the person's dwelling or usual place of abode with someone of suitable age and discretion who resides there;

(C) leaving it with the court clerk if the person has no known address;

(D) mailing it to the person's last known address--in which event service is complete upon mailing; and simultaneously sending it by electronic means unless otherwise ordered by the court;
or

~~(D) leaving it with the court clerk if the person has no known address;~~

~~(E) sending it by electronic means if the person consented in writing in which event service is complete upon transmission, but is not effective if the serving party learns that it did not reach the person to be served; or~~

~~(F) (E) delivering it by any other means that the person consented to in writing--in which event service is complete when the person making service delivers it to the agency designated to make delivery.~~

Rule 26. Duty to disclose; general provisions governing discovery.

(a) *Required Disclosures.*

(1.1) *Initial disclosures in divorce actions.* *****

(H) As to custody or a change in custody, each ~~A~~ party seeking custody or a change in custody shall set forth the facts believed to support the claim of superior entitlement to custody. In addition, as to a change of custody ~~the~~ each party shall disclose whether he or she believes a substantial change in circumstances exists and shall set forth disclose any facts and supporting documentation that the disclosing party may use to support his or her position comprising a substantial change in circumstances and disclose any supporting documentation.

(1.2) *Initial disclosures in custody and support actions where the parties are not married.* *****

(A) As to custody or a change in custody, each ~~A~~ party seeking custody or a change in custody shall set forth the facts believed to support the claim of superior entitlement to custody. In addition, as to a change of custody, ~~the~~ each party shall disclose whether he or she believes a substantial change in circumstances exists and shall set forth disclose any

facts and supporting documentation that the disclosing party may use to support his or her position comprising a substantial change in circumstances and disclose any supporting documentation.

(c) *Protective Orders.* *****

(4) Pending resolution of any motion under Rule 26(c) or 30(d), neither the objecting party, witness, nor any attorney is required to appear at a deposition to which the motion is directed until the motion is ruled upon. The filing of a motion under either of these rules shall stay the disclosure or discovery at which the motion is directed pending further order of the court. Any motion for relief under this subdivision directed to a deposition must be filed and served as soon as practicable after receipt of the discovery request notice of deposition, but in no event less than three days prior to the scheduled deposition. Counsel seeking such relief shall request the court for a ruling or a hearing thereon promptly after the filing of such motion, so that disclosure or discovery shall not be delayed in the event such motion is denied.
