

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

*April Term, A.D. 2021*

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*In the Matter of Amendments to* )  
*Rules 5 and 28 of the Wyoming* )  
*Rules of Civil Procedure* )

**ORDER AMENDING RULES 5 AND 28 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 28 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 28 of the Wyoming Rules of Civil Procedure, attached hereto, be and hereby are adopted by the Court to be effective September 1, 2021; 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 22<sup>nd</sup> day of June, 2021.

**BY THE COURT:**

/s/

**MICHAEL K. DAVIS**  
Chief Justice

## Wyoming Rules of Civil Procedure

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### Rule 5. Serving and filing pleadings and other papers.

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(e) *Filing with the court defined.* —

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(5) Documents received after 11:59:59 p.m. will be considered submitted on the next business day. Documents submitted on weekends or recognized holidays will be considered submitted on the next business day.

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### Rule 28. Persons before whom depositions may be taken.

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(c) Interstate Depositions and Discovery.

(1) Definitions. For purposes of this rule:

(A) “Foreign jurisdiction” means a state other than Wyoming;

(B) “Foreign subpoena” means a subpoena issued under authority of a court of record of a foreign jurisdiction;

(C) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency or instrumentality, or any other legal or commercial entity;

(D) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States; and

(E) “Subpoena” means a document, however denominated, issued under authority of a court of record requiring a person to:

(i) attend and give testimony at a deposition;

(ii) produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of the person; or

(iii) permit inspection of premises under the control of the person.

(2) Issuance of a Subpoena.

(A) To request issuance of a subpoena under this section, a party must submit a foreign subpoena to a clerk of court in the county in which discovery is sought to be conducted in Wyoming. A request for issuance of a subpoena under this act does not constitute an appearance in the courts of this state.

(B) When a party submits a foreign subpoena to a clerk of court in this state, the clerk, in accordance with that court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

(C) A subpoena under subsection (B) must:

(i) incorporate the terms used in the foreign subpoena; and

(ii) contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

(3) Service of a Subpoena. A subpoena issued by a clerk of court under paragraph (c)(2) of this rule must be served in compliance with Rule 45.

(4) Deposition, Production, and Inspection. Rules 30, 31, 34, and 45 apply to subpoenas issued under paragraph (c)(2) of this rule.

(5) Application to Court. An application to the court for a protective order or to enforce, quash, or modify a subpoena issued by a clerk of court under paragraph (c)(2) of this rule must comply with the rules or statutes of this state and be submitted to the court for the county in which discovery is to be conducted.

(d) Disqualification. A deposition must not be taken before a person who is any party's relative, employee, or attorney; who is related to or employed by any party's attorney; or who is financially interested in the action.

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