

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT
WITHIN AND FOR THE COUNTY OF SUBLETTE, STATE OF WYOMING

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,)		
	Plaintiff,)		
)		
-vs-)	Civil No.	
)		
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)		
	Defendant.)		
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CASE REQUIREMENTS ORDER

THIS MATTER having come before the Court upon its own motion to establish certain case requirements and good cause appearing;

IT IS HEREBY ORDERED that:

- **COMPLIANCE WITH RULE 26.** The parties shall comply with the requirements of Rule 26 of the Wyoming Rules of Civil Procedure.
- **SUPPLEMENTATION AND DISCLOSURE CONTINUING.** The parties shall have a continuing duty to disclose information and material as it becomes known.
- **DESIGNATION OF EXPERT WITNESSES.** The Court will permit the parties to disclose expert testimony by the manner set forth in Rule 26(a)(2)(A) and (B) of the Wyoming Rules of Civil Procedure or by designation of expert testimony by counsel or an unrepresented party if the expert witness designation fully complies with the requirements set forth in Rule 26(a)(2)(B) and is signed by counsel or an unrepresented party as required by Rule 11 of the Wyoming Rules of Civil Procedure. Unless the parties agree otherwise, the Court will set times for designation of expert witnesses at the scheduling conference or upon the request of the parties (instead of simultaneous designation of experts as set out in Rule 26(a)(2)(C)). Rebuttal expert testimony will not be permitted absent good cause shown.
- **DISCOVERY DISPUTES.** Any motion seeking relief due to a discovery dispute shall contain a certification that, prior to filing the motion, the movant has in good faith conferred with the opposing person or party to resolve the

discovery dispute before seeking court intervention. In the event that the movant has been unable to confer with the opposing person or party to resolve the discovery dispute before seeking court intervention, then the movant shall certify a description of all good faith efforts taken by the movant to resolve the discovery dispute. Movant's failure to so certify will result in automatic denial of the motion. To promote a just, speedy and inexpensive determination of discovery disputes, the Court will decide motions involving discovery disputes without a hearing (unless a hearing is specifically requested by the Court) upon the written submissions of the parties. Any response to a motion involving a discovery dispute shall be filed within ten (10) days (as computed by Rule 6(a) of the Wyoming Rules of Civil Procedure) of the filing of the motion. Replies to responses are not expected, but if necessary to address new matters raised in a response, a necessary reply shall be filed within three (3) days (as computed by Rule 6(a) of the Wyoming Rules of Civil Procedure) of the filing of the response. At the time of filing of any motion or response, a courtesy copy of the motion and/or supporting memorandum should be provided to the Court at P. O. Box 681, Pinedale, WY 82941. PLEASE DO NOT ATTACH EXHIBITS OR OTHER MATERIAL TO THE COURT'S COURTESY COPY.

- **MOTIONS.** Any motion seeking relief of a non-dispositive or temporary nature shall contain a certification that, prior to filing the motion, the movant has in good faith conferred with the opposing person or party to resolve the issue which is the subject of the motion before seeking court intervention and/or the opposing person's or party's position on the motion. In the event that the movant has been unable to confer with the opposing person or party before seeking court intervention, then the movant shall certify a description of all good faith efforts taken by the movant to resolve the issue. Movant's failure to so certify will result in automatic denial of the motion. The Wyoming Rules of Civil Procedure requires that all motions be determined within ninety (90) days or they are deemed denied, unless continued by the Court. It is the

responsibility of the movant to timely file a written request for a hearing or a notice that the motion can be decided without a hearing. Any motions to be heard shall be accompanied by separate request setting hearing on such motion together with an order scheduling the matter for hearing. At the time of filing of any motion or response, a courtesy copy of the motion and/or supporting memorandum should be provided to the Court at P. O. Box 681, Pinedale, WY 82941. PLEASE DO NOT ATTACH EXHIBITS OR OTHER MATERIAL TO THE COURT'S COURTESY COPY. At least three (3) days prior to the hearing, the parties shall file and serve proposed findings of fact and conclusions of law in paper form and also provide the Court with proposed findings of fact and conclusions of law electronically on a disk or by e-mail to mtownsend@courts.state.wy.us in Word or WordPerfect12 (or older) format.

- DISPOSITIVE MOTIONS. The parties are reminded of the requirements of Rule 56.1 of the Wyoming Rules of Civil Procedure. The Court may disregard any filing by a party failing to comply with the requirements of Rule 56.1 of the Wyoming Rules of Civil Procedure, if applicable. The parties are encouraged to file dispositive motions early in the case. The Court will set a deadline for the filing of any dispositive motions. Responses to any such motion shall be filed within twenty (20) days after any such dispositive motion is filed, or three (3) days prior to a hearing upon such dispositive motion, whichever is earlier. The Wyoming Rules of Civil Procedure requires that all motions be determined within ninety (90) days or they are deemed denied, unless continued by the Court. It is the responsibility of the movant to timely file a written request for a hearing. Any motions to be heard shall be accompanied by separate request setting hearing on such motion together with an order scheduling the matter for hearing. At the time of filing of any dispositive motion or response, a courtesy copy of the motion and/or supporting memorandum should be provided to the Court at P. O. Box 681, Pinedale, WY 82941. PLEASE DO NOT ATTACH EXHIBITS OR OTHER MATERIAL TO THE COURT'S COURTESY COPY. At

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- REQUIREMENTS PRIOR TO PRETRIAL CONFERENCE. A pretrial conference will be set by the court. However, prior to the pretrial conference, counsel and unrepresented parties shall:

[1] Complete discovery;

[2] Mark exhibits for identification and furnish copies to the opposing party;

[3] Furnish the opposing party with the name, address, telephone numbers, and a summary of testimony of all witnesses;

[4] Stipulate in writing to as many facts, issues, documents, or matters involving the conduct of the trial;

[5] File and have set for hearing or determination upon briefs all motions which may be reasonably anticipated, including any motions *in limine*; and,

[6] Discuss settlement.

- NOTICE TO COURT REPORTER. Any party requesting the reporting of a particular matter by the official court reporter shall provide notice to the official court reporter at least three (3) working days before the matter is set for hearing. The three day notice requirement will not be waived by the Court. The notice is required for all civil matters, including jury trials. Payment of the statutory reporting fee shall be paid to the official court reporter prior to the commencement of the hearing or trial. The statutory reporting fee shall be made payable the Wyoming State Treasurer.

- ALTERNATIVE DISPUTE RESOLUTION. The Court may, or at the request of any party shall, assign the case to another active judge or to a retired judge, retired justice, or other qualified person on a limited assignment for the purpose of invoking nonbinding alternative dispute resolution methods, including settlement conference and mediation. By agreement, the parties may select the person to conduct the settlement conference or to serve as the mediator.

If the parties are unable to agree, they may advise the Court of their recommendations, and the Court shall then appoint a person to conduct the settlement conference or to serve as the mediator. Compensation for services shall be arranged by agreement between the parties and the person conducting the settlement conference or serving as the mediator, and that person's statement shall be paid within thirty (30) days of receipt by the parties. Nothing herein is intended to preclude the parties from agreeing to submit their dispute to other forms of alternative dispute resolution, including arbitration and summary jury trial. Assignment of a case to alternative dispute resolution shall not suspend any deadlines or cancel hearings or trial. The Court retains jurisdiction for any and all purposes while the case is assigned to any alternative dispute resolution.

○ **SPECIAL CONSIDERATIONS AND REQUIREMENTS.**

[1] COUNSEL AND UNREPRESENTED PARTIES ARE REMINDED THAT THEY ARE EXPECTED TO CONDUCT THEMSELVES IN ACCORDANCE WITH THE RULES OF PROFESSIONAL CONDUCT FOR ATTORNEYS AT LAW, APPLICABLE WYOMING LAW, THE WYOMING RULES OF CIVIL PROCEDURE, AND THE UNIFORM RULES FOR DISTRICT COURTS. IN PARTICULAR, THE COURT EXPECTS STRICT COMPLIANCE WITH RULE 801 OF THE UNIFORM RULES FOR DISTRICT COURTS.

[2] STRICT COMPLIANCE WITH THE ATTACHED *AMENDED COURT SECURITY ORDER* IS EXPECTED OF ALL COUNSEL, THE PLAINTIFF, THE DEFENDANT, WITNESSES, AND OTHERS WITH WHOM COUNSEL OR THE PARTIES HAVE ASSOCIATION OR RESPONSIBILITY AND/OR OVER WHOM COUNSEL OR THE PARTIES HAVE THE ABILITY TO CONTROL.

[3] OPPOSING COUNSEL, EACH PARTY AND EVERY WITNESS SHALL BE TREATED WITH COURTESY.

○ **COURT COPIES.** A copy of pleadings and other matters filed herein shall be provided to the Court at P. O. Box 681, Pinedale, WY 82941.

****ALL SETTINGS IN CIVIL MATTERS ARE AT THE MERCY OF W.R.Cr.P.
48, THE JUVENILE JUSTICE ACT, THE CHILD PROTECTION ACT, AND
CHILDREN IN NEED OF SUPERVISION ACT.****

DATED this _____ day of March, 2009.

**Marvin L. Tyler
District Court Judge**