

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

*)
)
 Plaintiff,)
)
 -vs-) Civil No. *
)
*)
)
 Defendant.)
)
_____)

ABBREVIATED SCHEDULING ORDER

This Court is committed to secure the just, speedy, and inexpensive determination of this action. PLEASE NOTE THE COURT HAS NO INHERENT POWER TO CREATE ASSETS TO MEET THE REAL OR PERCEIVED NEEDS OF THE PARTIES OR CHILDREN.

THIS MATTER came before the Court for a scheduling conference on the ____ day of _____, 20____, with all counsel of record for all parties and/or unrepresented parties and the Guardian *Ad Litem* herein appearing. The Court hereby sets the scheduling and trial of this matter pursuant to W.R.C.P. 16.¹

IT IS HEREBY ORDERED that:

JOINDER OF OTHER PARTIES. The joinder of any other parties to this case shall be completed by *.

AMENDING THE PLEADINGS. Any amendments to the pleadings of this case shall be completed by *.

SUPPLEMENTATION AND DISCLOSURE CONTINUING. The parties shall have a continuing duty to disclose information and material as it becomes known, even after the deadlines set herein.

MODIFICATION OF TIMES FOR DISCLOSURES UNDER W.R.C.P. 26(a) AND 26(e)(1). No modification of times for disclosures under W.R.C.P. 26(a) and 26(e)(1) was requested by the parties.

PROVISIONS FOR DISCLOSURE OR DISCOVERY OF ELECTRONICALLY STORED INFORMATION. In the event that it becomes necessary, the parties will agree to any and all procedures or provisions concerning disclosure or discovery of electronically stored information and submit such to the Court in writing.

ASSERTIONS OF CLAIMS OF PRIVILEGE OR OF PROTECTION AS TRIAL- PREPARATION MATERIAL AFTER PRODUCTION. In the event it becomes necessary, the parties will submit their agreement regarding assertions of claims of privilege or of protection as trial-preparation material after production to the Court in writing.

SUPPLEMENTATION AND DISCLOSURE CONTINUING. The parties shall have a continuing duty to disclose information and material as it becomes known, even after the deadlines set herein.

DESIGNATION OF EXPERT WITNESSES. Plaintiff shall designate expert witnesses on *, 20____. Defendant shall designate expert witnesses on *, 20*. [NOTE: This

¹ The Wyoming Rules of Civil Procedure referenced herein are those rules that were amended and became effective March 1, 2017.

requirement is separate, apart, and independent from W.R.C.P. 26(a)(3) and W.R.C.P. 26(e)]. Rebuttal expert testimony will not be permitted absent good cause shown.

OR

Plaintiff and Defendant shall simultaneously designate expert witnesses on *, 20*. [NOTE: This requirement is separate, apart, and independent from W.R.C.P. 26(a)(3) and W.R.C.P. 26(e)]. Rebuttal expert testimony will not be permitted absent good cause shown.

OR

Plaintiff and Defendant shall designate expert witnesses pursuant to W.R.C.P. 26(a)(2). [NOTE: This requirement is separate, apart, and independent from W.R.C.P. 26(a)(3) and W.R.C.P. 26(e)]. Rebuttal expert testimony will not be permitted absent good cause shown.

OR

The parties expressly acknowledge and agree that no expert witnesses shall be designated in this matter.

DISCOVERY CUT-OFF. Discovery shall be completed on *, 20____. The parties may depose any expert witness up to three (3) weeks before the trial.

DISCOVERY DISPUTES. 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. [NOTE: The Wyoming Rules of Civil Procedure require imposing sanctions in the event a discovery violation is determined!] **At the time of filing of any motion, response, and/or reply, a courtesy copy of the filing and/or supporting memorandum shall be provided to the Court electronically in Word or WordPerfect format on a memory storage device at P.O. Box 681, Pinedale, WY 82941, or by e-mail to pinedaleJA@courts.state.wy.us. The Court may disregard any filing by a party failing to comply with these requirements.**

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 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 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.

Any response to a motion involving a discovery dispute shall be filed within ten (10) days (as computed by W.R.C.P. 6(a)) 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 W.R.C.P. 6(a)) of the filing of the response.

SUBSTANTIVE MOTIONS. Motions of a substantive nature shall be timely filed so that they can be timely decided. Any motion seeking relief of a substantive nature shall contain a certification of the opposing person's or party's position on the proposed motion. Movant's failure to so certify will result in automatic denial of the motion.

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, response, and/or reply, a courtesy copy of the filing and/or supporting memorandum shall be provided to the Court electronically in Word or WordPerfect format on a memory storage device at P.O. Box 681, Pinedale, WY 82941, or by e-mail to pinedaleJA@courts.state.wy.us. The Court may disregard any filing by a party failing to comply with these requirements.

NON-DISPOSITIVE, NON-SUBSTANTIVE, AND/OR MOTIONS OF TEMPORARY NATURE. Any motion seeking relief of a non-substantive, 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.

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, response, and/or reply, a courtesy copy of the filing and/or supporting memorandum shall be provided to the Court electronically in Word or WordPerfect format on a memory storage device at P.O. Box 681, Pinedale, WY 82941, or by e-mail to pinedaleJA@courts.state.wy.us. The Court may disregard any filing by a party failing to comply with these requirements.

CONTINUANCES/POSTPONEMENTS/EXTENSIONS. Any and all motions or stipulations for continuance/postponement/extensions of any deadlines, events, hearings, or other matters included in this Scheduling Order, pursuant to the Wyoming Rules of Civil Procedure, or pursuant to Wyoming law must show good cause, or such will be automatically denied.

Any motion for continuance/postponement/extension of any deadlines, events, hearings, or other matters included in this Scheduling Order, pursuant to the Wyoming Rules of Civil Procedure, or pursuant to Wyoming law, shall contain a certification of the opposing person's or party's position on the proposed motion, and:

- A. a certification under W.R.C.P. 11 that the counsel for movant/movant seeking a continuance/postponement/extension has notified the client(s) and any and all witnesses, if applicable, that a continuance/postponement/extension is being sought; or,
- B. the client(s) acknowledges in writing notice of the requested motion along with a certification by counsel for movant seeking a continuance/postponement/extension that any and all witnesses, if applicable, were notified.

Any stipulation for continuance/postponement/extension of any deadlines, events, hearings, or other matters included in this Scheduling Order, pursuant to the Wyoming Rules of Civil Procedure, or pursuant to Wyoming law, shall contain:

- A. a certification under W.R.C.P. 11 that all counsel/unrepresented parties stipulating to a continuance/postponement/extension have notified their respective client(s) and any and all witnesses, if applicable, that a continuance/postponement/extension is being sought; or,
- B. each respective client(s) acknowledges in writing notice of the requested motion or stipulation for continuance/postponement/extension along with a certification by all counsel/unrepresented parties seeking a stipulated continuance/postponement/extension that any and all witnesses, if applicable, were notified.

Any motion or stipulation for continuance/postponement/extension of any deadlines, events, hearings, or other matters included in this Scheduling Order, pursuant to the Wyoming Rules of Civil Procedure, or pursuant to Wyoming law, failing to contain these required certifications and/or acknowledgments will be automatically denied.

REQUIREMENTS PRIOR TO TRIAL. Within the times provided by W.R.C.P. 26(a)(3)(B) and W.R.C.P. 26(e), counsel and unrepresented parties shall:

- A. If this case involves contested property and/or debt issues, counsel (and *pro se* parties) shall meet prior to the trial and prepare a Consolidated Joint Summary, for use at trial, as follows:
 - i. An asset summary (on a form similar to the attached *Consolidated Joint Summary of Assets and Debts*) listing each asset; the value assigned by each party; and a proposal as to which party should receive it. Any encumbrance must be identified in the "Notes" section of the form; and,
 - ii. A debt summary (on a form similar to the attached *Consolidated Joint Summary of Assets and Debts*) listing the amount of each debt; the creditor; and a proposal as to which party should be responsible for the debt.
- B. If child support issues are involved, each party shall complete a verified financial affidavit in a form substantially conforming to that approved by the Wyoming Supreme Court and available through the Clerk of District Court. The confidential financial affidavits must be filed no later than twenty (20) days after the filing of this Order and each party shall file an original affidavit with the Clerk

of District Court and provide a copy to the other party (and GAL, if applicable), along with the following information:

- i. Copies of income tax returns from the last two (2) years;
- ii. Copies of all W-2 forms from the last two (2) years; and,
- iii. Copies of all statements of earnings from each employer showing cumulative pay for this year to date. Parents who are self-employed must supply verified income and expense statements from their business for the two (2) most recent years.

After the parties have exchanged financial information they shall discuss (in person, on the phone, or through counsel) the child support obligation and jointly complete a Child Support Computation form (attached to this Order). In an attempt to settle child support issues, the parties are encouraged to agree to a temporary and a final support amount that is determined in accordance with the Wyoming Child Support Guidelines.

If a case settles, the proposed decree must include: a calculation of the presumptive child support amount in accordance with the Wyoming Child Support Guidelines and based upon the income of both parents (consistent with the financial affidavits on file); and a statement of whether the ordered support deviates from the presumptive amount. If a deviation is proposed, it must be supported by adequate statements of explanation. No deviation can be allowed if means-tested benefits are being paid on behalf of any child for whom support is due.

- C. If the case involves a minor child or minor children, each parent shall successfully complete a Court-approved parenting class and each parent shall file in this matter written proof of successful completion of the parenting class by the time of the pretrial conference. The Court will consider the written request of a parent relieving that parent of this requirement if the requesting parent can demonstrate good cause why this requirement should be waived.
- D. Complete discovery in accordance with this Order.
- E. Mark exhibits for identification and furnish copies to the opposing party (and GAL, if applicable).
- F. Furnish the opposing party (and GAL, if applicable) with the name, address, telephone numbers, and a summary of testimony of all witnesses.
- G. Stipulate in writing to as many facts, issues, documents, or matters involving the conduct of the trial.
- H. File and have set for hearing or determination upon briefs all motions which may be reasonably anticipated, including any motions *in limine*.
- I. Discuss settlement in good faith.

WITNESS AND EXHIBIT LISTS. Within the times provided in W.R.C.P. 26(a)(3)(B) and 26(e), counsel and unrepresented parties and the Guardian *Ad Litem* shall file and serve a pleading setting forth, including, but not limited to the following information:

- A. A list of all witnesses (except rebuttal witnesses) to be called at trial shall be listed and designated. The Court, the parties, and the Guardian *Ad Litem* may rely upon each party's/ Guardian *Ad Litem*'s witness designations for purposes of trial. Witnesses shall be designated as "*may call*" or "*will call*." A party/ Guardian *Ad Litem* designating any "*will call*" witness shall be responsible for the attendance of any such "*will call*" witness at trial, and the parties/ Guardian *Ad Litem* and the Court may rely thereon. All witnesses, including expert witnesses, shall be designated by, at a minimum, setting forth the name, address, telephone numbers, and a short, yet specific, summary of testimony. Vague, boilerplate summaries are not sufficient. Expert witnesses shall be clearly designated as a retained or non-retained expert witness, and the party designating any expert shall provide, at the time that the expert is designated, the information required by Rule 26(a)(2) of the Wyoming Rules of Civil Procedure. Cross-designation of any witness shall also include a short, yet specific, summary of testimony. No witness not so designated may testify at the trial except upon application to, and Order of, the Court obtaining specific approval of the nature, scope, and manner of such testimony, not less than ten (10) days prior to trial, after: (A) having provided opposing counsel/party/ Guardian *Ad Litem* with the name, address and detailed written statement of the testimony of the witness; and, (B) showing to the Court good cause why the witness was not heretofore designated, except in emergencies in furtherance of justice.

- B. Each party/ Guardian *Ad Litem* shall designate those witnesses who “will,” or “may,” testify by deposition, and any and all portions of the deposition testimony shall be designated.
- C. All exhibits shall be listed and marked on an index substantially similar to the Exhibit Index form attached hereto. The Court and the parties may rely upon each party’s/ Guardian *Ad Litem*’s exhibit list and exhibit designations for purposes of trial. The Plaintiff/Petitioner shall designate exhibits using numbers to identify its exhibits starting with “1.” Defendant/Respondent shall designate exhibits using letters starting with “A,” or an alpha-numeric combination starting with “A-1.” The Guardian *Ad Litem* shall designate exhibits using an alpha-numeric combination starting with “GAL-1.” Multiple exhibits shall not be lumped together under one number or letter. If the exhibits are to be introduced individually at trial, they are to be listed individually on the exhibit list. No exhibit not so listed and designated may be offered or referred to at the trial except upon application to, and Order of, the Court obtaining specific approval of the nature, scope, and manner of such exhibit, not less than ten (10) days prior to trial, after: (A) having provided opposing counsel/party/ Guardian *Ad Litem* with the immediate right to inspect and copy the proposed exhibit; and, (B) showing to the Court good cause why the exhibit was not heretofore designated, except in emergencies in furtherance of justice.

OBJECTIONS TO DESIGNATED TESTIMONY OR DISCLOSED EVIDENCE.

In the event that written objections to designated testimony or disclosed evidence are not made pursuant to W.R.C.P. 26(a)(3)(B), any and all objections are deemed to be waived [except WRE 402 and WRE 403].

STATUS CONFERENCE HEARINGS. The Court and the parties have agreed that a final Pretrial Conference is not necessary in this case. Instead, the parties may contact the Court to schedule any Status Conference Hearings to be held by telephone conference call which may be necessary and convenient.

TRIAL. The trial of this case shall be set at a Status Conference Hearing.

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. **The deadline for alternative dispute resolution or mediation shall be on or before *.**

JUDGE COPIES. A copy of pleadings and other matters filed herein shall be provided to the Court at P.O. Box 681, Pinedale, WY 82941, or electronically in *Word* or *WordPerfect* format on a memory storage device to the Court at P.O. Box 681, Pinedale, WY 82941, or by e-mail to pinedaleJA@courts.state.wy.us.

- PLEASE BE ADVISED THAT ALL SETTINGS IN CIVIL CASES ARE AT THE MERCY OF 48 W.R.Cr.P., THE CHILD PROTECTION ACT, THE JUVENILE JUSTICE ACT, AND THE CHILD IN NEED OF SUPERVISION ACT.
- 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.

- STRICT COMPLIANCE WITH THE ATTACHED *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.
- STRICT COMPLIANCE WITH THE ANY APPLICABLE *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.
- OPPOSING COUNSEL, EACH PARTY, AND EVERY WITNESS SHALL BE TREATED WITH COURTESY.
- REMEMBER THE REDACTION RULES OR OBTAIN AN ORDER SEALING EXHIBITS, ETC.

DATED this _____ day of *.

By the Court,

District Court Judge