



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. Merely making demand(s) to cure the discovery dispute is not conferring in good faith 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 before seeking court intervention. Movant's failure to so certify may 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.

**DISPOSITIVE MOTIONS.** Dispositive motions shall be filed on or before \*. The parties are reminded of the requirements of W.R.C.P. 56.1, if applicable. 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. Under W.R.C.P. 6(c)(4), the court may, in its discretion, determine such motions without a 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. **Any mediation or alternative dispute resolution requested shall be completed by \*.**

**CONTINUANCES/POSTPONEMENTS/EXTENSIONS.** Any and all motions or stipulations for continuance/postponement/extensions of any 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 may be automatically denied. Any motion for continuance/postponement/extension of any 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 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 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 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 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 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 may be automatically denied.

**PRETRIAL CONFERENCE REQUIREMENTS REGARDING JURY INSTRUCTION INDEX AND JURY INSTRUCTIONS.** No later than the pretrial conference herein, counsel for each party and unrepresented parties shall submit to Judge Tyler and exchange:

- A. An index of instructions by number (Plaintiff) or letters starting with "A," or an alpha-numeric combination starting with "A-1" (Defendant) and the pattern jury instruction number, if applicable, or other authority, as well as a brief title for each instruction;
- B. A proposed instruction to be given prior to opening statements describing the nature of the case and that party's contentions [*The contention instruction for Plaintiff(s) should merely state the allegations and the general claim for relief (no specific requests for money sums are allowed). The contention instruction for Defendant(s) should indicate which claims are admitted and which are denied, together with the general claim for relief. The contention instruction shall not be argumentative.*]; and,
- C. An instruction setting forth the burdens of proof of each of the parties.

The jury instruction index in a form substantially similar to the attached jury instruction index form and instructions shall be submitted in electronic form 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 DO NOT submit or file these in paper form unless specifically requested by the Court.** Parties may file and serve a notice that the preliminary instructions and index have been submitted to the Judge and served upon opposing parties.

**PRETRIAL CONFERENCE MEMORANDA.** Each party shall file a separate pretrial memorandum **at least five (5) calendar days prior to the pretrial conference**. Each pretrial memorandum shall be signed by counsel or unrepresented party and shall contain the following:

- A. A concise statement of the case, together with any information concerning the formulation and simplification of the issues, including the elimination of frivolous claims or defenses;
- B. A statement as to whether there will be any amendments to the pleadings, and in the event that amendments to the pleadings are contemplated, the justification therefor;
- C. Stipulations of fact, of issues, of documents, or of matters involving the conduct of the trial;
- D. Requests for advance rulings from the Court as to admissibility of any evidence, setting forth the grounds therefor;
- E. A statement as to any limitation or restriction on the use of testimony under Rule 702 of the Wyoming Rules of Evidence;
- F. A candid and realistic estimate of trial time requirements;
- G. A description of any specific needs for trial (e.g., audio or visual equipment, easel, interpreters, etc.);
- H. A statement as to the status of all pending matters, including, but not limited to, motions, discovery, and settlement;
- I. A statement as to the advisability of referring matters to a Court Commissioner or Master;
- J. A candid and realistic statement as to good faith efforts taken to settle/resolve the case and the good faith efforts planned to be taken to settle/resolve the case prior to trial; and,
- K. A concise statement as to any other matters which can be reasonably anticipated, which can be addressed prior to trial, as may facilitate the just, speedy, and inexpensive disposition of this action.

**PRETRIAL CONFERENCE REQUIREMENTS REGARDING WITNESS DESIGNATIONS AND EXHIBIT LISTS.** At least five (5) calendar days prior to the pretrial conference, counsel and unrepresented parties 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 and the parties may rely upon each party's witness designations for purposes of trial. Witnesses shall be designated as "*may call*" or "*will call*." A party designating any "*will call*" witness shall be responsible for the attendance of any such "*will call*" witness at trial, and the opposing party 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 W.R.C.P. 26(a)(2). 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 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 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 exhibit list and exhibit designations for purposes of trial. The Plaintiffs shall designate their exhibits using numbers to identify its exhibits starting with "1." If there is more than one separate Plaintiff, each Plaintiff may use a short name or abbreviation, and then numbers in sequence. Defendant shall designate Defendant's exhibits using letters starting with "A," or an alpha-numeric combination starting with "A-1." If there is more than one separate Defendant, each Defendant may use a short name or abbreviation, and then letters in sequence. 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 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.

**PRETRIAL CONFERENCE.** A pretrial conference shall be held on \*, by telephone conference call initiated by counsel for the Plaintiff and by calling the Court at (307) 367-3801. All counsel who will try the case and all unrepresented parties shall appear for the pretrial conference. **ALL COUNSEL OR UNREPRESENTED PARTIES MUST CALL INTO THE COURT ON ONE INCOMING TELEPHONE LINE. THE COURT'S PHONE SYSTEM CANNOT CONFERENCE MULTIPLE INCOMING TELEPHONE LINES.** The Court has set aside one (1) hour for the pretrial conference. If the pretrial conference will require more time than allotted, the parties shall notify the Court as soon as possible.

**PRETRIAL MOTIONS.** Any motions (including, but not limited to, motions to amend pleadings, motions *in limine*, requests for advance rulings on admissibility of evidence, motions seeking limitations or restrictions on the use of testimony under WRE 702, etc.), shall be filed by \*. All such motions shall be accompanied by separate request setting hearing on such motions, together with an order scheduling the matter for hearing. The Court may decide any such motions without a hearing, however. **No motions which can reasonably be anticipated prior to trial will be heard during trial.**

**FINAL JURY INSTRUCTION INDEX, JURY INSTRUCTIONS, AND VERDICT FORM PRIOR TO TRIAL.** Within the time specified by the Court at the Pretrial Conference, pursuant to Rule 403 of the Uniform Rules for District Courts, counsel for each party and unrepresented parties shall submit to the Judge and exchange:

- A. Proposed jury instructions which can reasonably be anticipated (a set with

- authorities and a set without citations to authorities);
- B. Any requests for special instructions which can reasonably be anticipated (with authorities and without citations to authorities);
- C. A final index of instructions (in the form described above); and,
- D. A proposed verdict form with any special interrogatories (with authorities, if any, and without citations to authorities, if any).

Plaintiff shall use numbers and Defendant shall use letters. If there is more than one separate Plaintiff, each Plaintiff may use a short name or abbreviation, and then numbers in sequence. If there is more than one separate Defendant, each Defendant may use a short name or abbreviation, and then letters in sequence. Submission of proposed jury instructions, requests for special instructions, the instruction index, and proposed verdict form shall be electronically in *Word* or *WordPerfect* format on a memory storage device to P.O. Box 681, Pinedale, WY 82941, or by e-mail to **pinedaleJA@courts.state.wy.us**. **PLEASE DO NOT submit or file these in paper form unless specifically requested by the Court.** Parties may file a notice that the instructions, final instruction index, and verdict form have been submitted to the Judge and served upon opposing parties.

**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].

**STIPULATIONS.** Written stipulations as to as facts, issues, documents, or matters involving the conduct of the trial shall be filed by **no later than ten (10) days prior to trial.**

**STATUS CONFERENCE HEARINGS.** 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.** A twelve-person jury has been demanded in this case. The jury trial of this case will commence on \*, in the District Courtroom of the Sublette County Courthouse, Pinedale, Wyoming, commencing at \* **o'clock \*.m.** **This case may be stacked**, and the Court will notify the parties of the stacked setting in advance of trial. This case is scheduled for three and one-half (3 1/2) trial days. If the trial of this matter requires more trial days than are scheduled, counsel shall immediately notify the Court.

**SPECIAL CONSIDERATIONS AND REQUIREMENTS.**

- **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.**
- **OPPOSING COUNSEL, EACH PARTY, EVERY WITNESS, AND EVERY JUROR SHALL BE TREATED WITH COURTESY.**
- **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.**
- **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.**

DATED this \_\_\_\_\_ day of

By the Court:

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District Court Judge