

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
WITHIN AND FOR UINTA COUNTY, WYOMING**

,))	CV-
)	
Plaintiff,)	
)	
vs)	
)	
,)		
)	
Defendant.)	

SCHEDULING ORDER IN A DIVORCE ACTION WITHOUT MINOR CHILDREN

IT IS HEREBY ORDERED THAT this matter is set for a bench trial to be held in the District Courtroom, Uinta County Courthouse, Evanston, Wyoming beginning on , **2023, beginning at a.m. and is scheduled for one half (1/2) day.**¹ All parties shall appear **in person.**

IT IS FURTHER ORDERED that:

Rule 26 Disclosures: The parties shall serve their initial disclosures pursuant to W.R.C.P. 26(a)(1.1) no later than thirty (30) days after the entry of this order.

Designation of Fact Witnesses. Parties shall designate fact witnesses no later than sixty (60) days after the entry of this order. Parties shall list of the names and addresses of the witnesses whom they may call to testify, together with a summary statement of the testimony intended to be elicited from each witness.

Designation of Expert Witnesses. Parties shall designate expert witnesses in conformity with the requirements of W.R.C.P. 26(a)(2) no later than ninety (90) days after the entry of this

¹ Divorce actions will be set for trial approximately 180 days after the last answer is filed on the Court's own motion. Cases may be placed on a stacked setting as necessary.

order. This deadline applies to those specially retained expert witnesses, designated pursuant to W.R.C.P. 26(a)(2)(B), from whom an expert report is required as well as those witnesses designated pursuant to W.R.C.P. 26(a)(2)(C), who are expected to provide opinion testimony but from whom no report is required. The disclosure of W.R.C.P. 26(a)(2)(C) witnesses shall be accompanied by the summary of the facts or opinions to which the witness is expected to testify and disclose the subject matter on which the witness is expected to present evidence, as specified in W.R.C.P. 26(a)(2)(C). Expert witnesses not designated will be prohibited from testifying, absent consent of the Court for good cause shown.

Discovery Cut-Off. The discovery cut-off date is 130 days after the entry of this order. All written discovery requests must be served upon the opposing party at least 30 days before the discovery cut-off. No discovery will be permitted beyond the discovery cut-off. All depositions must be completed by the discovery cut-off.

The parties have a continuing duty to disclose information and material as it becomes known, even after the deadlines set herein, pursuant to W.R.C.P. 26(e).

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 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 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) calendar days after service of the motion. Replies

to responses are not favored, but if necessary to address new matters raised in a response, any reply shall be filed within five (5) calendar days after service of the response. *Both the motion and any response shall be accompanied by a proposed order.* The Court will decide the motion upon the written submissions unless it determines that a hearing would be helpful.

Non-Dispositive Motions. Pursuant to U.R.D.C. 801(a)(7), a moving party must confer in good faith with opposing counsel prior to filing any motion, whether substantive, procedural, or even trivial. Accordingly, every non-dispositive motion must state that the movant has conferred as required by this rule and state the opposing person or party's position on the proposed motion. If the movant has been unable to confer with the opposing person or counsel before filing the motion, then the movant must describe their attempts to confer and explain why the motion should be considered by the Court before the parties have conferred. Failure to comply with these requirements may result in dismissal of the motion.

Final Pretrial Conference: There shall be a Final Pretrial Conference to begin at **9:00 a.m. on (thirty days before trial)**. The Pretrial Conference shall be held in person at the District Court, 225 9th St., Evanston, Wyoming. The Court has set aside one (1) hour for the Final Pretrial Conference.

Pretrial Memoranda: Seven calendar days before the Final Pretrial Conference, the parties shall file and serve the party's sworn statement setting for the facts called for by Section A of the attached list, a statement of the party's position on the disputed issues and proposed disposition of assets and liabilities as called for by Section B of the attached list, and final witness and exhibit lists as called for by Section C of the attached list. These filings will constitute the parties' pretrial memoranda. The material may be presented in narrative form but must be complete and address all the issues that will be disputed at trial. To avoid duplication, the parties are

encouraged to submit a joint statement identifying disputed and undisputed items and issues. Absent good cause shown, exhibits which are not marked and provided to the other party with the pretrial memoranda will not be received at trial, nor shall any witness be permitted to testify unless they are identified on the witness list.

Court Reporter Requirements. Any party requesting the reporting of a particular matter by the Official Court Reporter shall file a written notice with the Clerk of the District Court and provide a copy of the written notice to Judge Kaste's Official Court Reporter **at least three (3) working days before the matter is set for hearing or trial.** The notice is required for all civil matters. Fees or costs for reporting opening statements, closing arguments, motions before or after trial proceedings, special transcripts, or other special requests by a party shall be as agreed between the requesting party and the Official Court Reporter and paid by the requesting party.

DONE IN CHAMBERS ____ day of _____, 2022.

JAMES KASTE
District Court Judge

CERTIFICATE OF SERVICE

I, _____, Deputy Clerk of Court, Uinta County, Wyoming, hereby certify that I served true and correct copies of the foregoing on the _____ day of October, 2022, to the following:

Elizabeth Lempp
Eric Phillips Law Office
531 North Front Street
Rock Springs WY 82901

Jason Petri
The Law Office of Jason Petri, P.C.
1993 Dewar Drive, Suite 3
Rock Springs WY 82901

By: _____
Deputy Clerk of Court

SECTION A
SWORN STATEMENT OF PARTY

Items to be included:

1. Personal data and history relevant to the issues, including name, age, prior marriages, if any, present living situation of the parties, and their immediate family. This item calls for a brief but comprehensive statement of the party's personal history as it may related to the divorce litigation.
2. All assets showing source of the asset (*i.e.*, jointly purchased, gift prior to marriage, etc.), present value, basis of statement of value and statement of present salability.
3. Liabilities, including amount, source, terms of the indebtedness.
4. Any other information which counsel or the party believes to be material to the determination of the issues.

SECTION B
STATEMENT OF THE CASE

Statement of the party's position with respect to:

1. Division of assets and allocation of liabilities.
2. If alimony is claimed, the basis of the claim and the amount and duration proposed by the party.
3. If the party claims exclusive or superior entitlement to "the divorce", the reasons for that position.
4. List of witnesses and specific summary of expected testimony.
5. The expected length of trial.

SECTION C
WITNESSES AND EXHIBITS

Each party shall provide:

1. A list of all witnesses, whether fact or expert, the party intends to call at trial, identifying whether each witness will or may be called.
2. A copy of all exhibits the party intends to introduce at trial