

**IN THE DISTRICT COURT OF TETON COUNTY, WYOMING
NINTH JUDICIAL DISTRICT**

****,)	
	Plaintiff,)	
)	
v.)	Civil Action No. 1****
)	
****,)	
	Defendant.)	

TRIAL MANAGEMENT ORDER

A pretrial conference occurred in this matter [by videoconference] on [date]. [Name] appeared for ***. [Name] appeared for ***. The Court considered the pleadings and the time allotted for the proceeding set in this matter and finds that a Trial Management Order should issue.

1. Trial Setting. This matter is set for a bench trial on [date] at [time]. This case is the **number **** case for trial on that date.
2. All trials are subject to being vacated in response to community conditions regarding the COVID-19 virus such as upticks in positive COVID-19 cases, the current phase of Teton County’s Phased Response Plan, or other events; due to conditions in the courthouse, staffing shortages, or supply shortages; national, State, local, or judicial branch mandates; or other reasons.¹ In general, an in-person trial will be reset or converted to a remote proceeding when Teton County is in Phase Red or Phase Purple.
3. Up to ** (*) days are set aside for the trial, although counsel are encouraged to use less than two days if possible.
4. Pretrial Conference. A final pretrial conference and status hearing will be held in this matter

¹ See Wyo. Supreme Court, Tenth Order Amending March 18, 2020 Temporary Plan to Address Health Risks Posed by the COVID-19 Pandemic, at ¶ 1 (Sept. 16, 2021) (permitting jury trials if the conditions of the courthouse, the projected length of trial, and the current health of that community permit the safe conduct of the jury trial, and subject to the trial court’s jury operating plan).

on **[date]** at [time]. Any pending motions that warrant a hearing will be heard at that time. The conference shall occur by videoconference. The Court's Judicial Assistant shall circulate the video conference invitation prior to the hearing. One-half (1/2) hour is set aside. The parties shall be present at the videoconference along with their attorneys.

5. Exhibit Pre-Filing Requirements. Trial exhibits shall be prefiled and shall be provided to the Court in two ways.
6. First, all trial exhibits and the final exhibit lists shall be filed electronically to Court staff. All exhibits shall be premarked. If there are a limited number of exhibits, they may be emailed. If the exhibits are voluminous, counsel may use Dropbox or a similar document delivery service. Counsel may also use separate emails to send the exhibits. Those documents shall be sent to the Court's Judicial Assistant and to the Court's Staff Attorney at mdearing@courts.state.wy.us and mfredrickson@courts.state.wy.us. Or, counsel may deliver a thumb drive to the Court's Judicial Assistant at the Teton County Courthouse. Regardless of which electronic delivery is used by counsel, the trial exhibits shall be delivered not later than **[date] at 12:00 noon.**
7. Second, all trial exhibits and exhibit lists shall also be printed and provided to the Court in binders. Each binder shall not exceed three inches in depth. Multiple binders may be used. All exhibits shall be premarked, identical to the electronic exhibits, and delivered to the Court not later than **[date] at 12:00 noon.**
8. Third, the paper exhibits in the binders that were provided to the Court, if admitted into evidence, shall be considered the original exhibits, unless a substitution is required and approved by the Court such as for certified copies, maps, high quality photographs, or similar

documents where an electronic copy is not appropriate.

9. Trial exhibits shall also be furnished prior to trial to (1) the witness to be used for that evidence, and (2) opposing counsel. Failure to so provide any such exhibits may result in the preclusion of the exhibits. This includes rebuttal and impeachment exhibits, except, on a case-by-case basis, for true rebuttal or impeachment evidence if a party shows good cause for not disclosing in advance.
10. Do **not** file the trial exhibits with the Clerk of District Court. As with exhibits at in-person trials, the Clerk does not file proposed exhibits in the Court's files. Exhibits that are admitted will be part of the trial record. Exhibits that are not admitted will be discarded.
11. Counsel should be prepared to review the exhibits that were admitted into evidence with the Court Reporter at the end of the trial.
12. Witnesses shall not alter or amend exhibits during their testimony without Court permission.
13. *Stipulated Exhibit List*. Not later than **[date] at 12:00 noon**, counsel shall submit a list of stipulated exhibits, signed by counsel for all parties, to be admitted at trial.
14. *Presentation of Exhibits*. All exhibits shall be likely presented at trial electronically, using the Microsoft HUB available at counsel table, which projects to a monitor on the north wall of the courtroom.
15. Technical training from the Court is available to counsel on how to present exhibits. Counsel shall contact the Court Reporter to schedule a training, with that training to occur not later than **five (5) business days prior to trial**.

Conduct of Trial

16. *Common Spaces*. If a Teton County resolution requiring face coverings in the courthouse is in

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place on the day of the hearing, then face coverings must be worn by all individuals when in common spaces of the courthouse such as lobbies and stairwells. The Courthouse operating plan includes exemptions from this requirement for medical conditions, mental conditions, or disability, or if approved by the Court on an ad hoc basis.

17. *District Courtroom.* Counsel are directed to the most recent jury trial plan for guidance regarding face coverings. At present, all individuals, regardless of vaccination status, are required to wear face coverings in the District Courtroom pursuant to CDC guidance. However, witnesses will be permitted to speak without a face covering from behind a tempered glass enclosure in the Court's modified witness box. Counsel will be permitted, when speaking, to remove their face coverings. The Courthouse operating plan includes exemptions from this requirement for medical conditions, mental conditions, or disability, or if approved by the Court on an ad hoc basis.

18. *Physical Distancing.* Regardless of vaccination status, physical distancing is required in the District Courtroom. However, at counsel table the parties and counsel may elect to sit closer. Such consent should be voluntary. If counsel or a party prefer to maintain physical distancing, they are directed to use physical distancing at counsel table. Because litigants are ordered to be present in court, and are unable to choose not to attend, the Court discourages circumstances where a litigant may feel coerced or pressured to sit next to counsel without physical distancing due to the pressures and solemnity of a court proceeding, particularly if that litigant or counsel would ordinarily maintain strict physical distancing outside the courtroom.

19. *Witnesses.* Only one witness shall be permitted in the courtroom at one time without permission of the Court, dependent on the available space in the courtroom gallery. Counsel shall be

prepared to call or text their next witness from the courtroom. Witnesses shall wait outside the courthouse unless the bailiff at the entrance to the courthouse can accommodate them in a lobby or one of the Circuit Court anterooms. Once called, they can proceed through court security and to the District Courtroom.

20. Witnesses may observe or listen to court proceedings through remote means before or after being called, unless a sequestration order is in place. Counsel shall contact the Court before the hearing for instructions on how witnesses or others may observe the proceedings remotely.
21. The witness box has been fitted with a tempered glass screen. An air purifier will operate in that space. In this area, the witness may speak without a face covering regardless of vaccination status.
22. *Sanitation.* Disposable gloves are available in the courtroom if participants would like to use them.
23. Hand sanitizer is available at several locations in the courtroom for participants.
24. Counsel tables, chairs, microphones, and other high-touch surfaces are disinfected between hearings. Court staff have been trained in the amount of time needed for various disinfectants to be effective.
25. The podium is available if counsel would like to use it. Counsel may choose instead to present from counsel table. If the podium is used, microphone covers are available at the podium. Counsel shall open a new cover when arriving at the podium and when finished, shall remove the cover and dispose of it.
26. *Other Matters.* Due to space and physical distancing limitations, counsel shall not move about the courtroom.

27. Whether to require in-person appearances by attorneys, witnesses, and parties who are in high-risk categories for COVID-19 may need to be considered. Requests for remote appearances, and objections to video appearances and video testimony, by high-risk individuals will need to be addressed prior to any hearing and **not later than the final pretrial conference**.
28. Pursuant to Paragraphs 7 and 14 of the *Tenth Order Amending March 18, 2020 Temporary Plan to Address Health Risks Posed by the COVID-19 Pandemic*, entered by the Wyoming Supreme Court on September 16, 2021, in-person proceedings involving (1) an ill, symptomatic, or high-risk individual, or (2) a person who cares for an ill, symptomatic, or high-risk individual, may require rescheduling.
29. Water pitchers and cups will not be available. Counsel and litigants should bring their own water containers and use the free water station on the first floor of the courthouse.
30. The Court will keep a simple log of who was present at a hearing (counsel, parties, witnesses, and any others). If after a hearing the Court is notified of a positive COVID-19 case in the building, the Court may provide contact information to the Teton County Health Department. Parties, witnesses, or other individuals may be contacted by the Health Department.
31. Trial Time. The general trial hours will be from 9:00 a.m. to 5:00 p.m. with an hour and thirty minutes for lunch and breaks as the Court deems appropriate in the morning and afternoon. The Court anticipates dividing the time equally between the parties, and deducting the GAL's time equally from both parties' time.
32. Public and Media Access. Members of the public and the media may attend trial in-person, using the physically distanced seating the courthouse gallery, depending on the available space. They may also elect to attend remotely, consistent with the Court's current public and media

access plan. If the parties or counsel have questions about how to have family members, support staff or others attend trial remotely, please raise those questions at the final pretrial conference.

33. Interpreter. If an interpreter is needed for trial, arrangements shall be made in advance with the Court's Interpreter by contacting the Clerk of District Court's Office. Counsel are encouraged to work together to set a date and time for any witness requiring an interpreter, including taking that witness out of order if needed. Failure to make timely arrangements for the Court's interpreter may result in the testimony being excluded.
34. Opening and Closing Arguments. Each of the parties shall receive up to 20 minutes for opening statements, up to 30 minutes for closing arguments, and Plaintiff shall have up to 10 minutes for rebuttal. The time used for opening and closing arguments and rebuttal is part of the parties' total trial time. If the parties believe they need more time for argument, they must be granted approval by the Court before trial.
35. Subject to Amendment. Protocols for in-person hearings during the COVID-19 pandemic may be updated from time to time.

DATED this ____ day of September 2021.

Timothy C. Day
District Judge