# Wyoming Law Journal

Volume 2 | Number 4

Article 2

December 2019

# **Table of Rules**

Wyoming State Bar

Follow this and additional works at: https://scholarship.law.uwyo.edu/wlj

## **Recommended Citation**

Wyoming State Bar, *Table of Rules*, 2 Wyo. L.J. 148 (1948) Available at: https://scholarship.law.uwyo.edu/wlj/vol2/iss4/2

This Special Section is brought to you for free and open access by Law Archive of Wyoming Scholarship. It has been accepted for inclusion in Wyoming Law Journal by an authorized editor of Law Archive of Wyoming Scholarship.

## TABLE OF RULES

#### SCOPE OF RULES-ONE FORM OF ACTION Ϊ.

- 1. Scope of Rules
- 2. One Form of Action

## II. COMMENCEMENT OF ACTION: SERVICE OF PROCESS, PLEADINGS, MOTIONS, AND ORDERS

- **Commencement of Action** 3.
  - (a) How Commenced
  - (b) When Commenced
- Process 4.
  - (a) Summons: Issuance
  - (b) Same: Form
  - (c) By Whom Served
  - (d) Personal Service
  - Service by Publication (e)
  - **Requirements for Service by Publication** (f)
  - **Publication of Notice** (g)
  - (h) When Service Complete—How Proved
  - Service upon Unknown Persons (i)
  - Publication may be made in Another County (j)
  - (k) Costs of Publication
  - Other Service: Personal Service Outside the State: Ser-(1)vice by Registered Mail
  - (m) Return: Proof of Service
  - (n) Amendment
  - (o) Refusal of Copy
- 5. Service and Filing of Pleadings and Other Papers
  - (a) Service: When Required
  - (b) Same: How made
  - (c) Same: Numerous Defendants
  - (d) Filing
  - (e) Filing With the Court Defined
- Time 6.
  - (a) Computation
  - (b) Enlargement
  - (c) Unaffected by Expiration of Term(d) For Motions—Affidavits

  - (e) Additional Time After Service by Mail

#### PLEADINGS AND MOTIONS III.

- Pleadings Allowed; Form of Motions 7.
  - (a) Pleadings
  - (b) Motions and Other Papers
  - (c) Demurrers, Pleas, Etc. Abolished
- 8. General Rules of Pleading
  - (a) Claims for Relief
  - (b) Defenses; Form of Denials
  - (c) Affirmative Defenses
  - (d) Effect of Failure to Deny

- (e) Pleading to be Concise and Direct; Consistency
- (f) Construction of Pleadings
- 9. Pleading Special Matters
  - (a) Capacity
  - (b) Fraud, Mistake, Condition of the Mind
  - (c) Conditions Precedent
  - (d) Official Document or Act
  - (e) Judgment
  - (f) Time and Place
  - (g) Special Damage
  - (h) Private Statute
  - (i) Municipal Ordinance
- 10. Form of Pleadings
  - (a) Caption; Names of Parties
  - (b) Paragraphs; Separate Statements
  - (c) Adoption by Reference; Exhibits
- 11. Signing and Verification
  - (a) Signing of Pleadings
  - (b) Verification
- 12. Defenses and Objections—When and How Presented By Pleading or Motion—Motion for Judgment on Pleadings
  - (a) When Presented
  - (b) How Presented
  - (c) Motion for Judgment on the Pleadings
  - (d) Preliminary Hearings
  - (e) Motion for More Definite Statement
  - (f) Motion to Strike
  - (g) Consolidation of Defenses
  - (h) Waiver of Defenses
- 13. Counterclaim and Cross-Claim
  - (a) Compulsory Counterclaims
    - (b) Permissive Counterclaims
    - (c) Counterclaim Exceeding Opposing Claim
    - (d) Counterclaim Against the State
    - (e) Counterclaim Maturing or Acquired After Pleading
    - (f) Omitted Counterclaim
    - (g) Cross-Claim Against Co-Party
    - (h) Additional Parties May Be Brought in
    - (i) Separate Judgments
- 14. Third-Party Practice
  - (a) When Defendant May Bring in Third Party
  - (b) When Plaintiff May Bring in Third Party
- 15. Amended and Supplemental Pleadings
  - (a) Amendments
  - (b) Amendments to Conform to the Evidence and in Furtherance of Justice
  - (c) Relation Back of Amendments
  - (d) Supplemental Pleadings
- 16. Pre-Trial Procedure: Formulating Issues

### **IV. PARTIES**

- 17. Parties Plaintiff and Defendant; Capacity
  - (a) Real Party in Interest
  - (b) Capacity to Sue or Be Sued

- (c) Infants or Incompetent Persons
- (d) Suing Person by Fictitious Name
- Joinder of Claims and Remedies 18.
  - (a) Joinder of Claims
  - (b) Joinder of Remedies; Fraudulent Convevances
- **Necessary Joinder of Parties** 19.

  - (a) Necessary Joinder(b) Effect of Failure to Join
  - (c) Same; Names of Omitted Persons and Reasons for Non-Joinder to be Pleaded
- Permissive Joinder of Parties 20.
  - (a) Permissive Joinder
  - (b) Separate Trials
- 21. Misjoinder and Non-Joinder of Parties
- 22. Interpleader
- 23. Class Actions

  - (a) Representation(b) Secondary Action by Shareholders
  - (c) Dismissal or Compromise
- Intervention 24.
  - (a) Intervention of Right(b) Permissive Intervention

  - (c) Procedure
- Substitution of Parties 25.
  - (a) Death

  - (b) Incompetency
    (c) Transfer of Interest
    (d) Public Officers; Death or Separation from Office
  - (e) Substitution at Any Stage

#### **DEPOSITIONS AND DISCOVERY** V.

- **Depositions Pending Action** 26.
  - (a) When Depositions May Be Taken

  - (b) Scope of Examination
    (c) Examination and Cross-Examination
    (d) Use of Depositions
    (e) Objections to Admissibility

  - (f) Effect of Taking or Using Depositions
  - 27. Depositions Before Action or Pending Appeal
    - Before Action (a)

      - Petition
         Notice and Service
      - (3) Order and Examination
      - (4) Use of Deposition
    - (b) Pending Appeal
    - (c) Perpetuation by Action
  - 28. Persons Before Whom Depositions May Be Taken
    - (a) Within the United States
    - (b) In Foreign Countries
    - (c) Disgualification for Interest
  - 29. Stipulations Regarding the Taking of Depositions

- 30. Depositions Upon Oral Examination
  - (a) Notice of Examination: Time and Place
  - Orders for the Protection of Parties and Deponents (b)
  - (c)
  - Record of Examination; Oath; Objections Motion to Terminate or Limit Examination (d)
  - Submission to Witness; Changes; Signing (e)
  - Certification and Filing by Officer; Copies; Notice of (f) Filing
  - (g) Failure to Attend or to Serve Subpoena: Expenses
  - (h) Notice to Absent or Unknown Parties
- 31. Depositions of Witnesses Upon Written Interrogatories
  - (a) Serving Interrogatories; Notice
  - (b) Officer to Take Responses and Prepare Record
  - (c) Notice of Filing
  - (d) Orders for the Protection of Parties and Deponents
- 32. Effect of Errors and Irregularities in Depositions
  - (a) As to Notice
  - (b) As to Disgualification of Officer
  - (c) As to Taking of Deposition
  - (d) As to Completion and Return of Deposition
- 33. Interrogatories to Parties
- 34. Discovery and Production of Documents and Things for Inspection, Copying, or Photographing
- 35. Physical and Mental Examination of Persons
  - (a) Order for Examination(b) Report of Findings
- Admission of Facts and of Genuineness of Documents 36. (a) Request for Admission
  - (b) Effect of Admission
- 37. Refusal to Make Discovery: Consequences
  - (a) Refusal to Answer
  - (b) Failure to Comply with Order
    - (1) Contempt
    - (2) Other Consequences
  - Expenses on Refusal to Admit (c)
  - (d) Failure of Party to Attend or Serve Answers

### VI. TRIALS

- 38. Jury Trial of Right
  - (a) Right Preserved
  - (b) Demand
  - (c) Same: Specification of Issues
  - (d) Waiver
- 39. Trial by Jury or by the Court
  - (a) By Jury
  - (b) By the Court
  - Advisory Jury and Trial by Consent (c)
- 40. Assignment of Cases for Trial
- 41. Dismissal of Actions
  - (a) Voluntary Dismissal
    - (1) By Plaintiff; By Stipulation

### WYOMING LAW JOURNAL

- (2) By Order of Court
- (b) Involuntary Dismissal
  - (1) By Defendant (2) By the Court
- Dismissal of Counterclaim, Cross-Claim, or Third-Party (c)Claim
- (d) Costs of Previously-Dismissed Action
- **Consolidation**: Separate Trials 42.
  - (a) Consolidation
  - (b) Separate Trials
- Evidence 43.
  - Form and Admissibility (a)
  - (b) Scope of Examination and Cross-Examination
  - **Record of Excluded Evidence** (c)
  - (d) Affirmation in Lieu of Oath
  - Evidence on Motions (e)
- Proof of Official Record 44.
  - (a) Authentication of Copy
  - (b) Proof of Lack of Record(c) Other Proof

  - (d) Seal Dispensed With
- Subpoena 45.
  - (a) For Attendance of Witnesses; Form; Issuance
  - (b) For Production of Documentary Evidence
  - (c) Service
  - (d) Subpoena for Taking Depositions; Place of Examination
- 46. Exceptions Unnecessary
- 47. Jurors
  - (a) Examination of Jurors
  - (b) Alternate Juror
  - (c) Challenge to Individual Jurors
- 48. Juries of Less than Twelve-Majority Verdict
- Special Verdicts and Interrogatories 49.
  - (a) Special Verdicts
  - (b) General Verdict Accompanied by Answer to Interrogatories
- Motion for a Directed Verdict 50.
  - (a) When Made: Effect
  - Reservation of Decision on Motion (b)
- 51. Instructions to Jury: Objection
- 52. Findings by the Court
  - (a) General and Special Findings by Court
  - (b) Amendment
- Masters 53.
  - Appointment and Compensation (a)
  - (b) Reference
  - (c) Powers
  - Proceedings (d)
    - (1) Meetings
    - (2) Witnesses
    - (3) Statement of Accounts

- (e) Report
  - (1)**Contents and Filing**
  - (2)In Non-Jury Actions
  - (3) In Jury Actions
  - (4) Stipulation as to Findings
  - (5) Draft Report

### VII. JUDGMENT

- 54. Judgments; Costs
  - (a) Definition: Form
  - (b) Judgment upon Multiple Claims(c) Demand for Judgment

  - (d) Costs
- 55. Default
  - (a) Entry
  - (b) Judgment

    - By the Clerk
       By the Court
  - (c) Setting Aside Default
  - (d) Plaintiffs, Counterclaimants, Cross-Claimants
- 56. Summary Judgment
  - (a) For Claimant
    - (b) For Defending Party
    - (c) Motion and Proceedings Thereon
    - (d) Case Not Fully Adjudicated on Motion
    - (e) Form of Affidavits; Further Testimony
    - When Affidavits are Unavailable (f)
    - (g) Affidavits Made in Bad Faith
- 57. Declaratory Judgments
- 58. Entry of Judgment
- 59. New Trials; Amendment of Judgments

  - (a) Grounds(b) Time for Motion
  - (c) Time for Serving Affidavits
  - (d) On Initiative of Court
  - (e) Motion to Alter or Amend a Judgment
  - Motion for New Trial; Time Limit (f)
- 60. Relief from Judgment or Order
  - (a) Clerical Mistakes
  - (b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc.
- 61. Harmless Error
- 62. Stay of Proceedings to Enforce a Judgment
  - (a) Stay on Motion for New Trial or for Judgment
  - (b) Stay of Judgment upon Multiple Claims
- 63. Disability of a Judge

### PROVISIONAL AND FINAL REMEDIES AND SPECIAL VIII. PROCEEDINGS

64. Seizure of Person or Property

- 65. Injunctions
  - (a) Preliminary; Notice
  - Temporary Restraining Order: Notice: Hearing: Dura-(b) tion
  - (c) Security
  - (d) Form and Scope of Injunction or Restraining Order (e) When Inapplicable
- 66. Receivers
- 67. Deposit in Court
- 68. Offer of Judgment
- 69. Execution
- 70. Judgment for Specific Acts: Vesting Title
- 71. Process in Behalf of and Against Persons Not Parties

### IX. APPEALS

- 72. General Provisions
  - (a) "Final Order" Defined
  - (b) Review by District Court

  - (c) Review by Supreme Court(d) Proceedings in Error Abolished
  - When Rules Shall Govern (e)
  - (f) **Designation of Parties**
  - (g) Immaterial Errors Disregarded
  - (h) Reversal in Part
  - (i) **Proceedings after Reversal**
  - (j) Costs on Reversal
  - (k) Penalties on Affirmance
- Appeal to the Supreme Court 73.
  - (a) When and How Taken(b) Notice of Appeal

  - (c) Bond on Appeal
  - (d) Supersedeas Bond; Restitution Undertaking
  - (e) Failure to File or Insufficiency of Bond
  - (f) Judgment Against Surety
  - (g) Docketing and Record on Appeal
- 74. Joint or Several Appeals
- Record on Appeal to the Supreme Court 75.
  - (a) Designation of Contents of Record on Appeal
  - (b) Transcript
  - (c) Form of Testimony
  - (d) Statement of Points
  - (e) Record To Be Abbreviated
  - (f) Stipulation as to Record
  - (g) Preparation of Record on Appeal
  - (h) Power of Court to Correct or Modify Record
  - Order as to Original Papers or Exhibits (i)
  - **Record for Preliminary Hearing in Supreme Court** (j)
  - Several Appeals (k)
  - **Rule for Transmission of Original Papers** (1)
- 76. Record on Appeal to the Supreme Court; Agreed Statement

### X. DISTRICT COURTS AND CLERKS

77. District Courts and Clerks

- (a) District Courts Always Open
- (b) Trials and Hearings; Orders in Chambers
- (c) The Clerk's Office
- (d) Notice of Orders or Judgments
- 78. Motion Day
- 79. Books and Records Kept by the Clerk and Entries Therein
  - (a) Books and Records
  - (b) Other Books and Records
- 80. Stenographer; Stenographic Report or Transcript as Evidence(a) Official Stenographer
  - (b) Stenographic Report of Transcript as Evidence

### XI. GENERAL PROVISIONS

- 81. Applicability in General
- 82. Jurisdiction and Venue Unaffected
- 83. Rules by District Courts
- 84. Forms
- 85. Title
- 86. Effective Date
  - (a) Rules
  - (b) Amendments and Additions

NOTE—Unless otherwise indicated, the rules hereafter printed are the Federal Rules of Civil Procedure, as amended, verbatim. Where a Wyoming statute is incorporated into these rules verbatim a note to that effect is included in the brackets following the rule or section thereof. Where the wording of the Federal Rule or of a statute has been changed, the citation is preceded by "from" to indicate the source and that changes have been made.