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Amendments to the Wyoming Rules of Civil Procedure: Order

Glenn Parker

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IN THE SUPREME COURT, STATE OF WYOMING
OCTOBER TERM, A.D. 1963

In the Matter of Wyoming)
)
Rules of Civil Procedure)

ORDER

It is ordered that subdivision (d) of Rule 25, subdivision (b) of Rule 54, subdivision (f) of Rule 62, and subdivisions (b) and (j) of Rule 75, Wyoming Rules of Civil Procedure, be amended to read as follows, the amending portions being in italics and the deleted portions indicated by asterisks:

Rule 25

(d) Public Officers; Death or Separation from Office.

(1) When . . . a public officer is a party to an action . . . in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the action . . . does not abate and his successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.

(2) When a public officer sues or is sued in his official capacity, he may be described as a party by his official title rather than by name; but the court may require his name to be added.

Rule 54

(b) Judgement Upon Multiple Claims or Involving Multiple Parties. When . . . more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, . . . the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment. In the absence of such determination and direction, any order or other form of decision, however designated, which adjudicates . . . fewer than all the claims or the rights and liabilities of . . . fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.

Rule 62

(f) Stay of Judgment . . . as to Multiple Claims or Multiple Parties. When a court has ordered a final judgment . . . under the conditions stated in Rule 54(b), the court may stay enforcement of that judgment until the entering of a subsequent judgment or judgment and may prescribe such conditions as are necessary to secure the benefit thereof to the party in whose favor the judgment is entered.

Rule 75

(b) Transcript. If there be designated for inclusion any evidence or proceeding at a trial or hearing which was stenographically reported, the appellant shall . . . *within the time required for docketing under Rule 73(g), or such extension of time as may have been granted after a filing under Rule 75(j), file . . . with the district court* a copy of the reporter's transcript of the evidence or proceedings included in his designation. If the designation includes only part of the reporter's transcript, the appellant shall file a copy of such additional parts thereof as the appellee . . . *shall have designated under the provision of Rule 75(a)*, and if the appellant fails to do so the court on motion may require him to furnish the additional parts needed. The copy so filed by the appellant shall be available for the use of the other parties. In the event that a copy of the reporter's transcript or of the necessary portions thereof is already on file, the appellant shall not be required to file an additional copy. All transcripts of testimony, evidence and proceedings shall be certified by the official court reporter to be true and correct in every particular, and when so certified shall be received as prima facie evidence of the facts, testimony, evidence, and proceedings set forth in such transcript. The reporter shall indicate at the bottom of each page of the transcript the name of the witness, the name of counsel then examining, and the type of examination there appearing.

(j) Record for Preliminary Hearing in Supreme Court. If, prior to the time the complete record on appeal is settled and certified as herein provided, a party desires to docket the appeal in order to make in the supreme court a motion for dismissal, for a stay pending appeal, for additional security on the bond on appeal or on the supersedeas bond, *for an extension of time within which to complete the record*, or for any intermediate order, the clerk of the district court at his request shall certify and transmit to the supreme court a copy of such portion of the record or proceedings below as is needed for that purpose.

It is further ordered that this order be published in the advance sheets of the new ensuing volume of the *WYOMING REPORTER*; that this change in the Wyoming Rules of Civil Procedure become effective ninety days from the date of this order; and that this order be spread at length upon the journal of this court.

Dated at Cheyenne Wyoming, this 11th day of October, 1963.

BY THE COURT

/s/ GLENN PARKER

Chief Justice