

IN THE SUPREME COURT, STATE OF WYOMING

APRIL TERM, A.D. 2000

In the Matter of the Adoption )  
of Amendments to the Wyoming )  
Rules of Civil Procedure )

IN THE SUPREME COURT  
STATE OF WYOMING  
FILED

JUN 30 2000

JUDY PACHECO, CLERK  
*Cleval Thompson*  
by DEPUTY

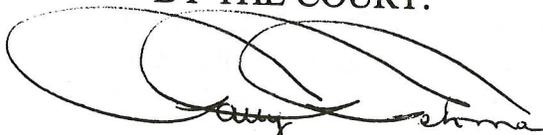
**ORDER ADOPTING AMENDMENTS TO  
THE WYOMING RULES OF CIVIL PROCEDURE**

The Court, on its own motion, has determined that amendments to the Wyoming Rules of Civil Procedure are necessary as a result of legislation displacing the County Courts with Circuit Courts. It is therefore

ORDERED that the amendments to the Wyoming Rules of Civil Procedure, a copy of which is attached hereto, are adopted and that the amendments shall be effective July 1, 2000.

DATED this 30 day of June 2000.

BY THE COURT:



LARRY L. LEHMAN  
Chief Justice

## Wyoming Rules of Civil Procedure

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### Rule 27. Depositions before action or pending appeal.

(a) Before action. --

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(4) Use of Deposition. If a deposition to perpetuate testimony is taken under these rules or if, although not so taken, it would be admissible in evidence in the courts of the state in which it is taken, it may be used in any action involving the same subject matter subsequently brought in a ~~district~~-court of the state, in accordance with provisions of Rule 32(a).

(b) Pending Appeal. If an appeal has been taken from a judgment of a ~~district~~-court or before the taking of an appeal if the time therefor has not expired, the ~~district~~-court in which the judgment was rendered may allow the taking of the depositions of witnesses to perpetuate their testimony for use in the event of further proceedings in the ~~district~~-court. In such case the party who desires to perpetuate the testimony may make a motion in the ~~district~~-court for leave to take the depositions, upon the same notice and service thereof as if the action was pending in the ~~district~~-court. The motion shall show: (1) the names and addresses of the persons to be examined and the substance of the testimony which the party expects to elicit from each; and (2) the reasons for perpetuating their testimony. If the court finds that the perpetuation of the testimony is proper to avoid a failure or delay of justice, it may make an order allowing the depositions to be taken and may make orders of the character provided for by Rules 34 and 35, and thereupon the depositions may be taken and used in the same manner and under the same conditions as prescribed in these rules for depositions taken in actions pending in a ~~the~~ ~~district~~-court.

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### Rule 52. Findings by the court; judgment on partial findings.

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(b) *Amendment or additional findings.* – On a party's motion filed no later than 10 days after entry of judgment; the court may amend special findings – or make additional findings – and may amend the judgment accordingly. The motion may accompany a motion for a new trial under Rule 59. When special findings of fact are made in actions tried without a jury, the sufficiency of the evidence supporting the findings may be later questioned whether or not in the ~~district~~-court the party raising the question objected to the

findings, moved to amend them, or moved for partial findings.

\* \* \*

(d) *Reserved questions.* – In all cases in which a ~~district~~ court reserves an important and difficult constitutional question arising in an action or proceeding pending before it, the ~~district~~ court, before sending the question to the supreme court for decision, shall (1) dispose of all necessary and controlling questions of fact and make special findings of fact thereon, and (2) state its conclusions of law on all points of common law and of construction, interpretation and meaning of statutes and of all instruments necessary for a complete decision of the case. No constitutional question shall be deemed to arise in an action unless, after all necessary special findings of fact and conclusions of law have been made by the ~~district~~ court, a decision on the constitutional question is necessary to the rendition of final judgment. The question reserved shall be specific, and shall identify the constitutional provision to be interpreted. The special findings of fact and conclusions of law required by this subdivision of this rule shall be deemed to be a final order from which either party may appeal, and such appeal may be considered by the supreme court simultaneously with the reserved question.

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