

IN THE SUPREME COURT, STATE OF WYOMING

APRIL TERM, A.D. 1992

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STATE OF WYOMING
FILED

APR 28 1992

JERRILL D. CARTER, CLERK

In the Matter of the Amendments of)
Rules 26, 30, 31 and 33, Wyoming)
Rules of Civil Procedure)

**ORDER AMENDING RULES 26, 30, 31 AND 33,
WYOMING RULES OF CIVIL PROCEDURE**

The court having deemed it advisable and necessary to amend Rules 26, 30, 31 and 33, Wyoming Rules of Civil Procedure, effective immediately; it is therefore

ORDERED that Rule 26 shall be, and it is hereby, amended by deleting subdivision (b) Limitations on discovery, and renumbering subdivisions (c) through (g) accordingly; it is further

ORDERED that Rule 30(a) Depositions upon oral examination, be and it is hereby, amended to read as follows:

Rule 30. Depositions upon oral examination.

(a) When depositions may be taken; LIMITATIONS.--

(1) After commencement of the action, any party may take the testimony of any person, including a party, by deposition upon oral examination. Leave of court, granted with or without notice, must be obtained ~~only~~ if the plaintiff seeks to take a deposition prior to the expiration of 30 days after service of the summons and complaint upon any defendant or service made under Rule 4(e), except that SUCH leave is not required (A) if a defendant has served a notice of taking deposition or otherwise sought discovery, or (B) if special notice is given as provided in subdivision (b)(2) of this rule. The attendance of witnesses may be compelled by subpoena as provided in Rule 45. The deposition of a person confined in prison may be taken only by leave of court on such terms as the court prescribes.

(2) LIMITATIONS ON DISCOVERY. --

DISCOVERY BY ANY PARTY BY THE METHOD OF DEPOSITIONS UPON ORAL EXAMINATION IS LIMITED TO THE DEPOSITION OF ANY OTHER PARTY, THE DEPOSITION OF ONE EXPERT WITNESS AND THREE OTHER DEPOSITIONS.

(3) THE COURT IN ANY LAWSUIT MAY FOR GOOD CAUSE SHOWN REVOKE OR AMEND THE LIMITATIONS PROVIDED BY THE FOREGOING SUBSECTION (A)(2).

(4) SUBJECT TO THESE LIMITATIONS OR THOSE THAT MAY BE PROVIDED OR ORDERED BY THE COURT PURSUANT TO RULE 26(C) AND (D), THE FREQUENCY OR EXTENT OF USE OF THE METHODS OF DISCOVERY IS NOT LIMITED.

FURTHER ORDERED that Rule 31(a) Depositions upon written questions, be, and it is hereby, amended to read as follows:

Rule 31. Depositions upon written questions.

(a) Serving questions; notice; LIMITATIONS. --

(1) After commencement of the action, any party may take the testimony of any person, including a party, by deposition upon written questions. The attendance of witnesses may be compelled by the use of subpoena as provided in Rule 45. The deposition of a person confined in prison may be taken only by leave of court on such terms as the court prescribes.

(2) A party desiring to take a deposition upon written questions shall serve them upon every other party with a notice stating (A) the name and address of the person who is to answer them, if known, and if the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs, and (B) the name or descriptive title and address of the officer before whom the deposition is to be taken. A deposition upon written questions may be taken of a public or private corporation or a partnership or association or governmental agency in accordance with the provisions of Rule 30(b)(6).

(3) Within 30 days after the notice and written questions are served, a party may serve cross questions upon all other parties. Within 10 days after being served with cross questions, a party may serve redirect questions upon all other parties. Within 10 days after being served with redirect

questions, a party may serve recross questions upon all other parties. The court may for cause shown enlarge or shorten the time.

(4) LIMITATIONS ON DISCOVERY. --

DISCOVERY BY ANY PARTY BY THE METHOD OF DEPOSITIONS UPON WRITTEN QUESTIONS IS LIMITED TO THREE DEPOSITIONS, IN ADDITION TO THE DEPOSITIONS TAKEN UPON ORAL EXAMINATION.

(5) THE COURT IN ANY LAWSUIT MAY FOR GOOD CAUSE SHOWN REVOKE OR AMEND THE LIMITATIONS PROVIDED BY THE FOREGOING SUBSECTION (A)(4).

(6) SUBJECT TO THESE LIMITATIONS OR THOSE THAT MAY BE PROVIDED OR ORDERED BY THE COURT PURSUANT TO RULE 26(C) AND (D), THE FREQUENCY OR EXTENT OF THE METHODS OF DISCOVERY IS NOT LIMITED.

FURTHER ORDERED that Rule 33(a) Interrogatories to parties, be, and it is hereby, amended to read as follows:

Rule 33. Interrogatories to parties.

(a) Availability; procedures for use. -- Any party may serve upon any other party written interrogatories, NOT EXCEEDING 30 IN NUMBER INCLUDING SUBPARTS, to be answered by the party served or, if the party served is a public or private corporation or a partnership or association governmental agency, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with or after service of the summons and complaint upon that party. ADDITIONAL INTERROGATORIES MAY BE SERVED ONLY UPON LEAVE OF COURT FOR GOOD CAUSE SHOWN.

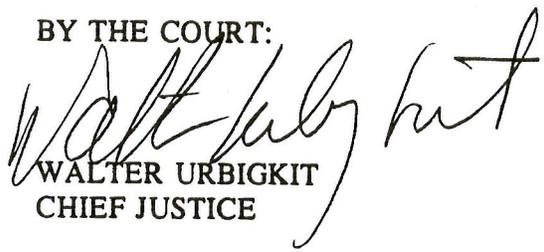
Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, within 30 days after the service of the interrogatories, except that a defendant may serve answers or objections within 45 days after service of the summons and complaint upon that defendant. The court may allow a shorter or longer time. The party submitting the interrogatories may move for an order under Rule 37(a) with respect to any objection to or other failure to answer an interrogatory.

and, it is

FURTHER ORDERED that the foregoing amendments shall be published in the advance sheets of the Pacific Reporter, in the Wyoming Reporter and thereupon spread upon the journal of this court.

Dated this 28th day of April, 1992.

BY THE COURT:


WALTER URBIGKIT
CHIEF JUSTICE