

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2009

In the Matter of Amendments to)
Rule 45 of the Wyoming)
Rules of Civil Procedure)

**ORDER ADOPTING AMENDMENTS TO RULE 45 OF THE
WYOMING RULES OF CIVIL PROCEDURE**

This matter came before the Court upon a recommendation from the Permanent Rules Advisory Committee, Civil Division. The Committee has recommended that the Court amend Rule 45 of the Wyoming Rules of Civil Procedure. The Court, having carefully reviewed the proposed amendments, finds that the proposed amendments should be adopted. It is, therefore,

ORDERED that the amendments to Rule 45 of the Wyoming Rules of Civil Procedure, attached hereto, are adopted and that those amendments be published in the advance sheets of the Pacific Reporter and in the Wyoming Reporter. The amendments shall be effective October 1, 2009, and thereafter shall be spread at length upon the journal of this Court.

DATED this 9th day of June, 2009.

BY THE COURT:

BARTON R. VOIGT
Chief Justice

Wyoming Rules of Civil Procedure

Rule 45. Subpoena.

(b) *Service; place of attendance; notice before service.*

(1) A subpoena may be served by the sheriff, by a deputy sheriff, or by any other person who is not a party and is not a minor, at any place within the State of Wyoming. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and, if the person's attendance is commanded, by tendering to that person the fees for one day's attendance and the mileage allowed by law. The party subpoenaing any witness residing in a county other than that in which the action is pending shall pay to such witness, after the hearing or trial, the statutory per diem allowance for state employees for each day or part thereof necessarily spent by such witness in traveling to and from the court and in attendance at the hearing or trial. If the subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, then before it is served, a notice must be served on each party.

(2) ~~Proof of service shall be made, when necessary, as provided in Rule 4(m), and costs shall be taxed as provided in Rule 4(e)(4) when necessary shall be made by filing with the clerk of the court by which the subpoena is issued a statement of the date and manner of service and of the names of the persons served, certified by the person who made the service.~~

(3) A subpoena for trial or hearing may require the person subpoenaed to appear at the trial or hearing irrespective of the person's place of residence, place of employment, or where such person regularly transacts business in person.

(4) A person commended by subpoena to appear at a deposition may be required to attend only in the county wherein that person resides or is employed or regularly transacts business in person, or at such other convenient place as is fixed by an order of court. A nonresident of the state may be required to attend only in the county wherein that nonresident is served with a subpoena or at such other convenient place as is fixed by an order of court.
