**IN THE CHANCERY COURT, STATE OF WYOMING**

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| [Plaintiffs]  Plaintiff(s),  v.  [Defendants]  Defendant(s). | Case No. CH-202#-00000\_\_\_ |
| **Joint Proposed Case Management and Scheduling Order** | |

The parties, having conferred in accordance with the court’s Order Setting Case Management Conference filed in this matter, submit this Joint Proposed Case Management and Scheduling Order to be discussed at the Case Management Conference. The parties request that the court enter this proposed order following the Case Management Conference and acknowledge that it will control the course of this action unless later modified by the court.

*Instructions are italicized and should be deleted before submitting the proposed order.*

1. **Proposed Case Management Schedule.** The parties propose the following case management schedule:

*Include competing proposals for any disputed deadline. In proposing a schedule, the parties should remember that the chancery court aims to resolve most actions within 150 days from issuance of the scheduling order. If the parties propose a schedule that extends beyond this timeframe, the parties must show cause why the 150-day timeframe is unworkable in this matter. The proposed schedule should contain at least the following deadlines (marking any inapplicable deadlines “n/a”):*

* 1. Initial Matters
     1. Initial motions must be filed by:
     2. Pleadings may be amended only until:
     3. Other parties must be joined by:
     4. The parties will finalize and propose an ESI Protocol by:
     5. The parties will finalize and propose a protective order addressing confidential information by:
  2. Discovery Deadlines:
     1. Initial disclosure deadline:
     2. Depositions, including expert-witness depositions, must be taken by:
     3. Written discovery must be propounded by:
     4. All discovery must be completed (i.e., propounded and answered) by:
  3. Case Management:
     1. Case Management Status Conferences will be held on the following dates at the following times:

*Propose one to three dates and times for case management status conferences or explain why no status conferences are necessary. These conferences are held remotely and typically last 10 to 30 minutes. Consider proposing dates that follow settlement conferences or align with other key milestones in the case to help maintain momentum.*

* 1. Experts:
     1. Plaintiff expert designations and disclosures must be made by:
     2. Defendant expert designations and disclosures must be made by:
  2. Dispositive Motions:
     1. Dispositive motions must be filed by:
     2. Responses to dispositive motions must be filed by:
     3. Replies to dispositive motions must be filed by:
     4. A hearing on the dispositive motions is set for:

*Propose a hearing date if the parties believe a hearing will assist in resolving any dispositive motions. If the parties are not yet certain whether a hearing will be helpful, they may request one at a later date. The court may set a hearing on its own after reviewing the briefing, if it determines that a hearing would be beneficial. The court may also decline to hold a hearing if it determines that one is unnecessary.*

* 1. Pretrial Matters:
     1. Pretrial disclosures and direct testimony affidavits must be exchanged between the parties (but not filed with the court) by:
     2. Pretrial meet and confer must be held between the parties by:
     3. Joint pretrial memorandum and all motions in limine, requests for advance rulings, objections to direct testimony by affidavit, and objections to designated deposition testimony must be filed by:
     4. Pretrial conference length, date, and time:

*Propose a date for the pretrial conference that falls after the deadlines for the pretrial memorandum and any pretrial motions and lands at least one week before the trial. Pretrial conferences may be held remotely.*

* + 1. Deadline for providing the court with a final exhibit list, witness lists, as well as copies of all exhibits and affidavits to be offered at trial:
  1. Trial
     1. Trial will commence at the following time and date:
     2. Number of days needed for trial:
     3. Findings of fact and conclusions of law must be filed by:
  2. Alternative Dispute Resolution and Settlement
     1. An initial mediation or settlement conference must be held by:
     2. An interim mediation or settlement conference must be held by:
     3. A late-stage mediation or settlement conference must be held by:

1. **Initial Motions.** The parties plan to file the following initial motions.
   1. **Plaintiff’s Initial Motions**. *Describe any anticipated initial motions, such as a motion to dismiss, a motion for temporary restraining order or preliminary injunction, a motion to add parties, or a motion for leave to file amendments to the pleadings.*
   2. **Defendant’s Initial Motions.** *Describe any anticipated initial motions, such as a motion to dismiss, a motion for temporary restraining order or preliminary injunction, a motion to add parties, or a motion for leave to file amendments to the pleadings.*
2. **Discovery Plan and Schedule.** The parties propose the following discovery plan.

*Set forth a discovery plan. If the parties fail to agree on any component of the discovery plan and schedule, the parties must include competing proposals for each disputed item*.

* 1. **Initial Disclosures.** *In addition to information required to be disclosed by Rule 26(a)(1), identify other information and documents (e.g., organizational charts) that if initially disclosed would expedite discovery in this matter*.
  2. **Accelerated Adjudication**. The parties authorize application of the adjudication procedures set forth in W.R.C.P.Ch.C. 16(c)(3).

*If the parties do not so authorize, explain why the parties believe this case is not well-suited to such procedures*.

* 1. **Phased Discovery.** *Address whether and how discovery might be phased to prioritize the exchange of targeted information that would facilitate early settlement*.
  2. **Scope of and Limits on Discovery.** *Propose the scope of and limits on discovery, including relevant time periods, subject matter topics, and the number of requests, interrogatories, and depositions allowed. The parties should tailor the scope and limits of discovery to the unique needs of the case, carefully considering the principles of proportionality found in W.R.C.P.Ch.C. 26(b)(1) and the chancery court’s goal of expedited resolutions found in W.R.C.P.Ch.C. 1*.
  3. **Organization and Delivery of Discovery Responses**. *Describe how discovery will be organized, including outlining the bates numbering system and document formatting. Identify the electronic sharing methodology that will be used to deliver any discovery responses.*
  4. **Objections to Discovery Requests**. Boilerplate and general objections are prohibited. Instead of asserting general objections, the responding party must respond to each specific request with any specific objections applicable to that request. And instead of invoking unexplained and unsupported objections, the responding party must state the grounds for each objection with specificity. Such specificity requires the responding party to identify how the discovery request is deficient and would harm the party if forced to respond to the request. Additionally, when both objecting and responding to a discovery request, the responding party must state whether its response is complete or whether it withholds any information or documents due to the objection.
  5. **Confidentiality.** The parties stipulate to the Model Protective Order regarding Confidential Information available on the chancery court’s website and will file a completed version by the applicable deadline established above.

*If the parties do not so stipulate, explain why the model protective order is not appropriate or why no order is needed, or provide a date by which the parties will submit an alternative protective order for court review.*

* 1. **Privilege.** *Summarize the parties’ position(s) on reviewing discovery for privilege, asserting privilege, and submitting privilege logs during discovery. As part of this summary, identify the scope of any privilege review, note anticipated privilege issues, identify categories of information that may be excluded from any logging requirement, set forth time limits for exchanging privilege logs, and state whether the parties agree to categorical privilege logs. If the parties insist upon a document-by-document logging, the parties must address how the parties will log emails (i.e. log top email in chain or log all emails in chain) and attachments (i.e. log separately or log as part of email)*.
  2. **Electronically Stored Information**. *Answer whether this case will require discovery of ESI. If the case will require discovery of ESI, identify a date by which the parties will file an ESI Protocol. A Model ESI Protocol is available on the chancery court’s website*.
  3. **Expert Discovery.** *State whether the case will require expert discovery. If required, identify the issues, claims, or topics that will require expert discovery.*
  4. **Discovery Cut-Off.** All discovery, except depositions of experts, must be completed by the applicable deadline established above. Discovery is not timely if propounded or noticed so close to this deadline that the recipient would not be required under the rules to respond or sit for deposition until after the deadline. No discovery will be permitted beyond the discovery cut-off date except for depositions of experts.
  5. **Discovery Disputes.** Before filing a discovery motion (including motions to compel, motions for protective order, and motions for sanctions), the parties must meet and confer in good faith to resolve the dispute. This requirement to meet and confer is not satisfied by sending written correspondence. Instead, the parties must meet and confer orally in person or by telephone or video conference. If repeated attempts to settle the discovery dispute are unsuccessful, the parties must submit a joint letter to the court via the eFiling system. This letter must outline the dispute and the parties’ respective positions in five pages or less. The court may then resolve the dispute on the letter alone, convene a conference, or direct filing of a formal motion and briefing. The court may summarily dismiss discovery motions when this procedure is not followed and may impose monetary sanctions.
  6. **Other Matters Regarding Discovery.** *Identify any other matters that are significant to discovery management. State whether the court should resolve any areas of disagreement related to discovery at the case management conference.*

1. **Dispositive Motions.** Any dispositive motions—together with supporting briefs and affidavits—must be filed by the applicable deadline established above.
2. **Ongoing Case Management Conferences**. The parties must appear remotely via Microsoft Teams for Case Management Status Conferences at the times indicated in Paragraph 1 above. Teams meeting details will be provided under separate cover. Three days before each conference, the parties must file a Joint Case Management Status Report. Each Joint Case Management Status Report must not exceed three pages and must update the court on the progress of discovery and identify any emerging disputes that might require judicial intervention. Although Joint Case Management Status Reports inform the court of any developing disputes, they do not replace the discovery dispute resolution process outlined above.
3. **Pretrial Matters.**
   1. **Pretrial Agreement Regarding Testimony.** In the interest of judicial efficiency and economy, the court will permit parties to submit affidavits in lieu of direct testimony if the parties so stipulate. The court expects all counsel to cooperate and attempt to stipulate to direct testimony by affidavit and deposition designations when doing so will promote a speedy and unprejudiced disposition.
   2. **Pretrial Disclosures.** By the applicable deadline established above**,** the parties must provide each other (but not file with the court) the disclosures required by W.R.C.P.Ch.C. 26(a)(3). Along with these pretrial disclosures, the parties must provide any affidavits they expect to submit in lieu of direct testimony. This exchange constitutes the disclosure required by W.R.C.P.Ch.C. 26(a)(3).
   3. **Pretrial meet and confer regarding stipulations.** The parties must meet and confer in good faith by the applicable deadline established above**,** to **(1)** stipulate to as many facts and issues as possible; **(2)** simplify the issues to be tried by eliminating any claims, defenses, or issues about which there is no longer any meaningful controversy; **(3)** stipulate to the authenticity and admissibility of as many exhibits as possible; and **(4)** reach agreement to the fullest extent possible on deposition designations and direct testimony by affidavit.
   4. **Pretrial Memorandum.** The parties must file a joint pretrial memorandum by the applicable deadline established above. This submission must conform to the Model Joint Pretrial Memorandum on the chancery court’s website and must include the following:
4. A statement of the case containing a brief summary of the facts of the case and each party’s claims and contentions, with citation to legal authority and evidence to prove each element. This concise statement of the case must include any information concerning the formulation and simplification of the issues, including the elimination of frivolous claims or defenses.
5. A list of any stipulations as to facts and material legal or procedural issues.
6. A statement of contested material facts.
7. A statement of contested material issues of law, with appropriate citation to legal authority.
8. An itemization of any damages which will be claimed at trial.
9. A list of exhibits to be offered in evidence, including exhibit numbers, bates numbers, descriptions, and any stipulations or disagreements as to the authenticity or admissibility of each exhibit.
10. A list of witnesses that the parties expect to call during the trial. The witness list must identify the type of witness (fact or expert), state how the testimony will be presented (live, deposition designation, affidavit), summarize the witnesses’ anticipated testimony, include the address and telephone number of each witness, and identify any stipulation or disagreement related to each witnesses’ testimony. Anticipated live witnesses must be designated as “will-call” or “may-call.” Any party designating a party as “will-call” must have the witness available for trial unless reasonable advance notice is given to the opposing counsel. Addresses, telephone numbers, and other personal identifying information must be redacted from the joint pretrial memoranda filed with the court.
11. A list of any pending motions by party.
12. A statement of any proposed changes to the trial length, the allocation of trial time between the parties, and the time allotted for opening statements and closing arguments. Any such proposal must be justified by good cause.
13. A certification that the parties have in good faith discussed settlement but cannot agree on settlement and a candid evaluation of settlement prospects.
14. A description of any specific needs for trial (e.g., audio or visual equipment or other technology).
15. A concise statement as to any other matters which can be reasonably anticipated, which can be addressed prior to trial, as may facilitate the just, speedy, and inexpensive disposition of this action.
    1. **Disputed Items in Pretrial Memorandum; Effect of Submission**. If the parties fail to agree on any component of the pretrial memorandum, the parties will include competing entries for each disputed item. Submitting a pretrial memorandum conforming to the Model Joint Pretrial Memorandum and addressing the above items constitutes the filing required by W.R.C.P.Ch.C. 26(a)(3).
    2. **Pretrial Motions.** All motions in limine, requests for advance rulings, objections to direct testimony by affidavit, and objections to designated deposition testimony must be filed by the applicable deadline established above.
    3. **Pretrial Conference.** A pretrial conference will be held remotely via Microsoft Teams as indicated in Paragraph 1 above**.** At the pretrial conference, each party must be prepared to discuss the Joint Pretrial Memorandum in detail and address any pending motions or other matters which can be reasonably anticipated.
16. **Trial Proceedings.**
17. **Trial:** Having heard from the parties on the venue most convenient for witness testimony, a bench trial will be held at the Chancery Court Courtroom, 444 W. Collins Dr., Casper, Wyoming 82601. The trial will commence at the time and date indicated in Paragraph 1 above.

*By statute, the court “may hold court in any county where venue is appropriate.” Wyo. Stat. § 5-13-104. The court may also transfer trial to another county for the convenience of the witnesses testifying or to promote the ends of justice. W.R.C.P.Ch.C. 40.1(a). The court generally prefers the Wyoming Chancery Court courtroom in Casper because (1) the courtroom is generally available, (2) it is dedicated to and specifically designed for bench trials in business and trust matters, and (3) holding trial at a venue in the center of the state promotes the ends of justice. If applicable, provide each party’s position on and reasoning for whether trial should be held elsewhere.*

1. **Allocation of Trial Time.** Each side is allotted one-half of the total trial time. The court may modify this allocation following the pretrial conference.
2. **Opening and Closing Statements.** Each side is granted 30 minutes for opening statements and 30 minutes for closing arguments. The court may modify these limitations after the final pretrial conference.
3. **Direct Testimony by Affidavit.** In the interest of judicial efficiency and economy, the court will permit parties to submit affidavits in lieu of direct testimony. The parties must serve such affidavits on all parties by the pretrial disclosure deadline identified above. Any objection to the affidavit must be provided in writing to the court and parties by the above pretrial motions deadline. The court will rule on any objections before the witness is called. When called, the witness may supplement the proffered testimony orally before being cross-examined by opposing counsel. Notwithstanding the foregoing, any party may choose to present direct testimony through live testimony.
4. **Final Lists, Exhibits, and Affidavits.** By the applicable deadline established above, the parties must provide the court with a final exhibit list, witness lists, as well as copies of all exhibits and affidavits to be offered at trial.
5. **Technology.** If counsel intends to use any special technology or audio-visual equipment, counsel meet make arrangements before the date of the trial and meet with the clerk regarding its use.
6. **Proposed Findings of Fact and Conclusions of Law.** The parties must submit separate proposed findings of fact and conclusions of law by the applicable deadline established above. Proposed findings and conclusions must be eFiled in editable Microsoft Word format and attached as a supporting document to a Notice of Filing.
7. **Alternative Dispute Resolution and Settlement.** 
   1. **Initial mediation or settlement conference.** The parties must participate in an initial settlement conference or mediation by the applicable deadline established above.All attorneys and their clients must personally appear and participate in good faith in the settlement conference, even if no settlement is expected.
   2. **Interim mediation or settlement conference**. The parties must participate in an interim settlement conference or mediation by the applicable deadline established above. All attorneys and their clients must personally appear and participate in good faith in the settlement conference, even if no settlement is expected.
   3. **Late-stage mediation or settlement conference.** The parties must participate in a late-stage settlement conference or mediation by the applicable deadline established above. All attorneys and their clients must personally appear and participate in good faith in the settlement conference, even if no settlement is expected.
   4. **Mediator required.** At least one of the three resolution conferences described above must involve a mediator agreed to by the parties. If the parties are unable to agree on a mediator, they will timely advise the court of their disagreement and make recommendations. The court will then appoint a person to serve as the mediator.
   5. **Notice to Court**. If this case settles, counsel will promptly advise the court and file a motion and proposed order identifying and vacating each date and setting on the docket. The settlement must be reduced to writing and approved by all parties before counsel notify the court.
8. **Continuances**. The court takes seriously its obligation to expedite discovery and to resolve disputes expeditiously. Consequently, all dates set forth in this order are firm and may be modified only by this court’s order upon extraordinary cause shown.
9. **Court Reporter**. The chancery court does not have an official court reporter. Any party requesting the reporting of a particular matter by a reporter must do so as soon as possible and no later than seven business days before any scheduled event. If the parties wish to have all proceedings reported, they must make such a request early in the case.
10. **Other Matters.** *Identify any other matters that are significant to case management and the expedited resolution of this matter. State whether the court should resolve any areas of disagreement, not identified above, at the case management and scheduling conference*.

**Submitted by:**

/s/

[Counsel] Date

Attorney(s) for Plaintiff

/s/

[Counsel] Date

Attorney(s) for Defendant

**By the court:**

The court, after considering the parties’ Joint Proposed Case Management and Scheduling Order (FSX No. \_\_\_\_\_\_\_) and holding a case management and scheduling conference on \_\_\_\_\_\_\_\_, 2025, enters this Case Management and Scheduling Order. In accordance with W.R.C.P.Ch.C. 16(d), this order controls the course of this action unless modified by the court.

**SO ORDERED.**

Dated: Benjamin M. Burningham

CHANCERY COURT JUDGE