1. **Minimum liability limits**

   $25,000 one person; $50,000 two or more persons; $20,000 property damage

2. **Negligence laws (Is the jurisdiction a pure contributory negligence state; what type of comparative fault is applicable, etc.?)**

   50% Comparative. Modified comparative fault in which a defendant is liable only for his or its percentage share of the total fault (which includes the percentage of fault of all parties and non-parties). There is no recovery if the Plaintiff’s share of the total fault (including the percentage of fault of all parties and non-parties) is greater than 50%.

3. **Bodily Injury Statute of Limitations**

   The statute of limitations is four (4) years generally and two (2) years for professional malpractice. A person injured while a minor or under a legal disability has three (3) years after reaching the age of majority (18) or the legal disability is removed.

4. **Property Damage Statute of Limitations**

   Four (4) years

5. **Are punitive damages insurable in the jurisdiction?**

   Yes

6. **Is there an intrafamily immunity defense?**

   No.

7. **Is there a bodily injury damage threshold? If so, what is it?**

   No.
8. **What are the quick rules on Subrogation MP/PIP?**

   Wyoming recognizes subrogation in medical pay scenarios. Personal injury protection is not recognized in Wyoming.

9. **Are there no fault laws in the jurisdiction?**

   No.

10. **Is the customer's insurance primary?**

    Depends on contract.

11. **Is there a seat belt defense?**

    No.

12. **Is there a last clear chance defense?**

    Not as such. The comparative fault statute implicitly incorporated the doctrine of last clear chance into the percentage of negligence determination.

13. **Is there an assumption of risk defense?**

    Not as such. Like "last clear chance," after the enactment of comparative fault, "assumption of risk," because it is a type of contributory negligence, was merged into the system of comparative fault.

14. **Is there a UM requirement?**

    Must be included in the policy, but the named insured can reject the coverage.

15. **Is there a physical contact requirement?**

    Yes, with limited exceptions. Recovery for emotional damages is allowed only when they are accompanied by physical injury, exposure to physical harm or willful, wanton or malicious conduct. As to UM/UIM coverage, Chapter 23, Section 6(a) of the Wyoming Insurance Department Regulations voids policy provisions that would require physical contact.

16. **Is there a mandatory ADR requirement?**

    Yes, if any party demands it.

17. **Are agreements reached at a mediation enforceable?**
Yes, subject to contract law.

18. **What is the standard of review for a new trial?**

A new trial may be ordered for the following: a) irregularity in the proceedings preventing a fair trial; b) misconduct of the jury or the prevailing party; c) accident or surprise which could not have been anticipated; d) excessive damages; e) error in the assessment of damages, whether too larger or too small; f) verdict not sustained by sufficient evidence or is contrary to law; g) newly discovered evidence that could not have been discovered; or h) error of law.

19. **Is prejudgment interest collectable? If so, at what rate?**

Not in the typical tort claim for personal injury or property damage. Prejudgment interest is available only where the claim is "liquidated," which is defined as one that is readily computable by basic mathematical calculation. The rate of interest is 7% on liquidated prejudgment amounts owed in the absence of a contract specifying the amount of interest. 40-14-106(e) and *Miles v CEC Homes*, 753 P.2d 1021.

20. **Is post judgment interest collectable? If so, at what rate?**

Yes. 10% per annum.

21. **Is there a workers compensation exclusive remedy defense?**

Yes.

22. **Is the doctrine of joint and several liability applicable?**

No.

23. **Is there a self-critical analysis privilege?**

No.

24. **Is accident reconstruction data admissible?**

Yes, assuming *Daubert* standards are met.

25. **What is the rule on admissibility of medicals paid/reduced vs. total bills submitted?**

This issue has not, to date, been addressed by the Wyoming Supreme Court. In a recent appeal of a diversity case from the U.S. District Court for Wyoming, the 10th Circuit Court of Appeals affirmed the trial court’s exclusion of evidence of discounted amounts of medical bills paid by Wyoming Workers’ Compensation and accepted as full payment by the provider, ruling that the collateral source rule precluded introduction of such evidence.
26. **What is the jurisdiction’s rule on offers of judgment?**

The Wyoming Rule is entitled "Offer of settlement" and is available to any party. The offer may be made 60 days after service but not later than 30 days prior to trial. The offer must be accepted within 10 days. If not accepted, if the judgment finally obtained by the offeree is not more favorable than the offer, the offerree must pay the costs incurred after the making of the offer.

27. **What is the jurisdiction's rule on spoliation of evidence?**

The consequences of spoliation of evidence depend upon the facts related to the cause and culpability of the party responsible for the loss or destruction of evidence and can range from no sanction, to a presumption that the evidence would have been unfavorable to the party that lost or destroyed it, to outright dismissal.

28. **Are there damages caps in place?**

No.

29. **Is CSA 2010 data admissible?**

No known decisions.

30. **Briefly, does the jurisdiction have any unique rules on electronic discovery?**

No.

31. **Is sudden emergency doctrine recognized in the jurisdiction?**

In some cases, yes. The Wyoming Supreme Court acknowledged since Wyoming follows a modified comparative fault analysis the sudden emergency doctrine is only applicable to determine whether a party used proper care, rather than a complete defense or bar to recovery. Moreover, only under certain circumstances (as evidenced by various factors) may a court instruct a jury on the sudden emergency doctrine for proper apportionment of fault. See *Roberts v. Estate of Randall*, 2002 WY 115, ¶¶ 23—25, 51 P.3d 204, 213-14 (Wyo. 2002).

32. **Are there any rules prohibiting or limiting the use of the reptile theory at trial?**

Not explicitly. “Golden Rule" arguments asking jurors to place themselves into shoes of a party are prohibited. The Wyoming Supreme Court prohibited as improper argument Golden Rule-based argument in the case of *Russell v. Logan v. Pacific Intermountain*
Express Company, 400 P.2d 488 (Wyo. 1965) (as to liability) and in the case of Henman v. Klinger, 409 P.2d 631 (Wyo. 1966) (with regard to damages).

Although there are no published cases in Wyoming directly mentioning "Reptile Theory" by name, Wyoming courts will consider admissibility arguments in motions in limine based on Rules 401, 403 and 404 with regard to subjects of general safety rules/regulations, potential harm to the public and endangering the public/community.

33. **What are the jurisdictional limits of the jurisdiction’s civil courts - i.e., Small Claims, District Court, Superior Court?**

   a) District Courts - Unlimited, where the prayer for recovery is an amount exceeding $50,000
   
   b) Circuit Courts - $50,000
   
   c) Small Claims - $6,000

34. **Are state judges elected or appointed?**

   All Wyoming judges are appointed and then subject to a retention election every six (6) years for trial court judges and eight (8) years for Supreme Court justices.