

**BEFORE THE COMMISSION ON JUDICIAL CONDUCT AND ETHICS
STATE OF WYOMING**

An inquiry concerning	)	COMMISSION ON JUDICIAL
	)	CONDUCT AND ETHICS
The Honorable Ruth Neely)	
	)	COMMISSION ON JUDICIAL CONDUCT
Municipal Court Judge and	)	AND ETHICS
Circuit Court Magistrate	)	Official Record
Ninth Judicial District	)	FILED
Pinedale, Sublette County	)	Date: 10/8/15
	)	<i>Wendy J. Soto</i>
	)	Wendy J. Soto

NOTICE OF MOTION AND MOTION TO CONTINUE HEARING

NOTICE IS HEREBY GIVEN that, as soon as the matter may be heard by the Presiding Officer of the Adjudicatory Panel, Respondent Honorable Ruth Neely will, and hereby does, move for an order continuing the hearing in this case to a date to be determined by the Presiding Officer after consultation with the parties. This motion is made upon the grounds that, under the current schedule, there will be insufficient time to fully brief and decide Respondent's contemplated motion for summary judgment while simultaneously allowing Respondent adequate time to prepare for the hearing.

Counsel for Respondent contacted counsel for the Commission, informed him that Respondent intends to file a motion for summary judgment, and conferred

about extending the date for the hearing to allow sufficient time to brief and decide Respondent's motion for summary judgment prior to the hearing date. Counsel for the Commission would not agree to seek an extension jointly, compelling Respondent to file this motion.

Under the current scheduling order, Respondent's motion for summary judgment is due on October 30, 2015. Under Wyoming Rule of Civil Procedure 6(c), the Commission will have 20 days after service of Respondent's summary-judgment motion to serve a response, after which Respondent will have 15 days to serve her reply. Respondent believes that the full amount of time allowed by the default briefing schedule is necessary given the gravity and complexity of the constitutional issues presented by this case, as well as the fact that the Commission is attempting to remove Respondent from the bench. Respondent anticipates filing her motion for summary judgment on the dispositive-motion filing deadline of October 30. Accordingly, the motion will not be fully briefed until December 4, which would be the second day of the hearing as currently scheduled. The Presiding Officer would thus not be able to rule on the motion before the hearing.

This would deny Respondent the opportunity to resolve this matter in the "just, speedy and inexpensive" manner afforded by the summary-judgment process. Wy. R. Civ. P. 1; *see also* Wy. R. Civ. P. 56; *Celotex Corp. v. Catrett*, 477 U.S. 317, 327 (1986) ("Summary judgment procedure is properly regarded not


as a disfavored procedural shortcut, but rather as an integral . . . to secure the just, speedy and inexpensive determination of every action.”) (internal quotation marks and citation omitted); *Iberlin v. TCI Cablevision of Wyoming, Inc.*, 855 P.2d 716, 719 (Wyo. 1993) (“A summary judgment is appropriate when the only issue is the resolution of a question of law based upon a settled set of facts”). Indeed, Respondent believes that this matter can be resolved through her summary-judgment motion, and if she is correct, that would eliminate the expense and inconvenience of holding a hearing and compelling the attendance of witnesses from across the state at that hearing. Respondent wants to ensure that she has a full opportunity to brief, and that the Adjudicatory Panel has a full opportunity to consider, her motion for summary judgment.

Moreover, even if a shorter briefing schedule were possible, and even if the Adjudicatory Panel ruled on the summary-judgment motion expeditiously, the motion would at best be resolved just a few days before the hearing. Thus, counsel for Respondent would still need to prepare for a formal hearing in this matter—which, among other things, will entail subpoenaing multiple witnesses, coordinating witness travel to the place of the hearing, compiling exhibit and witness lists, and potentially filing motions in limine. Not only would Respondent’s counsel need to do this while simultaneously completing the

summary-judgment process, counsel would need to prepare for a hearing without even knowing whether the hearing will be necessary.

In sum, counsel for Respondent is proceeding diligently to prepare not only its motion for summary judgment but also for the potential of a hearing. Given the current timeline, counsel believes that good cause exists to continue the hearing date so that the Adjudicatory Panel or Presiding Officer can fully consider Respondent's motion for summary judgment, which Respondent believes should result in dismissal of the case without the need for a hearing.

Dated: October 8, 2015



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Attorneys for Respondent
**Out-of-State Certification Obtained*

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of October, 2015, I served the foregoing Motion by electronic mail on the following:

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STATE OF WYOMING**

An inquiry concerning)	COMMISSION ON JUDICIAL
)	CONDUCT AND ETHICS
The Honorable Ruth Neely)	
	)	No. 2014-27
Municipal Court Judge and)	
Circuit Court Magistrate)	
Ninth Judicial District)	
Pinedale, Sublette County)	
)	

ORDER GRANTING MOTION TO CONTINUE HEARING

The matter having come on for hearing upon the motion of counsel for Respondent Honorable Judge Neely; and a telephonic hearing having been held on the matter on October ____, 2015,

The following dates and deadlines will apply to further proceedings in this matter:

1. The current discovery and dispositive motion deadline shall remain in place. Accordingly, Counsel shall serve and file any dispositive motion on or before **October 30, 2015**.
2. Counsel shall serve and file any responses to dispositive motions by **November 19, 2015**.
3. Counsel shall file any replies to dispositive motions by **December 4, 2015**.
4. Counsel shall exchange all exhibit and witness information, including providing any exhibit or witness list in the format similar to that required by the federal court, on or before _____ (2 weeks prior to hearing date).

5. The adjudicatory hearing will commence on _____ (first day of hearing) at 9:00 a.m. and continue as necessary through _____ (final day of hearing) in _____ (location of hearing), at _____ (address for the location of hearing).

SO ORDERED this _____ day of October, 2015.

Mel C. Orchard III
Presiding Officer/Hearing Officer