

FILED

IN THE CHANCERY COURT, STATE OF WYOMING

2025 WYCH 3

Angela and Theodore Chagnon, Individ-
ually and as Shareholders, and Total
Warrior Combat, LLC Derivatively,

Plaintiffs,

v.

Holly Nelson, an Individual

Defendant.

Case No. CH-2025-0000002

Order Enlarging Period to Answer

[¶1] This matter is before the court on defendant Holly Nelson's Motion for Leave to File Answer Out of Time filed April 22, 2025 (FSX No. 76129003). Having considered the request presented therein and the grounds raised in its support, the court will enlarge the period during which Ms. Nelson may file an answer in this lawsuit to May 30, 2025.

[¶2] Ms. Nelson seeks an extension for several reasons, including a recent automobile accident involving a commercial semi-truck, familial obligations with a parent recovering from cancer and spinal fractures, as well as a current inability to access her personal computer. According to plaintiffs' Affidavit of Service (FSX No. 76031620), service was perfected on Ms. Nelson on March 31, 2025, at her father's house in Florida. Under W.R.C.P.Ch.C. 12(a)(1)(A)(ii), then, she has until April 30 to serve an answer in this lawsuit. The April 22 motion for more time was filed before expiration of the deadline Ms. Nelson seeks to extend.

[¶3] Rule 6 assigns different standards for enlargement of time depending on whether an order is sought before or after a deadline expires:

(b) Extending Time.

(1) *In General.* When by these rules . . . an act is required or allowed to be done at or within a specified time, the chancery court . . . may for good cause and in its discretion:

(A) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed . . . ; or

(B) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect[.]

W.R.C.P.Ch.C. 6.

[¶4] Ms. Nelson moved for relief under W.R.C.P.Ch.C. 6(b)(1)(B), but the court will treat her filing as a “request” under Rule 6(b)(1)(A) because the deadline she seeks to postpone has not yet passed. A request under Rule 6(b)(1)(A) need not meet the formalities of a motion served under Rule 7(b) and may even be granted without notifying the parties affected. *Cf. Lujan v. Nat’l Wildlife Fed’n*, 497 U.S. 871, 897 n.5 (1990) (stating that a post-deadline request for extension of time under F.R.C.P. 6(b)(1)(B) “must contain a high degree of formality and precision, putting the opposing party on notice that a motion is at issue and that he therefore ought to respond.”). Pre-deadline requests “normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.” § 1165 Extending Time—In General, 4B Fed. Prac. & Proc. Civ. § 1165 (4th ed.).

[¶5] According to Ms. Nelson’s motion, plaintiffs have agreed to an additional 14 days, or until May 14, during which she may serve an answer. Although deadlines may not be extended by party agreement under U.R.Ch.C. 202, the court discerns no prejudice to plaintiffs in allowing 16 days beyond the extension already agreed to. Nor does it appear that the additional time is requested in bad faith. The motion will therefore be granted.

[¶6] Ms. Nelson’s motion also raises her *pro se* status as grounds for more time, but the court cautions against any belief that proceeding *pro se* presents good cause for additional time under Rule 6. In Wyoming, a “pro se litigant is treated no differently than he would be if he were represented by an attorney.” *Dewey v. Dewey*, 2001 WY 107, ¶ 17, 33 P.3d 1143, 1147 (Wyo. 2001) (citations omitted). That standard is especially applicable in chancery court: a specialized forum “established for the expeditious resolution of disputes.” Wyo. Stat. § 5-13-115. The chancery court’s procedural rules were designed to resolve most of its cases within 150 days of a case’s scheduling order—Wyo. Stat. § 5-13-104, W.R.C.P.Ch.C. 1—and a scheduling order is typically issued within 14 days after any defendant answers. W.R.C.P.Ch.C. 16(b)(1). All litigants are welcome to appear *pro se* in chancery court, but when doing so must be prepared to meet the 150-day dispute resolution target. That timeframe will not

permit additional time under Rule 6 “to understand and comply with legal procedures” as the motion proposes.

[¶7] For the other reasons raised, the request for additional time is **GRANTED**. Defendant will have up to and including May 30, 2025, during which she may serve an answer.

Dated: 04/24/2025

/s/ Benjamin M. Burningham
Chancery Court Judge