

**FILED**

IN THE CHANCERY COURT, STATE OF WYOMING

2025 WYCH 5

Daniel Ayres,

Plaintiff,

v.

La Beliza Resort LLC and Justin  
Lambert,

Defendants.

Case No. CH-2024-0000017

---

**Order Vacating and Resetting Status Conference**

---

[¶1] This matter is before the court on its own motion. The chancery court is a forum for the “expeditious resolution of disputes.” Wyo. Stat. § 5-13-115(a). Expeditious resolution means resolving most cases within 150 days from the entry of the case management scheduling order. See Wyo. Stat. § 5-13-104(h); W.R.C.P.Ch.C. 1. Achieving that goal depends on active case management by the court and diligent participation by the parties and their counsel.

[¶2] To expedite resolution in this matter, and after conferring with the parties, the court issued a Case Management and Scheduling Order (CMSO) on March 28, 2025 (FSX No. 75963565). That order governs all deadlines in this case and is intended to move the matter toward resolution while minimizing expense and delay. It relies on strict adherence by the parties. Troublingly, the parties have not complied.

[¶3] Among other requirements, the CMSO sets periodic status conferences, including one set for tomorrow, June 20, 2025. It requires the parties to file a joint status report at least three days before each such conference. No report has been filed for tomorrow’s hearing.

[¶4] This failure reflects a broader pattern of noncompliance. Under the court’s March 19, 2025 Order (FSX 75894286), the parties were required to file a joint case management report no later than two business days before the March 26 conference. They failed to do so. Instead, plaintiff and the individual defendant submitted separate reports after the deadline. The court nevertheless granted an extension to allow a joint report. *See* Order re Case Mgmt (FSX No. 75944475).

[¶5] Now again, the court finds itself extending deadlines and resetting matters to accommodate the parties’ failure to meet obligations established after conferral. To

allow for a meaningful status conference, the court hereby **VACATES** the June 20, 2025 conference and **RESETS** it for **June 26, 2025 at 10:00 a.m.**, to be conducted via Microsoft Teams.

[¶6] By **June 24, 2025**, the parties shall file a single joint status report (no more than three pages) addressing:

- the status of each CMSO deadline;
- progress on settlement discussions;
- any motions currently pending before the court; and
- any items requiring court attention.

[¶7] In addition, by **June 24, 2025**, plaintiff shall refile the **ESI Protocol** and **Model Protective Order** using the “proposed order” document type, with each attached to a notice of filings of proposed order. These documents must be properly submitted so that the court may enter them before the June 26 status conference.

[¶8] The court takes this opportunity to address service issues that continue to delay this case. In the March 27 joint report, plaintiff represented that the entity defendant, La Beliza Resort LLC, would be served by April 2. At the April 21 status conference, plaintiff again assured the court that service would be promptly completed. And plaintiff first suggested that it would attempt service upon the entity defendant in accordance with Wyo. Stat. § 17-28-104 at the January 16, 2025 default judgment hearing. *See* Ord. Re. Def. Judg. Hear. (FSX No. 75470410). Yet, the entity defendant remains unserved.

[¶9] Rule 4(w) of the Wyoming Rules of Civil Procedure for Chancery Court provides:

(w) Time limit for service. If a defendant is not served within 90 days after the initial pleading is filed, the chancery court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the chancery court must extend the time for service for an appropriate period.

[¶10] More than 300 days after the petition was filed, plaintiff has neither served the entity defendant nor filed proof of service as required under Rule 4(s)(1). Accordingly, it is **ORDERED** that by **June 24, 2025**, plaintiff shall file a written statement showing good cause for the failure to timely serve La Beliza Resort LLC. Plaintiff shall also be prepared to address service efforts during the June 26 status conference. If good cause is not shown, the court will dismiss the action without prejudice as to the unserved entity defendant.

[¶11] Finally, consistent with the chancery court's mission of expedited resolution, and with trial scheduled for August 6, 2025, the court expects strict adherence to both the CMSO and this order. Continued noncompliance will result in appropriate sanctions.

**IT IS SO ORDERED.**

**Dated:** 06/19/2025

/s/ Benjamin M. Burningham  
CHANCERY COURT JUDGE