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IN THE FOURTH DISTRICT COURT  
FOR THE STATE OF WYOMING

Crosby Taylor, et al.,	)	<b>FILED 4TH JUDICIAL DISTRICT COURT</b>
Petitioners	)	<b>CASE NO. _____</b>
vs	)	Case No. CV-2021-0009
	)	APR 01 2021
Governor Gordon, et. at.,	)	<b>JOHNSON COUNTY, WYOMING</b>
Respondents	)	_____
		<b>Clerk of District Court</b>

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PETITIONERS REQUEST TO DISMISS ALL COUNTY ATTORNEYS  
AND TO HOLD THE ATTORNEY GENERAL'S OFFICE IN CONTEMPT  
FOR VIOLATING W.S. § 6-5-306

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COMES NOW, the Petitioners through their attorney Nick Beduhn, to request this Court to dismiss all County Attorneys in this case pursuant to Wyoming Statute § 35-1-227 and §35-1-220. The Petitioners further request that the Attorney General (hereinafter AG) be held in Contempt for failure to abide to Wyoming Statute 6-5-306 due to AG's failure to accept service on behalf of all of the Wyoming County Health Officers. The Petitioners have requested that this Court take judicial notice previously,

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and further request this Court take action for the reasons set forth below:

The first is that Wyoming § 35-1-227 provides,

“The county health officers of this state shall be under the direction and supervision of the state department of health, and the state department of health shall have authority to make such rules and regulations for the government and direction of said county health officers as in their judgment may be best suited to maintain public health.”

Second, Wyoming § 3 5-1-220 provides - in pertinent part – that:

“The attorney general of Wyoming shall be the legal advisor for the department of Health and shall defend it in all action and proceedings brought against it.”

Thus, Petitioners' attorney asserts that the AG was properly served for the Governor, Department of Health, and **ALL** County Health Officers. The refusal by the AG was in error and contrary to the AG's statutory authority. After being properly served, Chief Deputy Attorney General Ryan Schelhaas notified Petitioner's attorney on March 1, 2021 stating that the AG was refusing and would not accept service on behalf of the county health officers.

The Petitioners believe that the sole purpose of the AG's refusal of service was to run up the costs on the Petitioners by forcing service to be made upon each and every county.

As a safety measure, despite believing service was properly made to the AG,

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Petitioners' attorney served every County Respondent individually. In addition to incurring direct expenditures, Petitioners' attorney has had to spend a lot of time dealing with phone calls and filings by various county attorneys. Therefore, the Petitioners are requesting this Court hold the Attorney General in contempt for violating W.S. § 6-5-306, which states:

6-5-306. Refusal to appear or testify; avoidance of service; penalties; summary proceedings for contempt.

(a) A person is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if he:

(i) Refuses or intentionally fails to obey a lawful subpoena or citation which has been served upon him;

(ii) Secretes himself or leaves his residence to avoid being served with a subpoena; or

(iii) Refuses to take an oath or affirmation or, being sworn or affirmed, refuses to answer a question required by the court or presiding officer.

(b) This section shall not prevent summary proceedings for contempt.

In *Fisher v. McDaniel*, 9 Wyo. 457, 64 P. 1056, 1901 Wyo. LEXIS 23 (Wyo. 1901), the Court concluded that it may punish for contempt disobeying of summons or subpoena, though such offense is indictable. W.S. § 6-5-306(a) indicates that a misdemeanor charge could potential be imposed, but this seems fairly draconian. The Petitioners therefore request that the AG be held in Contempt of Court pursuant to W.S. §

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6-5-306(a)(i) and (b). The Petitioners believe that an equitable remedy to relieve the AG of Contempt is to reimburse the service of process costs because the Petitioners had to serve all twenty-three (23) counties in the State of Wyoming, reimburse costs of mailing, and attorney's fees.

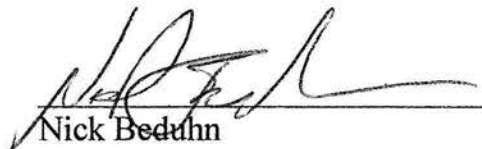
WHEREFORE, the Petitioners request that this Court:

1. Dismiss ALL District or County Attorneys and any/all of their filings in this case as such has been done without any authority.

2, Hold the AG in Contempt for their failure to accept service on behalf of the County Health Officers as they are directed by Wyoming statute.

3. Sanction the AG by ordering that all costs incurred by the Petitioner for the additional service of process expenditures of both time and funds be reimburse to the Petitioners.

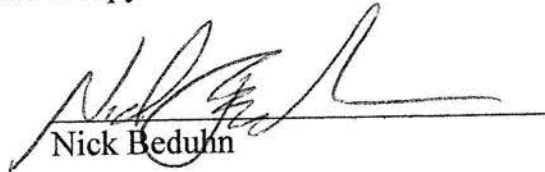
**DATED** this 1<sup>ST</sup> day of April, 2021.



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**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that I served a copy of the foregoing Petitioners Request to Dismiss all County Attorneys and to Hold the Attorney General's Office in Contempt for Violating W.S. § 6-5-306 a copy thereof to all current Respondents this 1<sup>st</sup> day of April, 2021.

  
Nick Beduhn