

SUPREME COURT OF WYOMING

Wendy R. Williams v. Richard Gage, Individually, and Richard Gage, P.C.

Williams, 2026 WY 30 (Wyo. 2026) · No. S-25-0206 · Decided March 5, 2026

SUMMARY

The Wyoming Supreme Court affirmed summary judgment for Richard Gage and Richard Gage, P.C. in Wendy Williams's legal malpractice action. The court held that the district court did not abuse its discretion by denying Williams's untimely requests to extend expert-designation and discovery deadlines because she failed to show good cause and excusable neglect. The court also held that expert testimony was necessary to establish the standard of care, breach, and causation, and declined to consider Williams's privacy-related arguments because she had not raised them below.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	HILL, Justice; BOOMGAARDEN, C.J.; GRAY, J.; FENN, J.; JAROSH, J.; HILL, J.
JURISDICTION	Supreme Court of Wyoming
DECIDED	March 5, 2026
DOCKET	S-25-0206
DISPOSITION	affirmed
PROCEDURAL POSTURE	Williams appealed from the Laramie County District Court's denial of her motions to extend deadlines and grant of summary judgment for Gage and Gage, P.C. in a legal-malpractice action.
STANDARD OF REVIEW	Denial of a motion for additional time is reviewed for abuse of discretion. Summary judgment is reviewed de novo, using the same materials and standards as the district court. Issues raised for the first time on appeal are generally not considered unless jurisdictional or fundamental.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential.
PARTIES	Wendy R. Williams v. Richard Gage, individually, Richard Gage, P.C.

TOPICS

summary judgment

professional negligence

civil procedure

appellate procedure

preservation of error

PRACTICE AREAS

civil procedure

professional negligence

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court abused its discretion by denying Williams's motions to extend the expert-designation and discovery deadlines.
2. Whether the district court properly granted summary judgment to Gage and Gage, P.C. on Williams's legal-malpractice claim.
3. Whether the Supreme Court should consider Williams's privacy-law and Wyoming Rule of Civil Procedure 5.2 arguments raised for the first time on appeal.

HOLDINGS

1. The district court did not abuse its discretion in denying Williams's motions to extend the expert-designation and discovery deadlines because, having filed the requests after the deadlines expired, she failed to demonstrate both good cause and excusable neglect.
2. Summary judgment was proper because Williams's failure to designate an expert left her unable to establish the professional standard of care, breach, or legal causation, and the issues in this case were not within the common knowledge and experience of laypersons.
3. The court declined to consider Williams's privacy-law and Rule 5.2 arguments because she did not raise them in the district court and they were neither jurisdictional nor fundamental.

KEY QUOTATIONS

“Accordingly, a district court may extend a deadline for good cause if the request for the extension is made before the deadline expires. If the request for an extension is made after the original deadline has passed, the court must also determine whether the failure to meet the deadline is the result of excusable neglect.” (¶ 11)

“To succeed on a legal malpractice claim, the plaintiff must prove three elements by a preponderance of the evidence.” (¶ 22)

“A party would not need expert testimony only if a lay person’s “common sense and experience are sufficient to establish the standard of care.”” (¶ 23)

FACTUAL BACKGROUND

Williams alleged that attorney Richard Gage committed legal malpractice in handling her petition under the National Vaccine Injury Compensation Program. She claimed Gage failed to include a claim concerning a 2010 vaccination and thereby prevented her from obtaining compensation for injuries allegedly caused or aggravated by the vaccination. Williams failed to designate a legal-malpractice expert by the scheduling-order deadline and did not show diligent efforts to obtain one. The district court denied extensions of the relevant deadlines and

granted summary judgment because expert testimony was necessary to establish the standard of care, breach, and causation.

PROCEDURAL HISTORY

Williams filed a legal-malpractice complaint in January 2024. The district court dismissed her negligent-infliction-of-emotional-distress claim, leaving a negligence/malpractice claim. After Williams failed to timely designate a malpractice expert, the district court denied her requests to extend the expert-designation and discovery deadlines and granted defendants' motion for summary judgment. The Wyoming Supreme Court affirmed and declined to consider privacy-related arguments raised for the first time on appeal.

DISPOSITION

affirmed

CASES CITED

- Adams v. Gallegos, 2025 WY 71, ¶ 13, 571 P.3d 337, 339 (Wyo. 2025)
- Jacobson v. Cobbs, 2007 WY 99, ¶ 10, 160 P.3d 654, 657 (Wyo. 2007)
- Hale v. City of Laramie, 2025 WY 133, ¶ 19, 580 P.3d 516, 520 (Wyo. 2025)
- Cornell v. Mecartney, 2025 WY 97, ¶ 15, 575 P.3d 349, 353 (Wyo. 2025)
- Hutton v. Dykes, 2025 WY 94, ¶ 16, 575 P.3d 334, 341 (Wyo. 2025)
- Utah Republican Party v. Herbert, 678 F. App'x 697, 700-01 (10th Cir. 2017)
- Bishop v. Corsentino, 371 F.3d 1203, 1207 (10th Cir. 2004)
- Gorsuch, Ltd., B.C. v. Wells Fargo Nat'l Bank Ass'n, 771 F.3d 1230, 1240 (10th Cir. 2014)
- Weber v. McCoy, 950 P.2d 548, 553 (Wyo. 1997)
- Whitney v. McDonough, 892 P.2d 791, 794 (Wyo. 1995)
- RDG Oil & Gas, LLC v. Jayne Morton Living Tr., 2014 WY 102, ¶ 14, 331 P.3d 1199, 1202 (Wyo. 2014)
- Crossan v. Irrigation Development Corp., 598 P.2d 812, 813 (Wyo. 1979)
- Chevron U.S.A., Inc. v. Dep't of Revenue, 2007 WY 62, ¶ 9, 155 P.3d 1041, 1043 (Wyo. 2007)
- Whitt v. State ex rel. Wright, 2001 WY 128, ¶ 12, 36 P.3d 617, 621 (Wyo. 2001)
- Bloedow v. Maes-Bloedow, 2024 WY 115, ¶ 42, 558 P.3d 576, 589 (Wyo. 2024)
- Matter of GP, 679 P.2d 976, 984 (Wyo. 1984)
- Suchta v. O.K. Rubber Welders, Inc., 386 P.2d 931, 933 (Wyo. 1963)
- Hunter v. Universal Precast Concrete, Inc., 2025 WY 129, ¶ 19, 581 P.3d 686, 698 (Wyo. 2025)
- Groff v. McKellar Tiedeken & Scoggin, LLC, 2025 WY 54, ¶ 14, 568 P.3d 1164, 1167 (Wyo. 2025)
- Weir v. Expert Training, LLC, 2022 WY 44, ¶ 15, 507 P.3d 442, 447 (Wyo. 2022)
- Campbell v. Davidson, 2023 WY 100, ¶ 18, 537 P.3d 734, 741 (Wyo. 2023)
- Page v. Meyers, 2021 WY 73, ¶ 9, 488 P.3d 923, 926 (Wyo. 2021)
- Chesapeake Expl., LLC v. Morton Prod. Co. LLC, 2025 WY 15, ¶ 29, 562 P.3d 1286, 1295 (Wyo. 2025)

- Kaufman v. Rural Health Dev., Inc., 2019 WY 62, ¶ 14, 442 P.3d 303, 307 (Wyo. 2019)
- Scranton v. Woodhouse, 2020 WY 63, ¶¶ 23, 25, 463 P.3d 785, 790-91 (Wyo. 2020)
- Bear Peak Res., LLC v. Peak Powder River Res., LLC, 2017 WY 124, ¶ 27, 403 P.3d 1033, 1044 (Wyo. 2017)
- Gowdy v. Cook, 2020 WY 3, ¶ 22, 455 P.3d 1201, 1207 (Wyo. 2020)
- Tozzi v. Moffett, 2018 WY 133, ¶ 36, 430 P.3d 754, 764 (Wyo. 2018)
- Moore v. Lubnau, 855 P.2d 1245, 1248-50 (Wyo. 1993)
- Dockter v. Lozano, 2020 WY 119, ¶ 28, 472 P.3d 362, 370 (Wyo. 2020)
- Meyer v. Mulligan, 889 P.2d 509, 516 (Wyo. 1995)
- Horn v. Wooster, 2007 WY 120, ¶¶ 9, 15, 165 P.3d 69, 72, 74 (Wyo. 2007)
- Sharpe v. Evans, 2025 WY 70, ¶ 14, 570 P.3d 731, 736 (Wyo. 2025)
- Evans v. Sharpe, 2023 WY 55, ¶ 42, 530 P.3d 298, 312 (Wyo. 2023)
- Stevens v. Governing Body of Town of Saratoga, 2025 WY 35, ¶ 62, 566 P.3d 166, 180 (Wyo. 2025)