

1 **Rule 6. Time.**

2 ~~(a) Computation. In computing any period of time prescribed or allowed by these~~
3 ~~rules, by the local rules of any district court, by order of court, or by any applicable~~
4 ~~statute, the day of the act, event, or default from which the designated period of time~~
5 ~~begins to run shall not be included. The last day of the period so computed shall be~~
6 ~~included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period~~
7 ~~runs until the end of the next day that is not a Saturday, a Sunday, or a legal holiday.~~
8 ~~When the period of time prescribed or allowed, without reference to any additional time~~
9 ~~provided under subsection (e), is less than 11 days, intermediate Saturdays, Sundays~~
10 ~~and legal holidays shall be excluded in the computation.~~

11 ~~(b) Enlargement. When by these rules or by a notice given thereunder or by order of~~
12 ~~the court an act is required or allowed to be done at or within a specified time, the court~~
13 ~~for cause shown may at any time in its discretion (1) with or without motion or notice~~
14 ~~order the period enlarged if request therefor is made before the expiration of the period~~
15 ~~originally prescribed or as extended by a previous order or (2) upon motion made after~~
16 ~~the expiration of the specified period permit the act to be done where the failure to act~~
17 ~~was the result of excusable neglect; but it may not extend the time for taking any action~~
18 ~~under Rules 50(b), 52(b), 59(b), (d) and (e), and 60(b), except to the extent and under~~
19 ~~the conditions stated in them.~~

20 ~~(c) Unaffected by expiration of term. The period of time provided for the doing of any~~
21 ~~act or the taking of any proceeding is not affected or limited by the continued existence~~
22 ~~or expiration of a term of court. The continued existence or expiration of a term of court~~
23 ~~in no way affects the power of a court to do any act or take any proceeding in any civil~~
24 ~~action that has been pending before it.~~

25 ~~(d) Notice of hearings. Notice of a hearing shall be served not later than 5 days~~
26 ~~before the time specified for the hearing, unless a different period is fixed by these rules~~
27 ~~or by order of the court. Such an order may for cause shown be made on ex parte~~
28 ~~application.~~

29 ~~(e) Additional time after service by mail. Whenever a party has the right or is~~
30 ~~required to do some act or take some proceedings within a prescribed period after the~~
31 ~~service of a notice or other paper upon him and the notice or paper is served upon him~~

32 ~~by mail, 3 days shall be added to the end of the prescribed period as calculated under~~
33 ~~subsection (a). Saturdays, Sundays and legal holidays shall be included in the~~
34 ~~computation of any 3-day period under this subsection, except that if the last day of the~~
35 ~~3-day period is a Saturday, a Sunday, or a legal holiday, the period shall run until the~~
36 ~~end of the next day that is not a Saturday, Sunday, or a legal holiday.~~

37 (a) **Computing time.** The following rules apply in computing any time period
38 specified in these rules, any local rule or court order, or in any statute that does not
39 specify a method of computing time.

40 (a)(1) When the period is stated in days or a longer unit of time:

41 (a)(1)(A) exclude the day of the event that triggers the period;

42 (a)(1)(B) count every day, including intermediate Saturdays, Sundays, and
43 legal holidays; and

44 (a)(1)(C) include the last day of the period, but if the last day is a Saturday,
45 Sunday, or legal holiday, the period continues to run until the end of the next day
46 that is not a Saturday, Sunday or legal holiday.

47 (a)(2) When the period is stated in hours:

48 (a)(2)(A) begin counting immediately on the occurrence of the event that
49 triggers the period;

50 (a)(2)(B) count every hour, including hours during intermediate Saturdays,
51 Sundays, and legal holidays; and

52 (a)(2)(C) if the period would end on a Saturday, Sunday, or legal holiday, the
53 period continues to run until the same time on the next day that is not a Saturday,
54 Sunday, or legal holiday.

55 (a)(3) Unless the court orders otherwise, if the clerk's office is inaccessible:

56 (a)(3)(A) on the last day for filing under Rule 6(a)(1), then the time for filing is
57 extended to the first accessible day that is not a Saturday, Sunday or legal
58 holiday; or

59 (a)(3)(B) during the last hour for filing under Rule 6(a)(2), then the time for
60 filing is extended to the same time on the first accessible day that is not a
61 Saturday, Sunday, or legal holiday.

62 (a)(4) Unless a different time is set by a statute or court order, filing on the last
63 day means:

64 (a)(4)(A) for electronic filing, at midnight; and

65 (a)(4)(B) for filing by other means, the filing must be made before the clerk's
66 office is scheduled to close.

67 (a)(5) The "next day" is determined by continuing to count forward when the
68 period is measured after an event and backward when measured before an event.

69 (a)(6) "Legal holiday" means the day for observing:

70 (a)(6)(A) New Year's Day;

71 (a)(6)(B) Dr. Martin Luther King, Jr. Day;

72 (a)(6)(C) Washington and Lincoln Day;

73 (a)(6)(D) Memorial Day;

74 (a)(6)(E) Independence Day;

75 (a)(6)(F) Pioneer Day;

76 (a)(6)(G) Labor Day;

77 (a)(6)(H) Columbus Day;

78 (a)(6)(I) Veterans' Day;

79 (a)(6)(J) Thanksgiving Day;

80 (a)(6)(K) Christmas; and

81 (a)(6)(L) any day designated by the Governor or Legislature as a state
82 holiday.

83 **(b) Extending time.**

84 (b)(1) When an act may or must be done within a specified time, the court may,
85 for good cause, extend the time:

86 (b)(1)(A) with or without motion or notice if the court acts, or if a request is
87 made, before the original time or its extension expires; or

88 (b)(1)(B) on motion made after the time has expired if the party failed to act
89 because of excusable neglect.

90 (b)(2) A court must not extend the time to act under Rules 50(b) and (c), 52(b),
91 59(b), (d) and (e), and 60(b).

92 (c) **Additional time after service by mail.** When a party may or must act within a
93 specified time after service and service is made by mail, 3 days are added after the
94 period would otherwise expire under paragraph (a).

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