

IN THE SUPREME COURT OF THE STATE OF UTAH

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FILED  
UTAH APPELLATE COURTS

JUL 12 2016

In re: Amendments  
to Rule 6. Time  
of the UTAH RULES OF CIVIL PROCEDURE

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ORDER

IT IS HEREBY ORDERED that the proposed amendments to Rule 6. Time, of the Utah Rules of Civil Procedure, are adopted and promulgated effective July 1, 2016.

FOR THE COURT:

7-12-16

\_\_\_\_\_  
Date



\_\_\_\_\_  
Matthew B. Durrant  
Chief Justice

1       **Rule 6. Time.**

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

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

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

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

7       and

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

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

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

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

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

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

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

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

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

24           (a)(4)(A) for electronic filing, ~~at~~before midnight; and

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

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

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

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

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

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

33           (a)(6)(D) Memorial Day;

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

35           (a)(6)(F) Pioneer Day;

36           (a)(6)(G) Labor Day;

37           (a)(6)(H) Columbus Day;

- 38 (a)(6)(I) Veterans' Day;
- 39 (a)(6)(J) Thanksgiving Day;
- 40 (a)(6)(K) Christmas; and
- 41 (a)(6)(L) any day designated by the Governor or Legislature as a state holiday.

42 **(b) Extending time.**

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

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

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

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

51 **(c) Additional time after service by mail.** When a party may or must act within a specified time after  
52 service and service is made by mail under Rule 5(b)(1)(A)(iv)(3)(C), 3 days are added after the period  
53 would otherwise expire under paragraph (a).

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