

Rule 22. Computation and enlargement ~~extensions~~ of time.

~~(a) Computation of time. In computing any period of time prescribed by these rules, by an order of the court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period extends until the end of the next day that is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed, without reference to any additional time under subsection (d), is less than 11 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this rule, "legal holiday" includes days designated as holidays by the state or federal governments. A time period specified in a rule, order, or statute is computed according to this paragraph unless the rule, order, or statute specifies a different method of computing time.~~

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

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

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

and

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

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

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

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

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

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

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

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

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

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

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

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

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

- 38 (a)(6)(A) New Year's Day;
39 (a)(6)(B) Dr. Martin Luther King, Jr. Day;
40 (a)(6)(C) Washington and Lincoln Day;
41 (a)(6)(D) Memorial Day;
42 (a)(6)(E) Independence Day;
43 (a)(6)(F) Pioneer Day;
44 (a)(6)(G) Labor Day;
45 (a)(6)(H) Columbus Day;
46 (a)(6)(I) Veterans' Day;
47 (a)(6)(J) Thanksgiving Day;
48 (a)(6)(K) Christmas; and
49 (a)(6)(L) any day designated by the Governor or Legislature as a state holiday.
- 50 (a)(7) When the specified time is after service and service is made only by mail, 3 days are added
51 after the period would otherwise expire.
- 52 **(b) Enlargement-Extension of time.**
- 53 (b)(1) ~~Motions~~ A motion for an ~~enlargement-extension~~ of time for filing ~~a~~ briefs ~~beyond the time~~
54 ~~permitted by stipulation of the parties under Rule 26(a)~~ are ~~is~~ not favored.
- 55 (b)(2) The court for good cause shown may upon motion ~~enlarge-extend~~ the time prescribed by
56 these rules or by its order for doing any act, or may permit an act to be done after the expiration of
57 ~~such~~ time, but the court may not ~~enlarge-extend~~ the time for filing a notice of appeal or a petition for
58 ~~review from an order of an administrative agency of a jurisdictional deadline~~, except as specifically
59 expressly authorized by law. For the purpose of this rule, good cause includes, but is not limited to,
60 the complexity of the case on appeal, engagement in other litigation, and extreme hardship to
61 counsel.
- 62 (b)(3) A motion for an ~~enlargement-extension~~ of time ~~shall~~ must be filed ~~prior to~~ before the
63 expiration of the time for which the ~~enlargement-extension~~ is sought.
- 64 (b)(4) A motion for ~~enlargement-an extension~~ of time ~~shall~~ must state:
- 65 (b)(4)(A) with particularity the good cause for granting the motion;
- 66 (b)(4)(B) whether the movant has previously been granted an ~~enlargement-extension~~ of time
67 and, if so, the number and duration of ~~such enlargements~~ extensions;
- 68 (b)(4)(C) when the time will expire for doing the act for which the ~~enlargement of time~~
69 extension is sought; and
- 70 (b)(4)(D) the date on which the act for which the ~~enlargement of time-extension~~ is sought will
71 be completed.
- 72 (b)(5)(A) If the good cause relied ~~upon-on~~ is engagement in other litigation, the motion shall:
- 73 (b)(5)(A)(i) identify ~~such-the~~ the litigation by caption, number and court;

74 (b)(5)(A)(ii) describe the action of the court in the other litigation on a motion for
75 continuance;

76 (b)(5)(A)(iii) state the reasons why the other litigation should take precedence over the
77 ~~subject~~-appeal;

78 (b)(5)(A)(iv) state the reasons why associated counsel cannot prepare the brief for timely
79 filing or relieve the movant in the other litigation; and

80 (b)(5)(A)(v) identify any other relevant circumstances.

81 (b)(5)(B) If the good cause relied ~~upon~~on is the complexity of the appeal, the movant ~~shall~~
82 must state the reasons why the appeal is so complex that an adequate brief cannot reasonably
83 be prepared by the due date.

84 (b)(5)(C) If the good cause relied ~~upon~~on is extreme hardship to counsel, the movant ~~shall~~
85 must state ~~in detail~~ the nature of the hardship.

86 (b)(5)(D) All facts supporting good cause ~~shall~~must be stated with ~~specificity~~ particularity.
87 Generalities, such as "the motion is not for the purpose of delay" or "counsel is engaged in other
88 litigation," are insufficient.

89 ~~(c) Ex parte motion. Except as to enlargements of time for filing and service of briefs under Rule~~
90 ~~26(a), a party may file one ex parte motion for enlargement of time not to exceed 14 days if no~~
91 ~~enlargement of time has been previously granted, if the time has not already expired for doing the act for~~
92 ~~which the enlargement is sought, and if the motion otherwise complies with the requirements and~~
93 ~~limitations of paragraph (b) of this rule.~~

94 ~~(d) Additional time after service by mail. Whenever a party is required or permitted to do an act~~
95 ~~within a prescribed period after service of a paper and the paper is served by mail, 3 days shall be added~~
96 ~~to the prescribed period.~~

97 (c) Motion acted on by clerk. The clerk of the court may act on a motion to extend time:

98 (c)(1) without waiting for a response; and

99 (c)(2) after the deadline has expired, but the motion must be filed before the deadline has
100 expired.

101 **Advisory Committee Note**

102 A motion to enlarge time must be filed prior to the expiration of the time sought to be enlarged. A
103 specific date on which the act will be completed must be provided. The court may grant an extension of
104 time after the original deadline has expired, but the motion to enlarge the time must be filed prior to the
105 deadline.

106 Counsel should note that there is no penalty for seeking an enlargement of time in filing briefs.
107 However, both appellate courts place appeals in the oral argument queue in accordance with the priority
108 of the case and the date of the completion of briefing. Delays in the completion of briefing will likely delay
109 the date of oral argument.

110 If a rule, order, or statute specifies “business” days or “court” days for purposes of calculating a
111 deadline, the calculation is made under paragraph (a), but an intervening Saturday, Sunday, or holiday is
112 not included in the calculation.
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