

**Rule 22. Computation and enlargement 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.

(b) **Enlargement of time.**

(b)(1) Motions for an enlargement of time for filing briefs beyond the time permitted by stipulation of the parties under Rule [26\(a\)](#) are not favored.

(b)(2) The court for good cause shown may upon motion extend the time prescribed by these rules or by its order for doing any act, or may permit an act to be done after the expiration of time. This rule does not authorize the court to extend the jurisdictional deadlines specified by any of the rules listed in Rule [2](#). For the purpose of this rule, good cause includes, but is not limited to, the complexity of the case on appeal, engagement in other litigation, and extreme hardship to counsel.

(b)(3) A motion for an enlargement of time shall be filed prior to the expiration of the time for which the enlargement is sought.

(b)(4) A motion for enlargement of time shall state:

(b)(4)(A) with particularity the good cause for granting the motion;

(b)(4)(B) whether the movant has previously been granted an enlargement of time and, if so, the number and duration of such enlargements;

(b)(4)(C) when the time will expire for doing the act for which the enlargement of time is sought; and

(b)(4)(D) the date on which the act for which the enlargement of time is sought will be completed.

(b)(5)(A) If the good cause relied upon is engagement in other litigation, the motion shall:

(b)(5)(A)(i) identify such litigation by caption, number and court;

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

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

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

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

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

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

(b)(5)(D) All facts supporting good cause shall be stated with specificity.

Generalities, such as “the motion is not for the purpose of delay” or “counsel is engaged in other litigation,” are insufficient.

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

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

*Effective November 14, 2016*

**Advisory Committee Note**

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

Both appellate courts place appeals in the oral argument queue in accordance with the priority of the case and after principal briefs have been filed. Delays in the completion of briefing will likely delay the date of oral argument.

Adopted 2020