

1 **Rule 22. Computation and enlargement of time.**

2 (a) **Computation of time.** In computing any period of time prescribed by these rules, by
3 ~~an order of the~~ court order, or by any applicable statute, the day of the act, event, or
4 default from which the designated period of time begins to run ~~shall~~is not ~~be~~ included.
5 If the designated period of time begins to run from the date of entry of an order or
6 judgment and the order or judgment is entered on a Saturday, Sunday, or legal holiday,
7 the date of entry will be deemed to be the first day following the entry that is not a
8 Saturday, Sunday, or legal holiday. The last day of the period ~~shall~~must be included,
9 unless it is a Saturday, a Sunday, or a legal holiday, in which event the period extends
10 until the end of the next day that is not a Saturday, a Sunday, or a legal holiday. When
11 the period of time prescribed or allowed, without reference to any additional time
12 under ~~subsection~~ paragraph (d), is less than 11 days, intermediate Saturdays, Sundays,
13 and legal holidays ~~shall~~must be excluded in the computation. ~~As used in this rule,~~
14 ~~“legal holiday” includes days designated as holidays by the state or federal~~
15 ~~governments.~~

16 (1) “Legal holiday” is any holiday that is recognized and observed by the
17 State of Utah, as specified here:
18 <https://www.utcourts.gov/en/about/miscellaneous/law-library/holidays.html>

19 (b) **Enlargement of time.**

20 ~~(b)~~(1) Motions for an enlargement of time for filing briefs beyond the time
21 permitted by stipulation of the parties under Rule ~~26(a)~~ are not favored.

22 ~~(b)~~(2) The court for good cause shown may upon motion extend the time
23 prescribed by these rules or by its order for doing any act, or may permit an act
24 to be done after the expiration of time. This rule does not authorize the court to
25 extend the jurisdictional deadlines specified by any of the rules listed in Rule 2.
26 For the purpose of this rule, good cause includes, but is not limited to, the

27 complexity of the case on appeal, engagement in other litigation, and extreme
28 hardship to counsel.

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

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

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

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

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

37 ~~(b)~~(4)(D) the date on which the act for which the enlargement of time is
38 sought will be completed; ~~and~~

39 (E) except as to a motion under paragraph (c), the position of every other
40 party on the requested extension or why the movant was unable to learn a
41 party's position.

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

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

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

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

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

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

52 | ~~(b)(65)(B)~~ If the good cause relied upon is the complexity of the appeal, the
53 | movant ~~shall~~must state the reasons why the appeal is so complex that an
54 | adequate brief cannot reasonably be prepared by the due date.

55 | ~~(b)(75)(C)~~ If the good cause relied upon is extreme hardship to counsel, the
56 | movant ~~shall~~must state in detail the nature of the hardship.

57 | ~~(b)(85)(D)~~ All facts supporting good cause ~~shall~~must be stated with specificity.
58 | Generalities, such as “the motion is not for the purpose of delay” or “counsel is
59 | engaged in other litigation,” are insufficient.

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

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

69 | *Effective November 14, 2016*

70 | **Advisory Committee Note**

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

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

78 *Adopted 2020*