

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 court order, or by any applicable statute, the day of the act, event, or default from which
4 the designated period of time begins to run is not included. If the designated period of
5 time begins to run from the date of entry of an order or judgment and the order or
6 judgment is entered on a Saturday, Sunday, or legal holiday, the date of entry will be
7 deemed to be the first day following the entry that is not a Saturday, Sunday, or legal
8 holiday. The last day of the period must be included, unless it is a Saturday, a Sunday,
9 or a legal holiday, in which event the period extends until the end of the next day that is
10 not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or
11 allowed, without reference to any additional time under paragraph (d), is less than 11
12 days, intermediate Saturdays, Sundays, and legal holidays must be excluded in the
13 computation.

14 (1) "Legal holiday" is any holiday that is recognized and observed by the
15 State of Utah, as specified here:

16 <https://www.utcourts.gov/en/about/miscellaneous/law-library/holidays.html>

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

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

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

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

- 28 (4) A motion for enlargement of time ~~shall~~must state:
- 29 (A) with particularity the good cause for granting the motion;
- 30 (B) whether the movant has previously been granted an enlargement of time and,
31 if so, the number and duration of such enlargements;
- 32 (C) when the time will expire for doing the act for which the enlargement of time
33 is sought;
- 34 (D) ~~the date on which the act for which the~~the length of the enlargement of time
35 requested and the new due date is sought will be completed if the motion is
36 granted; and
- 37 (E) except as to a motion under paragraph (c), the position of every other party
38 on the requested extension or why the movant was unable to learn a party's
39 position.
- 40 (5) If the good cause relied upon is engagement in other litigation, the motion must:
- 41 (A) identify such litigation by caption, number and court;
- 42 (B) describe the action of the court in the other litigation on a motion for
43 continuance;
- 44 (C) state the reasons why the other litigation should take precedence over the
45 subject appeal;
- 46 (D) state the reasons why associated counsel cannot prepare the brief for timely
47 filing or relieve the movant in the other litigation; and
- 48 (E) identify any other relevant circumstances.
- 49 (6) If the good cause relied upon is the complexity of the appeal, the movant must
50 state the reasons why the appeal is so complex that an adequate brief cannot
51 reasonably be prepared by the due date.

52 (7) If the good cause relied upon is extreme hardship to counsel, the movant must
53 state in detail the nature of the hardship.

54 (8) All facts supporting good cause must be stated with specificity. Generalities, such
55 as “the motion is not for the purpose of delay” or “counsel is engaged in other
56 litigation,” are insufficient.

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

63 (d) **Additional time after service by mail.** Whenever a party is required or permitted to
64 do an act within a prescribed period after service of a document and the document is
65 served by mail, ~~3~~ [three](#) days shall be added to the prescribed period.

66 *Effective ~~May 1, 2023~~*

67 **Advisory Committee Note**

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

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

75 *[Note](#) Adopted 2020*