

November 18, 2009

## Change in Federal Rules Regarding Time Computation: A “Day” by Any Other Name Is Still a “Day”

On December 1, 2009, the time computation amendments to Rule 6 of the Federal Rules of Civil Procedure will take effect, simplifying the computation of deadlines and changing the timing requirements of many rules. Under amended Rule 6, every day, including weekends and holidays, will now be counted in calculating filing deadlines. Under the soon-to-be-old rule, for time periods of less than 11 days, intervening Saturdays, Sundays and holidays were not counted. In addition, the response time periods in more than 20 rules have been changed, with most time periods adjusted to the nearest multiple of seven. Generally, one-, three-, and five-day time periods will become seven days; 10- and 11-day time periods will become 14 days; and 20-day time periods will become 21 days.

Other significant items related to the amendments include the following:

- Parties may still add three days to any applicable time period for mailing or e-filing of pleadings, motions, etc., under Rule 6(d);
- The 10-day time periods in Rules 50, 52 and 59 have been increased to 28 days;
- The 30-day time period for discovery responses has not changed; and
- Rule 56 has been amended so that any party may move for summary judgment at any time until 30 days after the close of discovery.

In addition to computing deadlines under the Federal Rules, the rule change affects the computation of time under any local rule, court order or statute that does otherwise specify a method of computing time.



*If you have any questions regarding this Legal Alert, please feel free to contact any of the attorneys of the Sutherland Asbill & Brennan Litigation Group or the Sutherland attorney with whom you regularly work.*