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**THE NEW FEDERAL TIME-COMPUTATION RULES
AND STATUTORY CHANGES**

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On December 1, 2009, the method of calculating court deadlines and time periods in the federal courts will change. More than 170 amendments to the federal civil, criminal, bankruptcy, and appellate time-computation rules and deadlines will become a part of federal practice. The new rules alter current time-period calculations, and eliminate the “dual-track” computation methods for periods of less than eleven days and periods of eleven days or more. After the change, federal civil, criminal, bankruptcy, and appellate deadlines will be determined based on a formula that counts each “day as a day.” In tandem with the new court rules, Congress modified twenty-eight statutory deadlines to increase consistency and to further the goals of the time-computation amendments.

A. Overview

Central to the new rules on time-computation is the introduction of the “days-are-days” approach to counting time, eliminating the current procedure that disregards intermediate Saturdays, Sundays, and holidays in calculating time periods of less than eleven days.¹ The new rules apply only when a time period must be computed, and not when a fixed time to act is set. The new rules also define the terms “last day” and “next day” to eliminate ambiguities and uncertainties arising when the computed time period falls on a weekend or a holiday, including the specific confusion that often arises when counting backwards.² The amendments also clarify the

¹ See Report of September 16, 2008 Meeting of the Judicial Conference, <http://www.uscourts.gov/rules/index1.html#judconf091608> (approving recommendations of Committee on Rules of Practice and Procedure). The Advisory Committee on Evidence Rules reviewed the time periods specifically referenced in the Federal Rules of Evidence and recommended that no changes to those time-based rules be made, in part because the Evidence Rules do not currently include a time-computation rule. Mem. from Judge M. Kravitz and C. Struve to Judge D. Levi of the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, dated June 29, 2007, concerning “Time Computation Project,” (the “Time Computation Subcommittee Report”) at 2; Judicial Improvements and Access to Justice Act, 28 U.S.C. §§ 2072, 2074, 2075 (2000); see also James C. Duff, *The Rulemaking Process: A Summary for the Bench and Bar* (October 2007), <http://www.uscourts.gov/rules/proceduresum.htm>.

² Time Computation Subcommittee Report at 4.

circumstances under which the court clerk's office is "inaccessible," and the rules introduce a new provision for computing time periods (including statutory periods) stated in hours.³

To compensate for the removal of additional time for weekends and holidays, most time periods computed under the new time-computation Civil Rules are extended, some substantially.⁴ Significantly, the period for post-trial motions — for judgment as a matter of law, to amend or add findings and conclusions, and for a new trial or to alter or amend a judgment — is lengthened from ten days to twenty-eight days.⁵ As the Judicial Conference's Standing Committee on Rules of Practice and Procedure (the "Rules Committee") explained in its Note to these three post-trial rules, "[e]xperience has proved that in many cases it is not possible to prepare a satisfactory post-judgment motion in 10 days, even under the former rule that excluded intermediate Saturdays, Sundays, and holidays."⁶

B. The Current Time-Computation Method

Federal Rule of Civil Procedure 6(a) currently provides for two separate counting rules, one for time periods of less than eleven days (i.e., ten days or shorter) and another rule for any time period eleven days or longer.⁷ For any action or event scheduled to occur in ten days or less, current Civil Rule 6(a)(2) excludes "intermediate Saturdays, Sundays, and legal holidays" from the calculation. If the action or event occurs more than ten days from a specified date, intervening Saturdays, Sundays, and holidays are included in the calculation.

1. Counting Forward

To illustrate, consider a federal case where defendant moved to dismiss plaintiff's complaint, defendant's motion was denied, and defendant received notice of the order on Tuesday, March 4, 2008. Federal Civil Rule 12(a)(4)(A) requires defendant to serve an answer "within 10 days after notice of the court's action." Excluding March 4, the date of notice for the order, defendant would include three days, March 5 through March 7, from the current week, skip March 8 and 9 as weekend days, include March 10 through March 14 from the next week (five more days), skip the following weekend days, March 15 and 16, then count March 17 and 18 as the final two days to determine that the answer will be due on March 18. In short, defendant's "10-day period" for filing an answer is 14 days long under the counting procedure of current Civil Rule 6(a)(2). The

³*Id.* at 4, 13.

⁴ This outline refers throughout to "Civil Rules," to cover both the current and amended versions of specific rules in the Federal Rules of Civil Procedure and to distinguish civil time-computation rules from current and amended Appellate, Bankruptcy, and Criminal time-computation rules.

⁵ Time Computation Subcommittee Report at 6.

⁶ Committee Notes to proposed amended Civil Rules 50, 51, and 59, Memorandum from Honorable Lee H. Rosenthal, Chair of Advisory Committee on Federal Rules of Civil Procedure to Honorable David F. Levi, Chair of Standing Committee on Rules of Practice and Procedure, dated May 25, 2007 (Revised June 29, 2007), Re: Report of the Civil Rules Advisory Committee, at 28-29, 37 (the "Civil Rules Committee Report").

⁷ Time Computation Subcommittee Report at 4; *see also* Fed. R. Civ. P. 6(a).

“10-day period” becomes even longer if one or more official holidays, as defined in Civil Rule 6(a)(4), are included in the ten-day computational period.⁸

2. Counting Backward

Counting forward is challenging, but counting backward is problematic given the ambiguity of current Civil Rule 6(a). Consider federal litigation where the court orders the filing and service of pretrial disclosures pursuant to Civil Rule 26(a)(3)(A) at least 30 days before the October 7, 2009 trial date. Wednesday, October 7, would be excluded from the computation and counting would begin with Tuesday, October 6 and end on the thirtieth day, Monday, September 7, 2009. However, September 7, 2009 is Labor Day, and would be excluded from the computation.

Here the ambiguity arises. Current Civil Rule 6(a)(3) declares that if the last day of a period falls on a Saturday, Sunday, or legal holiday, that day should be excluded from the computation and the period will run “until the end of the next day that is not a Saturday, Sunday, legal holiday or day when the clerk’s office is inaccessible.” The “next day,” a term not defined under the current federal rules, could be either Friday, September 4, or Tuesday, September 8. If the former, then the period ends 33 days before trial; if the latter, then disclosures must be served on the 29th day before trial. Practitioners wanting to allow as much time as possible to prepare the required disclosures may select September 8, given the unintentional option Rule 6(a) provides, although the court may have preferred a September 4 deadline to comply with the thirty-day requirement of its order.

Any backward-counting deadline, where the date to be determined occurs before a specified event, confronts this ambiguity if the period ends on a weekend or holiday. Complexity increases, and the probability of disputes as well, where two or more backward-counting deadlines are involved. For example, if discovery ends 120 days before trial (or some other calculated date), written discovery must be served no later than thirty days before the discovery cutoff date. If one or both of those rule-determined dates falls on a Saturday, Sunday, or holiday, the potential is maximized for a dispute over whether the discovery requests were timely served, with little hope that current Civil Rule 6(a) will provide decisive guidance.

C. The New Time-Computation Method

The amendments eliminate the anomalous results of current Civil Rule 6(a). Under the rule modifications, “a day-is-a-day” defines the only computational rule required to determine deadlines under the rules, statutes, and court orders. No longer will a ten-day period and a fourteen-day period starting on the same day end on the same day, and a ten-day period will never end after a fourteen-day period that started on the same day. Further clarity is provided by

⁸ Continuing the “counting forward” example above, if the motion to dismiss is denied and notice of the denial received on Monday, December 24, defendant would exclude from computation Tuesday, December 25, as a legal holiday, include December 26 through 28 (three days), exclude the weekend days December 29 and 30, include December 31 (one day), then exclude New Year’s day as another legal holiday, include January 2 through 4 (three more days, for a total of seven days), exclude the weekend days January 5 and 6, and then complete the “10-day period” by including January 7 through January 9. The official “tenth day” after defendant received notice of the denial of the motion to dismiss actually falls on January 9, sixteen days later.

adding the definition of “next day” to remove the ambiguity created when the last day of a period falls on a Saturday, Sunday, or holiday.⁹ In that circumstance, new Civil Rule 6(a)(5) requires the counting to continue in the same direction, whether forward or backward, until the “next day” in that sequence is not a Saturday, Sunday, or holiday.¹⁰

1. A “Day Is a Day”

The new time-computation rules treat all days alike, eliminate the distinction between periods of less than eleven days and periods of eleven days or more, and compute all deadlines stated in days the same way. The computation method is simple: The day of the event triggering the deadline is excluded and all other days, including intervening weekends and holidays, are counted.¹¹ If the period ends on a weekend or holiday, the deadline falls on the next day — continuing to count in the same calendar direction — that is not a Saturday, Sunday, or holiday.¹²

2. Time Periods Extended

To compensate for any potential disadvantages that may be created by eliminating the time-computation rule for periods of less than eleven days, the Rules Committee proposed lengthening most ten-day periods to fourteen days, twenty-day periods to twenty-one days, and generally simplified the computational procedure to provide that most of the new time periods would track a seven-day calendar week, ending on the same day as the day on which the period began.¹³ In a few cases, such as the current ten-day post-trial deadlines in Civil Rules 50, 52, and 59(b), (d), and (e), the Rules Committee extended the deadlines to twenty-eight days, substantially lengthening the permitted filing time.¹⁴

3. Clarification of the “Next Day”

Likewise, forward- and backward-counted dates are more certain because the new rules define the “next day” with clarity. In the example discussed previously with the current rules, the October 7, 2009 trial date triggers the determination of the thirty-day period when pretrial disclosures must be served. Under the current rule, that deadline could either be Friday, September 4 or Tuesday, September 8 because the thirty-day period ended on Labor Day, September 7, 2009. New Civil Rule 6(a)(1)(C) eliminates that uncertainty by providing that, if the last day of a period falls on a weekend or holiday, that day is excluded and the period runs until “the end of the next day” that is not a weekend or holiday, where the “next day” is

⁹ Time Computation Subcommittee Report at 4.

¹⁰ *Id.*

¹¹ *Id.* The proposed new time-computation rule treating all days in a stated period alike is contained in Fed. R. Civ. P. 6(a) and its criminal, bankruptcy, and appellate rule counterparts: Fed. R.Crim. P. 45(a); Fed. R. Bankr. P. 9006(a); and Fed. R. App. P. 26(a), respectively.

¹² *Id.*

¹³ Time Computation Subcommittee Report at 2.

¹⁴ *Id.*

determined by counting forward if the period is measured *after* an event and backward when measured *before* an event.¹⁵

4. Time Periods Stated in Hours

Civil Rule 6(a)(2) contains a new provision setting forth time-computation rules for periods stated in hours, rather than days.¹⁶ A deadline stated in hours starts to run immediately with the event triggering the deadline and ends when the time expires, counting every hour and taking into consideration any changes resulting from the shift to or from Daylight Savings Time.¹⁷ However, if the period ends at a specific time on a weekend or holiday, then the deadline extends to the same time on the “next day” that is not a weekend or holiday.¹⁸

5. Inaccessibility of Clerk’s Office

Amended Civil Rule 6(a)(3) extends filing deadlines in circumstances when the court clerk’s office is “inaccessible,” whether the filing period is stated in terms of days or hours.¹⁹ If “days,” the days on which the clerk’s office is inaccessible are treated as weekends or holidays, and the filing date is the next day on which the office is accessible.²⁰ If the clerk’s office is inaccessible during the last hour of the filing period, then the period is extended to the same time on the next day that is not a weekend, holiday, or day when the clerk’s office is inaccessible.²¹

6. Legal Holidays

Legal holidays under the new rules remain unchanged, but will be moved to a new section, Civil Rule 6(a)(6).²²

7. Changes to Summary Judgment Timing

Declaring the current timing provisions for summary judgment “outmoded,” the Civil Rules Committee eliminated the timing provisions of current Civil Rules 56(a) and (b) and replaced them with new subdivision 56(c)(1).²³ Under the new rule, any party can move for summary judgment at any time during a case, “even as early as the commencement of the action.”²⁴

¹⁵ *Id.* at 4.

¹⁶ *Id.*

¹⁷ Civil Rules Committee Report at 3 (Proposed Rule 6(a)(2)).

¹⁸ *Id.*

¹⁹ Time Computation Subcommittee Report at 4; Civil Rules Committee Report at 4-5 (Proposed Rule 6(a)(3)).

²⁰ *Id.*

²¹ *Id.*

²² *Id.* at 4-5; Civil Rules Committee Report at 13-14.

²³ Civil Rules Committee Report at 35.

²⁴ *Id.*

Responses are due at the later of 21 days after the motion is served or a responsive pleading is due, with a reply due 14 days after the response is served.²⁵ To fix the time period for summary judgment motions, the new rule sets a presumptive deadline for filing summary judgment motions 30 days after the close of all discovery.

The amendments to the summary judgment timing rules are default options that can be modified through the case scheduling order or local rule to reflect the agreement of the parties, the needs of a particular case, or other considerations. If a summary judgment is determined to be premature, the new Rules 56(c)(1) and 6(b) both allow the court to extend the time for a response.²⁶

8. Effect of Service Method

Civil Rule 6(d), which provides a party with an additional three days in which to act if service is made by: mail; leaving the paper with the court clerk; electronic delivery, if the party or person being served consented in writing; or another method to which the person or party being served consented in writing, remains unchanged.²⁷ Also unchanged is the application of Civil Rule 6(d). In some circumstances, courts and practitioners have erroneously added the three days *before* computing the appropriate time period. Under such an approach, any required “ten-day” time period would automatically become thirteen days long, requiring all intervening weekend days and holidays to be included in the computation of a deadline.

It is well-established in federal case law that the rules governing the computation of a specific time period are to be applied first, the appropriate deadline determined, *and then* the additional time provision of Civil Rule 6(d) is applied to extend the period.²⁸ The same procedure applies

²⁵ *Id.* at 34; proposed Civil Rule 56(c)(1)(B) and (C).

²⁶ *Id.*

²⁷ Fed. R. Civ. P. 5(b)(2)(C) - (F), 6(d).

²⁸ As the Eighth Circuit Court of Appeals explained regarding Civil Rule 6(d), formerly located at 6(e) before the December 1, 2007 amendments, “[i]f Rule 6(e) is applied first, the time to respond is increased from 10 to 13 days, but because the time to respond is then more than 10 days, holidays and weekends are counted. We reject this approach because the only way to carry out Rule 6(e)’s function of adding time to compensate for delays in mail delivery is to employ Rule 6(a) first.” *Treanor v. MCI Telecomm. Corp.*, 150 F.3d 916, 918-19 (8th Cir. 1998). Similarly, the D.C. Circuit Court of Appeals explained that:

In computing time under both 6(a) and 6(e), the three-day addition for mailing should have no effect in determining the run of the prescribed period When the Rules provide for a period of less than eleven days, its run should be computed excluding weekends and holidays, pursuant to Rule 6(a), and the three-day extension – counting weekends and holidays – should then be added at the end.

CNPq-Conselho Nacional de Desenvolvimento Científico e Tecnológico v. Inter-Trade, Inc., 50 F.3d 56, 58-59 (D.C. Cir. 1995); *see also Lerro v. Quaker Oats Co.*, 84 F.3d 239, 242 (7th Cir. 1996) (Easterbrook, J.) (holding that the district court erred by treating a 10-day deadline as a 13-day deadline by applying Rule 6(e) first); *Greathouse v. Colo. State Bank*, No. 95-1117, 1996 WL 5552, at *1 (10th Cir. 1996) (holding that three days are “tacked on to the time allotted under Rule 6(a) which excludes weekends and legal holidays”); *IUE AFL-CIO Pension Fund v. Herrmann*, 9 F.3d 1049, 1054 (2d Cir. 1993) (holding that a ten-day period is calculated by excluding intermediate

(footnote continued on next page)

to the new federal time-computation rules. However, the potential for miscounting is eliminated: Because “a day is a day” under the rule amendments, the potential for any errors or miscalculations caused by adding the service time to determine the appropriate time-computation procedure (i.e., either less than or more than eleven days) is eliminated.

9. Effect on Local Rules of U.S. District Court

The Rules Committee specifically noted that Local Rules of the United States District Courts would need to be adapted and harmonized to accommodate the changes imposed under the new time-computation rules.²⁹ The Advisory Committee on the Local Rules of Practice for the District of Colorado expects to draft proposed revisions for court review and, if endorsed, then publish such revisions for public review and comment period during October 2009.³⁰ The Advisory Committee expects that the proposed rules, with any necessary changes, will be considered by the court, with an anticipated effective date of December 1, 2009, in order to correspond with the effective date of Federal Rule changes.³¹

Certain of the current local time-computation rules will be directly affected by the new federal rules. For instance, current Local Rule 30.1 requires that “reasonable notice” for scheduling a deposition is at least eleven days, as computed under current Civil Rule 6, which would trigger the dual-track exclusion of intervening weekends and holidays. With the elimination of the dual-track calculation, the local rule may be harmonized to the fourteen-day time periods widely used in the amended rules to replace the former time periods of less than eleven days. Likewise, current Local Rule 54.1 provides that a bill of costs must be filed within ten days after entry of the judgment or final order, which, under the current Civil Rule 6(a), would likely result in a fourteen-day period for filing the bill of costs. Following the principle incorporated in the

Saturdays, Sundays, and legal holidays, and three days pursuant to Rule 6(e) are added afterward); *Tushner v. U.S. Dist. Ct. for the Cent. Dist. of Cal.*, 829 F.2d 853, 855 (9th Cir. 1987) (concluding that treating a 10-day deadline as a 13-day deadline for purposes of Rule 6(a) would be contrary to the purpose of the 1985 amendment to Fed. R. Civ. P. 6(a), which extended the exclusion of intermediate weekends and holidays from time periods of less than seven days to time periods of less than eleven days); *Dreyer v. Ryder Auto. Carrier Group, Inc.*, 367 F. Supp. 2d 413, 416 (W.D.N.Y. 2005) (holding that the additional three days provided for under Rule 6(e) are added after the calculation of the 10 days pursuant to Rule 6(a)); *Vaquillas Ranch Co. v. Texaco Exploration & Prod., Inc.*, 844 F. Supp. 1156, 1159 (S.D. Tex. 1994) (three days should not be added to the prescribed ten-day period in order to determine if the eleven-day limit for application of Rule 6(a)’s weekend and holiday exclusions are applicable); *Nalty v. Nalty Tree Farm*, 654 F. Supp. 1315, 1317 (S.D. Ala. 1987) (“the length of the party’s ten-day response period should be computed, applying the less-than-eleven-day provision of Rule 6(a), separately from the three-day period allowed by Rule 6(e),” and “should provide three extra days, in addition to whatever period the party would otherwise have . . .”).

²⁹ Time Computation Subcommittee Report at 3-4.

³⁰ See Note in Appendix E, page E-1, below. The United States District Court for the District of Colorado proposed amended rules for public comment on October 8, 2009, which can be accessed on the Court’s website. See Local Rules of Practice Information, available at <http://www.cod.uscourts.gov/LocalRules/Rules.aspx> (last accessed October 9, 2009).

³¹ *Id.*

amended rules, the Local Rule may be harmonized by providing a fourteen-day period for filing a bill of costs.

The effect of the time-computation rules on other Local Rules for determining deadlines is more uncertain. Current Local Rule 7.1C provides that a party shall have twenty days in which to file a response to a motion, and the moving party shall have fifteen days in which to file a reply. Most practitioners have treated those time limits as all-inclusive deadlines that implicitly override the additional time for service under Civil Rule 6(d) by providing longer periods for responses and replies than the former fifteen- and ten-day periods in the predecessor rules.³² Any conforming changes to Local Rule 7.1C would likely be minor, potentially increasing the response time to twenty-one days and reducing the reply time to fourteen days, consistent with the Rules Committee effort to have the time period end on the same weekday on which it began. Although speculative, Appendix E identifies some of the current civil rule time limits contained in the Local Rules for the District of Colorado that may be re-examined upon final adoption of the time-computation rules.

10. Adoption

The amendments to the Federal Rules were published for comment in August 2007, and the comment period has now closed.³³ The Supreme Court of the United States adopted the new rules and transmitted them to Congress on March 26, 2009.³⁴ The amendments have an effective date of December 1, 2009, and will be implemented as transmitted to Congress, provided Congress makes no modifications to the rules.

D. Statutory Changes

The Statutory Time-Periods Technical Amendments Act of 2009 (the “Act”), Public Law 111-16, will become effective on December 1, 2009, the same day the federal civil, criminal, bankruptcy, and appellate time-computation rules are implemented.³⁵ In connection with the rules revision project, the separate Rules Advisory Committees compiled a joint list of key statutes with short deadlines that would be affected by the changes in the time-computation method of the proposed rules amendments, particularly the shift to counting each day in a specified period as a day and eliminating the exclusion of weekend days and holidays in

³² See *In re Armstrong*, 99 Fed. App'x 866, 868-69 (10th Cir. 2004) (Rule 6(e) applies only to deadlines that run from service, not those triggered by filing); D.C.COLO.LCivR 7.1C (basing deadline on filing date).

³³ Memorandum to the Bench, Bar, and Public on Proposed Amendments to the Federal Rules (August 15, 2007), available at http://www.uscourts.gov/rules/proposed0807/Memo_to_Bench_Bar_Aug_2007.pdf.

³⁴ See Order of Adoption and Transmittal Letters from Chief Justice John G. Roberts, Jr., to Hon. Nancy Pelosi, Speaker of the House of Representatives, and Hon. Joseph R. Biden, Jr., President, United States Senate (March 26, 2009), available at http://www.uscourts.gov/rules/SC_March_2009.pdf; see also Judicial Improvements and Access to Justice Act, 28 U.S.C. §§ 2072, 2074, 2075 (2000).

³⁵ H.R. 1626 passed in the House April 22, 2009 on a voice vote, and passed unanimously in the Senate on April 27, 2009, and the President signed the bill into law on May 7, 2009, effective December 1, 2009. The approved bill is known as Public Law No. 111-16.

computing periods of less than eleven days. Only 28 of the original 168 statutory provisions identified by the separate advisory committees were included in the Act.

In general, the statutory amendments track the format and procedures contained in the corresponding amendments to the federal time-computation rules. The statutory changes incorporate the Rules Committee's preference for ending a specified period on the same day of the week as the day the period began. The proposed changes also attempt to lengthen certain short statutory periods to compensate for the elimination of the dual-track time-computation periods.

Although the amendments to the statutory time-computation periods closely track the new time-computation rules, there are some remnants of the old dual-track time-computation procedure. Two-day notice requirements in 18 U.S.C. § 1514(a)(2)(E), the three-day period set by 18 U.S.C. § 3432, and four-day deadlines in the Classified Information Procedures Act ("CIPA"; 18 U.S.C. App. 3 § 7) and in the material-support statute (18 U.S.C. § 2339B(f)(5)(B)), all criminal statutes, are amended to exclude intermediate weekends and holidays in determining the appropriate deadlines. Aside from these departures, the proposed statutory amendments closely track the amendments to the federal civil, criminal, bankruptcy, and appellate rules.

E. Time-Computation Under the Colorado Rules of Civil Procedure

Currently, the Colorado Rules of Civil Procedure closely track the time-computation procedures incorporated in the Federal Rules of Civil Procedure, including the dual-track calculations required if a period is less than or greater than eleven days and the accompanying uncertainty that arises when a period ends on a Saturday, Sunday, or holiday.³⁶

In 2007, the Colorado Supreme Court adopted and implemented changes to the Colorado Rules of Civil Procedure, including an amendment to the time-computation formula in C.R.C.P. 6(a) that specifically added the term "calendar days" to certain deadlines and defined that term to mean "consecutive days including holidays, Saturdays or Sundays."³⁷ The Supreme Court slightly modified, but retained, the Committee Comment to Rule 6(e) confirming that any prescribed or allowed time period of less than eleven days that is not specifically identified as "calendar days" requires the exclusion of the intervening weekend days and holidays in the computation of the deadline.³⁸ Included in the 2007 amendments to the Colorado Rules were changes to the time-computation procedures set forth in C.R.C.P. 6(e), 65(b), 105.1(b), 120(c), and 121, Section 1-15(1).³⁹ With the new time-computation amendments to the Federal Civil Rules coming so soon after the 2007 changes to the Colorado time-computation rules, an extended period of careful observation of the application and interpretation of the new federal

³⁶ See Colo. R. Civ. P. 6.

³⁷ See Colorado Supreme Court Rule Change 2007(09) (June 28, 2007), Rule Change 2007(09) Corrective Order (November 5, 2007); Correction to Rule Change 2007(09) (November 15, 2007); Second Correction to Rule Change 2007(09) (November 16, 2007). The cited rule changes are available at http://www.courts.state.co.us/Courts/Supreme_Court/Rule_Changes/2007.cfm.

³⁸ Colorado Supreme Court Rule Change 2007(09) (June 28, 2007), at 2.

³⁹ Rule Change 2007(09).

rules may precede any further changes in the Colorado Rules until precedents are well-established.

Even though Colorado time-computation rules incorporate the dual-track procedures for periods of less than eleven days and eleven days or more, and do not specifically define the “next day” for time periods ending on weekends or holidays, calculating time periods under the current Colorado state rules and the amended federal civil rules should not create problems in calendaring deadlines. Careful attention to the parallel sets of time-computation rules, the triggering events and dates, and the correct steps to take when the rules result in a period ending on a Saturday, Sunday, or holiday should result in correctly counted deadlines. Absent a change in Colorado Civil Rule 6(a)(1), a cautious practitioner would err in favor of continuously counting either forward or backward, as appropriate, the specified number of days from the triggering event, and then, if necessary, to the next day that is not a weekend or holiday.

F. Summary and Conclusions

Although not all segments of the profession support the changes, public comments on the amended rules have generally been positive.⁴⁰ Taken together, the amendments to the federal time-computation rules provide several benefits. Anomalous results from the dual-track counting rules — such as a ten-day period lasting longer than a fourteen-day period starting on the same date — will be eliminated. In determining dates calculated either before or after a specified event, ambiguity concerning the “next day” will not arise, even when the computed period ends on a weekend or holiday. Any confusion about the proper application of the dual time-computation rules and the additional time for service will vanish. Most short deadlines are extended and some, such as the abbreviated current ten-day deadline for post-trial motions and actions, are extended to compensate for the elimination of the rule for computing time periods of less than eleven days.

⁴⁰ See, e.g., Public Comment on proposed Amendments to Bankruptcy Rule 9006(a), Memorandum from Honorable Laura Swain, Chair of the Advisory Committee on Bankruptcy Rules, to Honorable Lee H. Rosenthal, Chair of the Standing Committee on Rules of Practice and Procedure, dated May 14, 2008, Re: Report of the Advisory Committee on Bankruptcy Rules, at 17-25.

APPENDIX A

**COMPARISON OF CURRENT AND NEW FEDERAL CIVIL RULES
GOVERNING TIME COMPUTATION**

FEDERAL RULE (Fed. R. Civ. P.)	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
12(a)(1)(A)(i)	Service of Answer	20 days	21 days
12(a)(1)(B)	Answer to Counterclaim or Crossclaim	20 days	21 days
12(a)(4)	Responsive Pleading	10 days after notice of court's denial or postponement	14 days after court's denial or postponement
12(e)	Response to order for more definite statement	10 days after notice of order	14 days after notice of order
14(a)	Time for Third-Party Plaintiff to Serve Third-Party Summons and Complaint without Leave of Court	Within 10 days after serving original answer	Within 14 days after serving original answer
15(a)(1)(B)	Amendment of Pleading as Matter of Course	20 days after serving pleading	21 days after serving pleading
15(a)(3)	Response to Amended Pleading	10 days after service	14 days after service
23(f)	Time for Filing Petition for Permission to Appeal Order Granting or Denying Class Certification	10 days after entry of order	14 days after entry of order
27(a)(2)	Deadline for Filing Verified Petition to Take Deposition to Perpetuate Testimony	20 days before hearing date	21 days before hearing date
32(a)(5)	Notice Required Before Deposition Can Be Used Against Party	Not less than 11 days' notice given before deposition	Not less than 14 days' notice given before deposition
32(d)(3)(C)	Time Required for Serving Objection to Form of Written Question under F.R.C.P. 31	5 days after being served with question(s)	7 days after being served with question(s)
38(b)	Time for Serving Written Jury Demand	10 days after last pleading directed to issue	14 days after last pleading directed to issue
38(c)	Time for Serving Jury Demand on Any Other or All Factual Issues	10 days after service of jury demand	14 days after service of jury demand
50(b)	Deadline for Filing Renewed Motion for Judgment as Matter of Law	10 days after entry of judgment or discharge of jury	28 days after entry of judgment or discharge of jury
50(d)	Deadline for Filing Motion for New Trial	10 days after entry of judgment	28 days after entry of judgment
52(b)	Deadline for Filing Motion to Amend or Add Findings	10 days after entry of judgment	28 days after entry of judgment

FEDERAL RULE (Fed. R. Civ. P.)	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
53(f)	Deadline for Filing Objections to Master's Order, Report, or Recommendations	20 days after copy served	21 days after copy served
54(d)	Notice Required for Clerk to Tax Costs	1 day	14 days
54(d)	Time for Filing Motion to Review Clerk's Taxation of Costs	5 days after clerk's action	7 days after clerk's action
55(b)(2)	Deadline for Serving Party with Written Notice of Application for Default	3 days before default hearing	7 days before default hearing
56(a)	Claiming Party's Timing for Filing Summary Judgment Motion	20 days after commencement of action	Deleted
56(b)	Defending Party's Timing for Filing Summary Judgment Motion	At any time	Deleted
56(c)(1)(A)	Time for Party to Move for Summary Judgment	No provision	Any time until 30 days after close of all discovery
56(c)(1)(B)	Time for Opposing Party to Respond to Motion for Summary Judgment	No provision	The later of: <ul style="list-style-type: none"> • 21 days after motion served OR <ul style="list-style-type: none"> • Responsive pleading due
56(c)(1)(C)	Time for Moving Party to Reply in Support of Motion for Summary Judgment	No provision	14 days after response is served
59(b)	Time for Filing Motion for New Trial	10 days after entry of judgment	28 days after entry of judgment
59(c)	Deadline for Party Opposing New Trial to File Opposing Affidavits	10 days after being served with motion	14 days after being served with motion
59(d)	Deadline for Court to Order New Trial on Its Initiative or for Reasons Not Stated in Motion for New Trial	10 days after entry of judgment	28 days after entry of judgment
59(e)	Deadline for Filing Motion to Alter or Amend Judgment	10 days after entry of judgment	28 days after entry of judgment
62(a)	Duration of Automatic Stay of Proceedings to Enforce Judgment	10 days after entry of judgment	14 days after entry of judgment
65(b)(2)	Expiration Date for Temporary Restraining Order	Not later than 10 days after entry of order	Not later than 14 days after entry of order
68(a)	Deadline for Making Offer of Judgment	More than 10 days before trial date	At least 14 days before trial date
68(a)	Deadline for Written Notice Accepting Offer of Judgment	10 days after being served with offer	14 days after being served with offer

FEDERAL RULE (Fed. R. Civ. P.)	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
68(c)	Deadline for Written Offer of Judgment after Liability Determined	At least 10 days before date for hearing to determine extent of liability	At least 14 days before date for hearing to determine extent of liability
71.1(d)(2)(v)	Response Date for Defendant in Property Condemnation Action	Answer served 20 days after service of condemnation notice	Answer served 21 days after service of condemnation notice
71.1(e)(2)	Defendant's Deadline for Serving Answer in Condemnation Action	20 days after service of condemnation notice	21 days after service of condemnation notice
72(a)	Deadline for Filing and Serving Objections to Magistrate Judge's Order	10 days after being served copy of order	14 days after being served copy of order
72(b)(2)	Deadline for Filing Objections to Magistrate Judge's Recommendations on Dispositive Motions and Prisoner Petitions	10 days after service of recommended disposition	14 days after service of recommended disposition
81(c)(2)	Deadline for Defendant's Response after Removal	Longest of the following: <ul style="list-style-type: none"> • 20 days after receiving copy of initial pleading OR • 20 days after service of summons for initial pleading on file at time of removal OR • 5 days after notice of removal filed 	Longest of the following: <ul style="list-style-type: none"> • 21 days after receiving copy of initial pleading OR • 21 days after service of summons for initial pleading on file at time of removal OR • 7 days after notice of removal filed
81(c)(3)	Deadline for Filing Jury Demand in Removed Action	10 days after party either: <ul style="list-style-type: none"> • Party files notice of removal OR • Party served with notice of removal by another party 	14 days after party either: <ul style="list-style-type: none"> • Party files notice of removal OR • Party served with notice of removal by another party

APPENDIX B

**COMPARISON OF CURRENT AND NEW FEDERAL CRIMINAL RULES
GOVERNING TIME COMPUTATION**

FEDERAL RULE (Fed. R. Crim. P.)	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
5.1(c)	Preliminary Hearing Held	10 days after initial appearance (defendant in custody) 20 days after initial appearance (defendant not in custody)	14 days after initial appearance (defendant in custody) 21 days (defendant not in custody)
7(f)	Defendant's motion for bill of particulars	Before or within 10 days after arraignment	Before or within 14 days after arraignment
12.1(a)(2)	Deadline for defendant to serve written notice of intended alibi defense	10 days after the Government request for notice	14 days after the Government request for notice
12.1(b)(2)	Deadline for government Rule 12.1(b)(1) disclosure	10 days after defendant serves notice of an intended alibi defense, but no later than 10 days before trial	14 days after defendant serves notice of an intended alibi defense, but no later than 14 days before trial
12.3(a)(3)	Deadline for Government's Written Response to Defendant's Notice of Public Authority Defense	Within 10 days after receiving defendant's notice, but no later than 20 days before trial	Within 14 days after receiving defendant's notice, but no later than 21 days before trial
12.3(a)(4)(A)	Deadline for Government's Request for Disclosure of Defendant's Witnesses to Support Public-Authority Defense	When Government serves response to defendant's Rule 12.3(a)(3) notice, but no later than 20 days before trial	When Government serves response to defendant's Rule 12.3(a)(3) notice, but no later than 21 days before trial
12.3(a)(4)(B)	Deadline for Defendant's Response to Government's Request for Disclosure of Witnesses Supporting Public-Authority Defenses	7 days after receiving government's request	14 days after receiving government's request
12.3(a)(4)(C)	Deadline for Government's Reply to Defendant's Disclosure of Witnesses Supporting Public-Authority Defense	7 days after receiving defendant's statement	14 days after receiving defendant's statement
29(c)(1)	Deadline for Defendant's Motion for or Renewal of Motion for Judgment of Acquittal	The later of: • 7 days after guilty verdict OR • 7 days after court discharges jury	The later of: • 14 days after guilty verdict OR • 14 days after court discharges jury

FEDERAL RULE (Fed. R. Crim. P.)	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
33(b)(2)	Deadline for Filing Motion for New Trial (Other than Newly Discovered Evidence)	The later of: <ul style="list-style-type: none"> • 7 days after guilty verdict OR • 7 days after court discharges jury 	The later of: <ul style="list-style-type: none"> • 14 days after guilty verdict OR • 14 days after court discharges jury
34(b)	Deadline for Filing Motion to Arrest Judgment	7 days after court accepts verdict or finding of guilty, or after plea of guilty or nolo contendere	14 days after court accepts verdict or finding of guilty, or after plea of guilty or nolo contendere
35(a)	Deadline for Correcting a Sentence	7 days after sentencing	14 days after sentencing
41(e)(2)(A)(i)	Deadline for Executing Search and Seizure Warrant	10 days	14 days
47(c)	Deadline for Serving Motion and Notice of Hearing	5 days before hearing date	7 days before hearing date
58(g)(2)(A)	Deadline for Appealing Magistrate Judge's Order or Judgment	10 days after entry	14 days after entry
58(g)(2)(B)	Deadline for Appealing Magistrate Judge's Judgment of Conviction or Sentence	10 days after entry	14 days after entry
59(a)	Deadline for Filing Objections to Magistrate Judge's Order	10 days after being served with order or after oral order stated on record	14 days after being served with order or after oral order stated on record
59(b)(2)	Deadline for Filing Written Objections to Magistrate Judge's Proposed Findings and Recommendations	10 days after service of copy of recommended disposition	14 days after service of copy of recommended disposition
8(b) Section 2254 and Section 2255 Cases or Proceedings	Deadline for Filing Objections to Magistrate Judge's Proposed Findings and Recommendations	10 days after being served with copy of proposed findings and recommendations	14 days after being served with copy of proposed findings and recommendations

APPENDIX C

**COMPARISON OF CURRENT AND NEW FEDERAL BANKRUPTCY RULES
GOVERNING TIME COMPUTATION**

FEDERAL RULE (Fed. R. Bankr. P.)	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
1007(a)(2)	Deadline for filing list of entities on Schedules D, E, F, G, and H in involuntary case	15 days after entry of order for relief	14 days after entry of order for relief
1007(a)(3)	Deadline for filing list of debtor's equity security holders of each class in Chapter 11 case	15 days after entry of order for relief	14 days after entry of order for relief
1007(c)	Deadline in voluntary case for filing documents required by 1007(b)(1), (4), (5), and (6)	15 days after filing petition	14 days after filing petition
1007(c)	Deadline in an involuntary case for filing documents required by 1007(a)(2) and (b)(1)	15 days after entry of the order for relief	14 days after entry of the order for relief
1007(c)	Deadline for filing documents required by 1007(b)(3)(A)	15 days after entry of the order for relief	14 days after entry of the order for relief
1007(c)	Deadline in a Chapter 7 case for filing statement required by 1007(b)(7)	45 days after date set for meeting of creditors	60 days after date set for meeting of creditors
1007(f)	Deadline for filing individual debtor's social security number	15 days after entry of the order for relief	14 days after entry of the order for relief
1007(h)	Deadline for debtor to file supplemental schedule if debtor acquires or becomes entitled to acquire an interest in property	10 days after the information comes to the debtor's knowledge	14 days after the information comes to the debtor's knowledge
1011(b)	Deadline for presenting defenses and objections to petition in an involuntary case	20 days after service of summons	21 days after service of summons
1019(5)(A)(i)	Deadline for filing schedule of unpaid debts incurred after filing of petition and before conversion of case from Chapters 11 or 12 to 7	15 days after conversion of case	14 days after conversion of case
1019(5)(B)(i)	Deadline for filing schedule of unpaid debts incurred after filing of petition and before conversion of case from Chapter 13 to 7	15 days after conversion of case	14 days after conversion of case
1020(a)	Deadline for debtor to file statement as small business debtor in involuntary Chapter 11 case	15 days after entry of order for relief	14 days after entry of order for relief
2002(a)	Deadline for notices to parties in interest	20 days	21 days
2002(b)	Deadline for notices to parties in interest	25 days	28 days

FEDERAL RULE (Fed. R. Bankr. P.)	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
2002(o)	Deadline for notice of order for relief in consumer case	20 days from commencement of case	21 days from commencement of case
2002(q)(1)	Deadline for notice of hearing of petition for recognition of foreign proceeding	At least 20 days	At least 21 days
2003(a)	Deadline for trustee in Chapter 7 or 11 case to call meeting of creditors	No fewer than 20 days and no more than 40 days after order for relief	No fewer than 21 days and no more than 40 days after order for relief
2003(a)	Deadline for trustee in Chapter 12 case to call meeting of creditors	No fewer than 20 days and no more than 35 days after order for relief	No fewer than 21 days and no more than 35 days after the order for relief
2003(a)	Deadline for trustee in Chapter 13 case to call meeting of creditors	No fewer than 20 days and no more than 50 days after the order for relief	No fewer than 21 days and no more than 50 days after the order for relief
2003(d)(2)	Deadline for filing motion for resolution of dispute over election of trustee	10 days after the trustee files a report of a disputed election	14 days after the trustee files a report of a disputed election
2006(c)(1)	Required written notice for meeting of creditors in solicitation and voting of proxies in Chapter 7 case	5 days	7 days
2007(b)(1)	Required written notice for selection of members of unsecured creditors committee organized before the commencement of a Chapter 9 or 11 case	5 days	7 days
2007.2(a)	Deadline for filing motion regarding appointment of patient care ombudsman in Chapter 7, 9, or 11 case	20 days	21 days
2008	Deadline for trustee in Chapter 7, 12, or 13 case to notify court of rejection of selection	5 days after receipt of notice of selection	7 days after receipt of notice of selection
2008	Deadline for any other person selected as trustee to notify court of acceptance of office	5 days after receipt of notice of selection	7 days after receipt of notice of selection
2015(a)(6)	Deadline for trustee or debtor in possession to file Section 308 report in a Chapter 11 small business case	No provision	Not later than 21 days after the last day of the calendar month following the month covered by the report
2015(d)	Deadline for foreign representative in a foreign proceeding to file notice required by Section 1518	Within 15 days after the date when the representative becomes aware of subsequent information	Within 14 days after the date when the representative becomes aware of subsequent information

FEDERAL RULE (Fed. R. Bankr. P.)	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
2015.1(A)	Deadline for patient care ombudsman to give notice of making Section 333(b)(2) report to Court	At least 10 days before making the report	At least 14 days before making the report
2015(b)	Date for hearing on motion by health care ombudsman to review confidential patient records	Not earlier than 15 days after service of the motion	Not earlier than 14 days after service of the motion
2015.2	Notice to patient care ombudsman required for trustee to transfer patient of debtor health care business to another health care business	10 days	14 days
2015.3(b)	Deadline for filing report of financial information on which Chapter 11 estate holds controlling/substantial interest	5 days before first date set for creditors meeting	7 days before first date set for creditors meeting
2015.3(e)	Deadline for trustee or debtor in possession to notify entity in which estate has substantial/controlling interest of filing/serving financial information relating to entity	20 days before filing first report required by Rule 2015.3	21 days before filing first report required by Rule 2015.3
2016(b)	Deadline for debtor's attorney to file Section 329 report	15 days after order for relief	14 days after order for relief
2016(b)	Deadline for filing supplemental Section 329 report	15 days after any payment or agreement not previously disclosed	14 days after any payment or agreement not previously disclosed
2016(c)	Deadline for debtor's bankruptcy petition preparer to file declaration of compensation paid or promised	10 days after date of filing petition	14 days after date of filing petition
2016(c)	Deadline for debtor's bankruptcy petition preparer to file supplemental declaration of compensation paid or promised	10 days after any payment or agreement not previously disclosed	14 days after any payment or agreement not previously disclosed
3001(e)(2)	Deadline for transferor of claim to file objection to transfer (where transfer other than for security after proof of claim filed)	20 days after mailing of notice to transferor	21 days after mailing of notice to transferor
3001(e)(4)	Deadline for transferor of claim to file objection to transfer (where transfer for security after proof of claim filed)	20 days after mailing of notice	21 days after mailing of notice
3015(b)	Deadline for filing Chapter 13 plan	15 days after petition is filed	14 days after petition is filed
3015(b)	Deadline for filing plan after case converted to Chapter 13	15 days after conversion	14 days after conversion

FEDERAL RULE (Fed. R. Bankr. P.)	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
3015(g)	Time allowed for filing objections to proposed plan modification after confirmation	Not less than 20 days notice to debtor, trustee, and all creditors	Not less than 21 days notice to debtor, trustee, and all creditors
3017(a)	Notice required for hearing on disclosure statement and objections	At least 25 days' notice to debtor, creditors, equity security holder and other parties in interest	At least 28 days' notice to debtor, creditors, equity security holder and other parties in interest
3017(f)(1)	Notice required to parties subject to an injunction under a plan	At least 25 days' notice of time for filing objections and for hearing on confirmation of plan	At least 28 days' notice of time for filing objections and for hearing on confirmation of plan
3019(b)	Notice required to debtor, trustee, and all creditors for filing objection and for hearing on modification of accepted plan after confirmation in individual debtor case	Not less than 20 days notice by mail of time for filing objection and hearing on proposed modification	Not less than 21 days notice by mail of time for filing objection and hearing on proposed modification
3020(c)	Stay on order confirming plan in Chapter 9 or 11 case	10 days after entry of the order	14 days after entry of the order
4001(a)(3)	Stay on order granting motion for relief from automatic stay	Stayed until expiration of 10 days after entry of order	Stayed until expiration of 14 days after entry of order
4001(b)(2)	Date for hearing on motion for authorization to use cash collateral	No earlier than 15 days after service of the motion	No earlier than 14 days after service of the motion
4001(b)(2)	Time for preliminary hearing on motion to authorize use of cash collateral	Before the 15-day period expires	Before the 14-day period expires
4001(c)(2)	Date for hearing on motion for authority to obtain credit	No earlier than 15 days after service of the motion	No earlier than 14 days after service of the motion
4001(c)(2)	Permitted hearing on motion for authority to obtain credit	Before the expiration of the 15-day period, only to extent necessary to avoid immediate and irreparable harm to estate	Before the expiration of the 14-day period, only to extent necessary to avoid immediate and irreparable harm to estate
4002(b)(4)	Deadline for creditor to request copy of debtor's tax return	At least 15 days before date first set for creditors meeting	At least 14 days before date first set for creditors meeting
4004(a)	Notice to trustee and all creditors required for hearing on complaint objecting to discharge	At least 25 days	At least 28 days
6003	Time period limiting court's ability to grant certain relief after filing petition	Within 20 days after filing of petition	Within 21 days after filing of petition
6004(b)	Time for filing and serving objection to proposed use, sale, or lease of property	Not less than 5 days before date set for proposed action	Not less than 7 days before date set for proposed action

FEDERAL RULE (Fed. R. Bankr. P.)	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
6004(d)	Time for filing and serving objection to sale of property under \$2500 in value	Within 15 days of mailing notice	Within 14 days of mailing notice
6004(g)(2)	Time for trustee to file notice of appointment of consumer privacy ombudsman	No later than 5 days before hearing on motion under Section 363(b)(1)(B)	No later than 7 days before hearing on motion under Section 363(b)(1)(B)
6004(h)	Stay for order authorizing use, sale, or lease of property other than cash collateral	Stayed until expiration of 10 days after entry of order	Stayed until expiration of 14 days after entry of order
6006(d)	Stay of order authorizing trustee to assign executory contract or unexpired lease	Stayed until expiration of 10 days after entry of order	Stayed until expiration of 14 days after entry of order
6007(a)	Time for party in interest to file objection to notice of proposed abandonment or disposition of property	Within 15 days of mailing of notice	Within 14 days of mailing of notice
7004(e)	Time for service of Summons and Complaint in U.S.	Within 10 days of issuance of summons	Within 14 days of issuance of summons
7012(a)	Time for party to answer cross-claim, reply to counterclaim, or if reply to counterclaim ordered by court	20 days after service of pleading or entry of order	21 days after service of pleading or entry of order
7012(a)	Time for filing responsive pleading if court grants motion for more definite statement	10 days after service of more definite statement	14 days after service of more definite statement
7012(a)	Time for filing responsive pleading after denial of Rule 7012 motion	10 days after notice of court's action	14 days after notice of court's action
8001(f)(3)(D)	Time for party to file request for certification or cross-request	10 days after notice of request is served	14 days after notice of request is served
8001(f)(4)(B)	Time for party to file supplementary short statement of basis for certification	Within 10 days after certification	Within 14 days after certification
8002(a)	Time for filing notice of appeal	10 days after entry of judgment, order, or decree appealed from	14 days after entry of judgment, order, or decree appealed from
8002(a)	Time for any other party to file notice of appeal	10 days after date on which first notice of appeal filed	14 days after date on which first notice of appeal filed
8002(b)(4)	Time for filing motion for relief under Rule 9024	No later than 10 days after entry of judgment	No later than 14 days after entry of judgment
8002(c)(2)	Time for filing motion for extension of time after expiration of time for filing notice of appeal	Not later than 20 days after expiration of time for filing notice of appeal upon showing of excusable neglect	Not later than 21 days after expiration of time for filing notice of appeal upon showing of excusable neglect

FEDERAL RULE (Fed. R. Bankr. P.)	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
8002(c)(2)	Extension of time for filing notice of appeal	No more than 20 days from expiration of time for filing notice of appeal or 10 days from date of order granting motion, whichever is later	No more than 21 days from expiration of time for filing notice of appeal or 14 days from date of order granting motion, whichever is later
8003(a)	Time for adverse party to file opposition to motion for leave to appeal under 28 U.S.C. § 158(a)	10 days after service of motion	14 days after service of motion
8003(c)	Time for filing motion for leave to appeal stated in order directing filing of motion	10 days after entry of order requiring motion for leave to appeal	14 days after entry of order requiring motion for leave to appeal
8006	Time for appellant to file with clerk and serve on appellee designation of items to be included in record on appeal and statement of issues to be presented	Within 10 days after filing notice of appeal, entry of order granting leave to appeal, or entry of order disposing of last timely Rule 8002(b) motion	Within 14 days after filing notice of appeal, entry of order granting leave to appeal, or entry of order disposing of last timely Rule 8002(b) motion
8006	Time for appellee to file and serve designation of additional items to be included in record on appeal	Within 10 days after service of appellant's statement	Within 14 days after service of appellant's statement
8006	Time for appellee to file and serve statement of issues if cross-appeal filed and designation of additional items to be included in record	Within 10 days after service of appellant's statement	Within 14 days after service of appellant's statement
8006	Time for cross-appellee to file and serve designation of additional items to be included in record	Within 10 days after service of cross-appellant's statement	Within 14 days after service of cross-appellant's statement
8009(a)(1)	Deadline for appellant to serve and file brief	Within 15 days after entry of appeal on docket	Within 14 days after entry of appeal on docket
8009(a)(2)	Deadline for appellee to serve and file brief	Within 15 days after service of appellant's brief	Within 14 days after service of appellant's brief
8009(a)(3)	Deadline for appellant to serve and file reply brief	Within 10 days after service of appellee's brief	Within 14 days after service of appellee's brief
8009(a)(3)	Deadline for appellee to serve and file reply brief, if appellee has cross-appealed	Within 10 days after service of appellant's reply brief	Within 14 days after service of appellant's reply brief
8015	Time for filing motion for rehearing	Within 10 days after entry of judgment of district court or bankruptcy appellate panel	Within 14 days after entry of judgment of district court or bankruptcy appellate panel
8017(a)	Duration of automatic stay of judgment on appeal	10 days after entry of judgment	14 days after entry of judgment

FEDERAL RULE (Fed. R. Bankr. P.)	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
9006(d)	Time for filing motion and notice for hearing	Not later than 5 days before time specified for hearing	Not later than 7 days before time specified for hearing
9027(e)(3)	Time for filing statement required by Rule 9027(e)(3)	Not later than 10 days after filing of notice of removal	Not later than 14 days after filing of notice of removal
9027(g)	Time for answer or other response under rules of Part VII in removed action	The later of: <ul style="list-style-type: none"> • Within 20 days of receipt of copy of initial pleading OR • Within 20 days after service of summons on initial pleading OR • Within 5 days after filing of notice of removal 	The later of: <ul style="list-style-type: none"> • Within 21 days of receipt of copy of initial pleading OR • Within 21 days after service of summons on initial pleading OR • Within 7 days after filing of notice of removal
9033(b)	Time for party to serve and file objections to proposed findings of fact and conclusions of law	Within 10 days after being served with proposed findings and conclusions	Within 14 days after being served with proposed findings and conclusions
9033(b)	Time for party to respond to another party's objections	Within 10 days after being served with another party's objections	Within 14 days after being served with another party's objections
9033(c)	Limit on court-ordered extensions of time for party to file objections to proposed findings of fact and conclusions of law, upon showing of cause	Not to exceed 20 days from expiration of time otherwise prescribed by Rule 9033	Not to exceed 21 days from expiration of time otherwise prescribed by Rule 9033
9033(c)	Time for requesting extension of time for filing objections to proposed findings of fact and conclusions of law after expiration of time permitted, upon showing of excusable neglect	No more than 20 days after expiration of time for filing objections	No more than 21 days after expiration of time for filing objections

APPENDIX D

**COMPARISON OF CURRENT AND NEW FEDERAL APPELLATE RULES
GOVERNING TIME COMPUTATION**

FEDERAL RULE (Fed. R. App. P.)	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
4(a)(4)(A)(vi)	Time for all parties to file an appeal	After entry of order disposing of last remaining post-trial motion, including Rule 60 motion, if motion filed no later than 10 days after entry of judgment	After entry of order disposing of last remaining post-trial motion, including Rule 60 motion, if motion filed no later than 28 days after entry of judgment
4(a)(5)(C)	Limit on extension of time that may be granted	Extension may not exceed 30 days after prescribed time or 10 days after entry of order granting motion for extension	Extension may not exceed 30 days after prescribed time or 14 days after entry of order granting motion for extension
4(a)(6)(B)	Deadline for motion to reopen time for filing an appeal	Motion to reopen is filed within 180 days after judgment or order is entered or within 7 days after moving party receives notice of entry of judgment or order under Fed. R. Civ. P. 77(d)	Motion to reopen is filed within 180 days after judgment or order is entered or within 14 days after moving party receives notice of entry of judgment or order under Fed. R. Civ. P. 77(d)
4(b)(1)(A)	Time for filing defendant to file notice of appeal in criminal case	Within 10 days after the later of: <ul style="list-style-type: none"> • The entry of judgment OR • The order being appealed OR • The filing of the Government's notice of appeal 	Within 14 days after the later of: <ul style="list-style-type: none"> • The entry of judgment OR • The order being appealed OR • The filing of the Government's notice of appeal
4(b)(3)(A)	Deadline for criminal defendant to file notice of appeal after certain motions	The later of: <ul style="list-style-type: none"> • 10 days after entry of the order disposing of the last remaining motion of the listed types OR • Within 10 days after entry of judgment of conviction 	The later of: <ul style="list-style-type: none"> • 14 days after entry of the order disposing of the last remaining motion of the listed types OR • Within 14 days after entry of judgment of conviction

FEDERAL RULE (Fed. R. App. P.)	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
4(b)(3)(A)(ii)	Deadline for criminal defendant to move for new trial based on newly discovered evidence	10 days after entry of the judgment	14 days after entry of the judgment
5(b)(2)	Time for party to file answer in opposition or cross-petition	7 days after petition served	10 days after petition served
5(d)(1)	Deadline for appellant to pay all required fees and file cost bond (if required under Rule 7) if appeal discretionary	10 days after entry of order granting permission to appeal	14 days after entry of order granting permission to appeal
6(b)(2)(B)(i)	Deadline for appellant in bankruptcy case to file with clerk and serve on appellee statement of issues on appeal and designation of record to be certified and sent to circuit clerk	10 days after filing notice of appeal	14 days after filing notice of appeal
6(b)(2)(B)(ii)	Deadline for appellee in bankruptcy case to file with clerk and serve on appellant designation of additional parts of record to be included	10 days after being served with appellant's designation	14 days after being served with appellant's designation
10(b)(1)	Deadline for appellant to order transcript of proceedings	The later of: <ul style="list-style-type: none"> • 10 days after filing notice of appeal OR • Entry of last timely remaining motion of type specified in Rule 4(a)(4)(A) 	The later of: <ul style="list-style-type: none"> • 14 days after filing notice of appeal OR • Entry of last timely remaining motion of type specified in Rule 4(a)(4)(A)
10(b)(3)(A)	Deadline for appellant to file statement of issues to be presented on appeal	Within the 10 days provided in Rule 10(b)(1)	Within the 14 days provided in Rule 10(b)(1)
10(b)(3)(B)	Deadline for appellee to file and serve on appellant designation of additional parts of proceedings to be ordered	10 days after appellant's service of order or certificate and statement of issues	14 days after appellant's service of order or certificate and statement of issues

FEDERAL RULE (Fed. R. App. P.)	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
10(b)(3)(C)	Deadline for appellee to either order additional parts of proceedings or move in district court for order requiring appellant to order additional designated parts	10 days following appellant's failure to order appellee's designation of additional parts of record within 10 days of appellee's designation of additional parts of the record	14 days following appellant's failure to order appellee's designation of additional parts of record within 14 days of appellee's designation of additional parts of the record
10(c)	Deadline for appellee to serve objections or proposed amendments to appellant's statement of evidence or proceedings where no transcript of hearing or trial available	Within 10 days after service of appellant's statement of evidence or proceedings	Within 14 days after service of appellant's statement of evidence or proceedings
12(b)	Deadline for attorney filing notice of appeal to file statement with clerk naming parties represented on appeal	10 days after filing notice of appeal	14 days after filing notice of appeal
15(b)(2)	Deadline for serving answer to application for enforcement of agency order	20 days after application for enforcement filed	21 days after application for enforcement filed
19	Deadline for party disagreeing with agency's proposed judgment to file and serve agency with proposed judgment conforming to court's opinion	7 days after service of agency's proposed judgment	10 days after service of agency's proposed judgment
25(a)(2)(B)(ii)	Determination of timely filing for brief or appendix	On or before last day for filing brief or appendix is dispatched to third-party commercial carrier for delivery to clerk within 3 calendar days	On or before last day for filing brief or appendix is dispatched to third-party commercial carrier for delivery to clerk within 3 days
25(c)(1)(C)	Permissible service for filings	By third-party commercial carrier for delivery within 3 calendar days	By third-party commercial carrier for delivery within 3 days
26(c)	Additional time for party to act after service of paper	3 calendar days after service, unless paper delivered on date of service stated in proof of service	3 days after service, unless paper delivered on date of service stated in proof of service
27(a)(3)(A)	Deadline for filing response to motion	8 days after service of motion	10 days after service of motion
27(a)(3)(A)	Permissible time for court to grant motion authorized by Rules 8, 9, 18, or 41	Before the 8-day period runs, but only if court gives reasonable notice to parties of intention to act sooner	Before the 10-day period runs, but only if court gives reasonable notice to parties of intention to act sooner
27(a)(4)	Deadline for filing reply to response	5 days after service of response	7 days after service or response

FEDERAL RULE (Fed. R. App. P.)	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
28.1(f)(4)	Deadline for filing appellee's reply brief	At least 3 days before argument	At least 7 days before argument
30(b)(1)	Deadline for appellant to file and serve on appellee designation of record to be included in appendix and statement of issues to be presented for review	10 days after record is filed with the court	14 days after record is filed with the court
30(b)(1)	Deadline for appellee to serve on appellant designation of additional parts of record	Within 10 days after receiving appellant's designation	Within 14 days after receiving appellant's designation
31(a)(1)	Deadline for appellant to serve and file reply brief	Within 14 days after service of appellee's brief, but at least 3 days before argument	Within 14 days after service of appellee's brief, but at least 7 days before argument
39(d)(2)	Deadline for filing objections to bill of costs	Within 10 days after service of bill of costs	Within 14 days after service of bill of costs
41(b)	Deadline for court's issuance of mandate	The later of: <ul style="list-style-type: none"> • 7 calendar days after time to file petition for rehearing expires OR • 7 calendar days after entry of order denying timely petition for panel rehearing, petition for rehearing <i>en banc</i>, or motion for stay of mandate 	The later of: <ul style="list-style-type: none"> • 7 days after time to file petition for rehearing expires OR • 7 days after entry of order denying timely petition for panel rehearing, petition for rehearing <i>en banc</i>, or motion for stay of mandate

APPENDIX E

**COMPARISON OF CURRENT AND POTENTIAL CONFORMING LOCAL RULES
GOVERNING TIME COMPUTATION
IN THE U.S. DISTRICT COURT FOR COLORADO**

Note: The U.S. District Court for the District of Colorado published its amended Local Rules for comment on October 8, 2009, available at <http://www.cod.uscourts.gov/LocalRules/Rules.aspx>. This chart predicted possible conforming amendments before announcement of the Court's proposed amended Local Rules. Predicted periods in this chart that the Court did not propose for amendment are italicized.

LOCAL RULE (D.C. COLO. LCivR)	TIME PERIOD	CURRENT PERIOD	POTENTIAL CONFORMING PERIOD
5.2E (new)	Clarifies calculation of date of service: "If a document is electronically filed and thereby electronically served, the time to respond or reply shall be calculated from the date of electronic service, regardless of whether other means of service are also used by the filing party."	--	--
7.1C	Calculation for filing time for motions	Calculated from date of filing	Calculated from date of service consistent with proposed new Rule 5.2E
7.1C	Time for filing response to motion	20 days after filing date of motion	21 days after filing date of motion
7.1C	Time for filing reply in support of motion	15 days after filing date of response	14 days after filing date of response
30.1A	Reasonable notice for scheduling deposition	Not less than 11 days	14 days
43.2	<i>Deadline for notifying court of any Americans with Disabilities Act accommodations necessary for hearing or trial</i>	<i>At least 5 days before hearing or trial</i>	<i>At least 7 days before hearing or trial</i>
45.1	Deadline for service of a subpoena	At least 48 hours before the time for appearance set in the subpoena	At least 48 hours before the time for appearance set in the subpoena
54.1	Deadline for filing bill of costs	10 days after entry of judgment or final order	14 days after entry of judgment or final order
56.1A	Deadline for filing response to motion for summary judgment	20 days after filing date of motion	21 days after filing date of motion
56.1A	Deadline for filing reply in support of motion for summary judgment	15 days after filing date of opposing brief	14 days after filing date of opposing brief

LOCAL RULE (D.C. COLO. LCvR)	TIME PERIOD	CURRENT PERIOD	POTENTIAL CONFORMING PERIOD
72.2D	<i>Deadline for parties to file Consent to the Exercise of Jurisdiction by a United States Magistrate Judge form</i>	<i>No later than 10 days after discovery cutoff date</i>	<i>No later than 14 days after discovery cutoff date</i>
72.2D	<i>Deadline for parties to file Consent to the Exercise of Jurisdiction by a United States Magistrate Judge form in cases not requiring discovery</i>	<i>40 days from the filing of the last responsive pleading</i>	<i>40 days from the filing of the last responsive pleading</i>
72.2F	<i>Deadline for party added after filing of unanimous consent to file consent to proceed before magistrate judge</i>	<i>20 days from date of mailing of clerk's notice of reference to magistrate judge</i>	<i>21 days after mailing of clerk's notice of reference to magistrate judge</i>
83.3E(1)	<i>Deadline for attorney disbarred or suspended by any court to give notice of terms of discipline to clerk of U.S. District Court</i>	<i>Within 10 days of the date the disciplinary order enters</i>	<i>Within 14 days of the date the disciplinary order enters</i>
83.5E(1)	<i>Deadline for respondent to answer complaint, if requested by subcommittee investigating complaint against attorney</i>	<i>Within 20 days of the subcommittee request</i>	<i>Within 21 days of the subcommittee request</i>
83.5F(2)	<i>Deadline for attorney receiving letter of admonition to file written request for adjudication of propriety of conduct upon which admonition based</i>	<i>Within 20 days after receiving letter of admonition</i>	<i>Within 21 days of receiving letter of admonition</i>
83.5F(3)	<i>Deadline for respondent attorney to answer charges filed</i>	<i>Within 30 days from date of service of charges</i>	<i>Within 30 days from date of service of charges</i>
83.5J(1)	<i>Deadline for attorney subject to criminal conviction punishable by term of imprisonment of more than one year to give notice of conviction to clerk of District Court</i>	<i>Within 10 days of conviction</i>	<i>Within 14 days of conviction</i>
83.5J(2)	<i>Deadline for attorney resigning from bar of any other federal or state court while investigation of alleged misconduct pending to notify clerk of District Court of resignation</i>	<i>Within 10 days of resigning</i>	<i>Within 14 days of resigning</i>
84.1C(2)	<i>Deadline for party to file with clerk of bankruptcy court objection to motion for withdrawal of reference</i>	<i>Within 10 days after service of motion for withdrawal of reference</i>	<i>Within 14 days after service of motion for withdrawal of reference</i>
84.1D	<i>Deadline for parties to file written objections to findings of fact and conclusions of law submitted by bankruptcy judge in a proceeding that is not a "core proceeding"</i>	<i>10 days after the date of mailing of the bankruptcy judge's recommended findings of fact and conclusions of law</i>	<i>14 days after the date of mailing of the bankruptcy judge's recommended findings of fact and conclusions of law</i>

TABLE F**COMPARISON OF CURRENT AND AMENDED STATUTORY TIME-COMPUTATION PERIODS**

STATUTE	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
11 U.S.C. § 109(h)(3)(A)(ii)	Time period relating to debtor's unsuccessful attempt to obtain credit counseling services	5 days	7 days
11 U.S.C. § 322(a)	Time period in which trustee must file bond	5 days	7 days
11 U.S.C. § 332(a)	Deadline for trustee to appoint consumer privacy ombudsman	5 days	7 days
11 U.S.C. § 342(e)(2)	Time period for court and debtor to transmit required notice to creditor at address creditor has specified	Later than 5 days after Court and debtor receive creditor's notice of address	Later than 7 days after Court and debtor receive creditor's notice of address
11 U.S.C. § 521(e)(3)(B)	Deadline for Court to make copy of debtor's plan available to creditor in Chapter 13 case	5 days after creditor files request to receive copy of debtor's plan	7 days after creditor files request to receive copy of debtor's plan
11 U.S.C. § 521(i)(2)	Deadline for Court to enter order of dismissal after request of party in interest, if debtor fails to file required information within 45 days of filing petition	5 days after request of party in interest	7 days after request of party in interest
11 U.S.C. § 704(b)(1)(B)	Deadline for Court to provide to all creditors copy of trustee's filed statement concerning abuse in debtor's filings in Chapter 7 case	5 days after Court receives trustee's statement	7 days after Court receives trustee's statement
11 U.S.C. § 749(b)	Limit on time period for bankruptcy trustee to avoid certain transfers of securities contracts	Transfers made before 5 days after the order for relief	Transfers made before 7 days after the order for relief
11 U.S.C. § 764(b)	Limit on time period for bankruptcy trustee to avoid certain transfers of commodity contracts	Transfers made before 5 days after the order for relief	Transfers made before 7 days after the order for relief
18 U.S.C. § 983(j)(3)	Expiration date for temporary restraining order with respect to property against which no complaint has yet been filed	Not more than 10 days after date on which order entered	Not more than 14 days after date on which order entered
18 U.S.C. § 1514(a)(2)(C)	Duration of temporary restraining order prohibiting harassment of victim or witness in Federal criminal case	Not more than 10 days from issuance	Not more than 14 days from issuance

STATUTE	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
18 U.S.C. § 1514(a)(2)(E)	Notice to Government attorney from adverse party required for motion to dissolve temporary restraining order under statute	2 days' notice	2 days' notice, excluding intermediate weekends and holidays
18 U.S.C. § 1963(d)(2)	Expiration of restraining order, injunction, or any other action to preserve availability of property	Not more than 10 days after date on which order entered	Not more than 14 days after date on which order entered
18 U.S.C. § 2252A(c)	Deadline for defendant in child pornography case to notify Court before trial of intention to utilize certain affirmative defenses	No later than 10 days before the commencement of trial	No later than 14 days before the commencement of trial
18 U.S.C. § 2339B(f)(5)(B)(ii)	Deadline for appeal of order entered before trial on material-support statute matter	Not later than 10 days after the decision or order appealed from	Not later than 14 days after the decision or order appealed from
18 U.S.C. § 2339B(f)(5)(B)(iii)(I)	Deadline for Court of Appeals to hear argument on appeal from statute against providing material support or resources to designated foreign terrorists after adjournment of trial	Not later than 4 days after adjournment of trial	Not later than 4 days after adjournment of trial, excluding intermediate weekends and holidays
18 U.S.C. § 2339B(f)(5)(B)(iii)(III)	Deadline for Court of Appeals to render its decision on appeal taken under statute against providing material support or resources to designated foreign terrorists	Not less than 4 days after argument on appeal	Not less than 4 days after argument on appeal, excluding intermediate weekends and holidays
18 U.S.C. § 3060(b)(1)	Deadline for holding preliminary examination of criminal defendant	No later than 10 days after defendant's initial appearance	No later than 14 days after defendant's initial appearance
18 U.S.C. § 3432	Deadline for furnishing person charged with treason or other capital offense with copy of indictment and lists of veniremen and witnesses at trial	At least 3 entire days before the commencement of trial	At least 3 entire days before trial, excluding intermediate weekends and holidays
18 U.S.C. § 3509(b)(1)(A)	Deadline for person seeking order for child's testimony to be taken via two-way closed circuit to apply for order	At least 5 days before trial date	At least 7 days before trial date
18 U.S.C. § 3771(d)(5)(B)	Deadline for victims to seek mandamus review in Court of Appeals for certain purposes	10 days	14 days
18 U.S.C. App. 3 § 7(b)	Deadline for appeal of decision or order entered before trial in CIPA matter	Within 10 days after the decision or order appealed from	Within 14 days after the decision or order appealed from

STATUTE	TIME PERIOD	CURRENT PERIOD	NEW PERIOD
18 U.S.C. App. 3 § 7(b)(1)	Deadline for Court of Appeals to hear argument on appeal from trial of Classified Information Procedures Act ("CIPA") matter	Within 4 days of the adjournment of the trial	Within 4 days of the adjournment of the trial, excluding intermediate weekends and holidays
18 U.S.C. App. 3 § 7(b)(3)	Deadline for Court of Appeals to render its decision in appeal pursuant to CIPA	Within 4 days of argument on the appeal	Within 4 days of argument on the appeal, excluding intermediate weekends and holidays
21 U.S.C. § 853(e)(2)	Expiration of temporary restraining order entered under this section	Not more than 10 days from date on which order entered	Not more than 14 days from date on which order entered
28 U.S.C. § 636(b)(1)	Deadline for objecting to magistrate judge orders and recommendations	10 days	14 days
28 U.S.C. § 1453(c)(1)	Limit on time for seeking appellate review under Class Action Fairness Act ("CAFA") for a District Court's remand order	Not less than 7 days	Not more than 10 days
28 U.S.C. § 2107(c)	Deadline for motion to reopen time to appeal in civil case	7 days	14 days

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