Rule 6. Computing and Extending Time; Time for Motion Papers

(a) COMPUTING TIME. The following rules apply in computing any time period specified in these rules, court order, or in any statute that does not specify a method of computing time.

   (1) *Period Stated in Days or a Longer Unit.* When the period is stated in days or a longer unit of time:

      (A) exclude the day of the event that triggers the period;

      (B) count every day, including intermediate Saturdays, Sundays and legal holidays; and

      (C) include the last day of the period, but if the last day is a Saturday, Sunday, or a legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

   (2) *Period Stated in Hours.* When the period is stated in hours:

      (A) begin counting immediately on the occurrence of the event that triggers the period;

      (B) count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and

      (C) if the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday.

   (3) *Inaccessibility of the Clerk's Office.* Unless the court orders otherwise, if the clerk's office is inaccessible:

      (A) on the last day for filing under Rule 6(a)(1), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday; or

      (B) during the last hour for filing under Rule 6(a)(2), then the time for filing is extended to the same time on the first accessible day that is not a Saturday, Sunday, or legal holiday.

   (4) *"Last Day" Defined.* Unless a different time is set by a statute or court order, the last day ends:

      (A) for electronic filing, at midnight in the court's time zone; and

      (B) for filing by other means, when the clerk's office is scheduled to close.

   (5) *"Next Day" Defined.* The *"*next day*"* is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

   (6) *"Legal Holiday" Defined.* *"*Legal holiday*"* means:

      (A) the day set aside by statute for observing New Year's Day, Martin Luther King Jr.'s Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, or Christmas Day; and

      (B) any day declared a holiday by the President or Congress, or observed as a holiday by the court.

      (C) [Omitted].

(b) EXTENDING TIME.

   (1) *In General.* When an act may or must be done within a specified time, the court may, for good cause, extend the time:

      (A) with or without motion or notice if the court acts, or if the request is made, before the original time or its extension expires; or

    (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

   (2) *Exceptions.* A court must not extend the time to act under Rules 50(b) and (d), 52(b), 59(b) and (d), and 60(b).

(c) TIME FOR SERVING AFFIDAVITS. Any affidavit supporting a motion or opposition must be served with the motion or opposition unless the court orders otherwise.

(d) ADDITIONAL TIME AFTER CERTAIN KINDS OF SERVICE. When a party may or must act within a specified time after being served and service is made under Rule 5(b)(2)(D) (mail) or (F) (other means consented to), 3 days are added after the period would otherwise expire under Rule 6(a).

COMMENT TO 2018 AMENDMENTS

   This rule was amended to conform with the corresponding civil rule, which provides a new method for calculating time.

COMMENT

Pursuant to paragraph (a), if a pleading is served on the 10th day of the month, the first day of the applicable time period is the 11th day of the month. If the pleading was served by mail, paragraph (c) permits three additional business days to be added to the specified time period after the initial period has been computed pursuant to paragraph (a). *See Wallace v. Warehouse Employees Union No. 730*, 482 A.2d 801 (D.C. App. 1984). For example, if the specified time period ended on Saturday, the 10th day of the month, the operative due date would become Monday, the 12th, which is the next business day. If paragraph (c) is applicable, the three additional days extends the prescribed time period to Thursday the 15th. The same computation applies when an order or judgment is rendered outside the presence of the parties and notice is mailed pursuant to SCR-Dom. Rel. 77(b). *Id.*