

FEDERAL RULES OF
PRACTICE AND PROCEDURE
UPDATE

Effective December 1, 2009

Prepared By
Thomas J. Yerbich, Esq.
Court Rules Attorney
U.S. District Court, Alaska

CONTENTS

Time Changes.	1
Statutes Affected.. . . .	3
Federal (National) Rules Affected.. . . .	3
Local Rules Affected.. . . .	4
Deviations.. . . .	4
Statutes.. . . .	4
Federal Rules of Civil Procedure.. . . .	5
Local (Civil) Rules.. . . .	6
Local Criminal Rules.. . . .	8
Local Habeas Rules.. . . .	8
Federal Rules of Bankruptcy Procedure.. . . .	8
Local Bankruptcy Rules.. . . .	9
Federal Rules of Appellate Procedure.. . . .	11
Substantive Amendments.. . . .	11
Federal Rules of Civil Procedure.. . . .	11
Federal Rules Governing § 2254 Cases.. . . .	11
Federal Rules Governing § 2255 Cases.. . . .	12
Local (Civil) Rules.. . . .	12
Local Admiralty Rules.. . . .	13
Federal Rules of Criminal Procedure.. . . .	13
Local Criminal Rules.. . . .	13
Federal Rules of Bankruptcy Procedure.. . . .	14
Local Bankruptcy Rules.. . . .	15
Federal Rules of Appellate Procedure.. . . .	15
Matrices	
Civil [Prejudgment].	16
Civil [Post-Judgment].	19
Criminal.. . . .	21
Magistrate.. . . .	23
Admiralty.. . . .	24
Habeas.. . . .	25
Bankruptcy – Notices.. . . .	26
Bankruptcy – Main Case.. . . .	28
Bankruptcy – Adversary Actions.. . . .	34
Bankruptcy – Appeals.. . . .	35
Bankruptcy – Miscellaneous Items.. . . .	36
Appellate.. . . .	37
Synopsis of Statutory Time Changes.. . . .	38

TIME CHANGES

Effective December 1, 2009, sweeping changes to the computation of time under the Federal Rules of Practice and Procedure and the local rules for the District of Alaska will take effect.¹

Under former rules a period of 11 days (8 days for bankruptcy cases) or more was computed differently than a period of less than 11 days (8 days for bankruptcy cases). Intermediate Saturdays, Sundays, and legal holidays were included in computing the longer periods, but excluded in computing the shorter periods.

Former rules made computing deadlines unnecessarily complicated and led to counterintuitive results. For example, in non-bankruptcy cases a 10-day period and a 14-day period that started on the same day usually ended on the same day—and the 10-day period not infrequently ended later than the 14-day period, *e.g.*, whenever there was an intervening holiday.

Under the new rules, all deadlines stated in days (no matter the length) are computed in the same way.² The day of the event that triggers the deadline is not counted. All other days—including intermediate Saturdays, Sundays, and legal holidays—are counted, with only one exception: If the period ends on a Saturday, Sunday, or legal holiday, then the deadline falls on the next day that is not a Saturday, Sunday, or legal holiday.

Periods previously expressed as less than 11 days (8 days for bankruptcy cases) would be shortened as a practical matter by the decision to count intermediate Saturdays, Sundays, and legal holidays in computing all periods. Many of those periods have been lengthened to compensate for the change.

To compensate, the times in most rules have been increased between two and four days.³ Most of the 10-day periods were adjusted to meet the change in computation method by setting 14 days as the new period. In non-bankruptcy cases, a 14-day period corresponds to the most frequent result of a 10-day period under the former computation method—two Saturdays and two Sundays were excluded, giving 14 days in all. A 14-day period has an additional advantage. The final day falls on the same day of the week as the event that triggered the period—the 14th day after a Monday, for example, is a Monday. In bankruptcy proceedings, because intervening weekends and holidays are not excluded when the time is 10 days, this change has the effect of actually lengthening the time for performing an act by 4 days. This advantage of using week-long periods led to

¹ The time-computation provisions apply only when a time period must be computed. They do not apply when a fixed time to act is set. It also does not apply when computing a time period set by a statute if the statute specifies a method of computing time.

²F ED. R. APP. P. 26, FED. R. BANK. P. 9006, FED. R. CIV. P. 6, AND FED. R. CRIM. P 45.

³ The “3-day mail rule” remains in effect without change.

adopting 7-day periods to replace some of the periods. Thirty-day and longer periods, however, were retained without change.

7 – 14 – 21 – 28 Protocol

In general, for times of less than 30 days, times are computed in increments of 7 days (7, 14, 21, or 28). For most rules: 5 days become 7; 10 or 15 days become 14; 20 becomes 21; and 25 days becomes 28.⁴ In those instances where the time is measured in calendar days, the amendment generally simply deletes the word calendar as superfluous. This change has no substantive effect. In local rules where the time was measured in business or court days less than 5, the time was usually left unchanged (retaining the measurement in terms of business or court days). In the local rules where the time was less than 5 days, the time was changed by simply adding 2 days to the time, e.g., 3 becomes 5. In some rules where the time was measured in 7 calendar days, because these matters were previously determined to require a shortened time frame, in order to avoid distorting the time that the matter was pending, instead of increasing the time to 14 days, the 7-day period was retained or the time was increased to 10 days (considered and rejected using 9 days mostly because it is an unusual period and most practitioners are used to 10-day time frames).

Hours

The new rules also address the computation of time periods that are stated in hours. No such deadline currently appears in the Federal Rules of Appellate, Bankruptcy, Civil, or Criminal Procedure. A deadline stated in hours starts to run immediately on the occurrence of the event that triggers the deadline. The deadline generally ends when the time expires. If, however, the time period expires at a specific time (say, 2:17 p.m.) on a Saturday, Sunday, or legal holiday, then the deadline is extended to the same time (2:17 p.m.) on the next day that is not a Saturday, Sunday, or legal holiday. Periods stated in hours are not to be "rounded up" to the next whole hour and every hour must be counted.

"Last Day"

The "last day" is defined as at midnight in the court's time zone for electronic filing, or when the clerk's office is scheduled to close for conventional (paper) filing.

When determining the last day of a filing period stated in days or a longer unit of time, a day on which the clerk's office is not accessible because of the weather or another reason is treated like a Saturday, Sunday, or legal holiday. When determining the end of a filing period stated in hours, 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.

⁴ Congress was not requested to and did not adopt the 7 - 14 - 21 - 28-day protocol in the statutes. Statutory amendments were limited to compensating for the elimination of intervening weekends and holidays.

Forward Looking/Backward Looking.

The rules contain both forward-looking time periods and backward-looking time periods. A forward-looking time period requires something to be done within a period of time *after* an event. A backward-looking time period requires something to be done within a period of time *before* an event. In determining what is the "next" day, one should continue counting in the same direction—that is, forward when computing a forward-looking period and backward when computing a backward looking period.

For forward-counted periods—periods that are measured after an event—state holidays are considered legal holidays. However, state legal holidays are not recognized in computing backward-counted periods—periods that are measured before an event. For both forward- and backward-counted periods, the rule protects those who may be unsure of the effect of state holidays. For forward-counted deadlines, treating state holidays the same as federal holidays extends the deadline. Thus, someone who thought that the federal courts might be closed on a state holiday would be safeguarded against an inadvertent late filing. In contrast, for backward-counted deadlines, not giving state holidays the treatment of federal holidays allows filing on the state holiday itself rather than the day before.

Example 1: The matter is scheduled for trial on Monday June 14, 2010. Jury instructions are due 14 days before trial, which falls on Monday, May 31, Memorial Day. Jury instructions are due the *preceding* Friday, May 28, 2010.

Example 2: The matter is scheduled for Monday April 12, 2010. Jury instructions are due 14 days earlier, March 29, 2010, Seward's Day, a state holiday. Jury instructions are due not later than that day notwithstanding that it is state holiday.

Example 3: Judgment is entered on Monday March 1, 2010. Counting forward 28 days falls on Monday March 29, 2010. Because it is a state holiday (Seward's Day), a motion for new trial under Rule 59 is not due until Tuesday, March 30, 2010, the next day that falls on neither a weekend nor a holiday.

STATUTES AFFECTED⁵

- ◆ 11 U.S.C. §§ 109, 322, 332, 342, 521, 704, 749, and 764;
- ◆ 18 U.S.C. §§ 983, 1514, 1963, 2252A, 2339B, 3060, 3432, 3509, and 3771;
- ◆ "Classified Information Procedures Act" (18 App.) § 7;
- ◆ 21 U.S.C. § 853; and
- ◆ 28 U.S.C. §§ 636, 1453, and 2107.

FEDERAL (NATIONAL) RULES AFFECTED

- ◆ Appellate Rules 4, 5, 6, 10, 12, 15, 19, 25, 26, 27, 28.1, 30, 31, 39, and 41;

⁵ Statutory Time-Periods Technical Amendments Act of 2009, P.L. 111-16.

- ◆ Bankruptcy Rules 1007, 1011, 1019, 1020, 2002, 2003, 2006, 2007, 2007.2, 2008, 2015, 2015.1, 2015.2, 2015.3, 2016, 3001, 3015, 3017, 3019, 3020, 4001, 4002, 4004, 6003, 6004, 6006, 6007, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9006, 9027, and 9033;
- ◆ Civil Rules 6, 12, 14, 15, 23, 27, 32, 38, 50, 52, 53, 54, 55, 56, 59, 62, 65, 68, 71.1, 72, and 81;
- ◆ Supplemental (Admiralty) Rules B, C, and G;
- ◆ Rules Governing § 2254 Cases Rule 8;
- ◆ Rules Governing § 2255 Cases Rule 8;
- ◆ Illustrative Civil Forms 3, 4, and 60; and
- ◆ Criminal Rules 5.1, 7, 12.1, 12.3, 29, 33, 34, 35, 41, 45, 47, 58, and 59.

LOCAL RULES AFFECTED

- ◆ Local Admiralty Rules (c)-1, (c)-2, (c)-3, (c)-4, (d)-1, (e)-8, (e)-9, and (e)-14;
- ◆ Local (Civil) Rules 3.3, 5.3, 7.1, 7.2, 7.3, 10.1, 11.1, 16.3, 39.2, 39.3, 40.2, 40.3, 47.1, 51.1, 53.1, 54.1, 55.1, 58.1, 59.1, 67.2, and 83.1;
- ◆ Local Criminal Rules 11.1, 32.1, 32.1.1, 32.2, 44.2, 46.1, 46.2, 47.1, and 58.1;
- ◆ Local Habeas Rules 4.1, 7.1, and 8.2;
- ◆ Local Magistrate Rules 5, and 6;
- ◆ Local Bankruptcy Rules 1015-1, 1017-1, 2002-1, 2015-2, 2016-1, 2016-2, 2081-1, 2082-1, 3002-1, 3003-1, 3012-1, 3015-2, 3015-3, 3016-1, 3017-1, 3017-2, 3018-2, 3022-1, 4001-1, 4001-2, 4002-1, 4003-1, 5005-4, 5011-1, 5074-1, 6004-1, 6006-1, 6007-1, 6008-1, 7016-1, 7041-1, 8009-1, 8009-2, 8010-1, 8012-1, 8017-1, 9010-1, 9011-3, 9013-1, 9013-3, 9015-2, 9021-1, 9033-1, 9075-1, and 9076-1; and
- ◆ Local Bankruptcy Forms 2, 3, 6B, 10, 11, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25-1, 25-2, 27, 28, 31, 34, 35, 36, and 39.

DEVIATIONS

The following is a summary of those instances where the amendment did not simply implement the 7 – 14 – 21 – 28-day protocol. All other amendments simply changed 5 calendar days to 7, 10 and 15 calendar days to 14, 20 calendar days to 21, and 25 calendar days to 28 wherever they appeared.

Statutes.

18 U.S.C. § 1514 “Civil Action to restrain harassment of victim or witness” – Subparagraph (a)(2)(E) retains the 2-day notice to the government of a motion to dissolve or modify a TRO but adds an exclusion of intervening weekends and holidays.

18 U.S.C. § 2339B “Providing material support or resources to designated foreign terrorist organizations” – Retains 4-day period in (f)(5)(B)(iii)(I) and (III) for appellate court to hear oral argument and render a decision but adds an exclusion of intervening weekends and holidays.

18 U.S.C. § 3432 “Indictment and list of jurors and witnesses for prisoner in capital cases” – Retains 3-day period for providing list but adds an exclusion of intervening weekends and holidays.

“Classified Information Procedures Act” (18 App.) § 7 “Interlocutory Appeal” – Time for appellate court to hear argument and render decision in ¶¶ (b)(1) and (b)(2), respectively, remain 4 days but adds an exclusion of intervening weekends and holidays.

Federal Rules of Civil Procedure

Rule 6(c) “Motions, Notices of Hearing, and Affidavits” – In general motion and notice of hearing on motion must be served at least **14 days** before the hearing (current rule 5 days) and supporting affidavits at least **7 days** before the hearing (current rule 1 day).

Rule 15(a) “Amendments Before Trial” – Filing “of course” amendments to pleadings changed to **21 days** after party serves it or, if responsive pleading is required, after service of a responsive pleading or a motion under Rule 12(b), (e) or (f), whichever is earlier.

Rule 50(b) “Renewing the Motion after Trial” – Time for a renewed motion for judgment as a matter of law increased to **28 days** (current rule 10 days).

Rule 50(d) “Time for Losing Party’s New-Trial Motion” – Time to file motion increased to **28 days** (current rule 10 days):

Rule 52(b) “Amended or Additional Findings” – Time to file motion increased to **28 days** (current rule 10 days).

Rule 54(d)(1) “Costs Other than Attorneys’ Fees” – Time for giving notice of hearing on cost bill increased to **14 days** (current rule is 1 day).

Rule 56 “Summary Judgment” – The time for filing a motion for summary judgment has been changed to anytime until 30 days after discovery closes, unless otherwise provided by local rule or court order. The procedure and times for filing motions for summary judgment have been changed; the reference to time of hearing on the motion has been eliminated (the rule no longer presumes there will always be a hearing on a motion for summary judgment). Oppositions to motions for summary judgment are due **21 days** after the motion is served, and replies **14 days** after the opposition.

Rule 59(b) “Time to File Motion for a New Trial” – time to file motion increased to **28 days** (current rule 10 days) from date of entry of the judgment.

Rule 59(d) “New Trial on the Court’s Initiative or for Reasons Not in the Motion” – time for court to enter *sua sponte* increased to **28 days** (current rule 10 days).

Rule 59(e) “Motion to Alter or Amend Judgment” – time to file increased to **28 days** (current rule 10 days).

Local (Civil) Rules.

Rule 5.5 “Service Prior to an Event” [New] – Subsection (a) provides that, with respect to cases in which the due date for service prior to an event is a short time period (7 days or less), service is not completed timely unless delivered to the other party by the due date.

Subsection (b) creates a rebuttable presumption of timely receipt if served by handing it to the person (Rule 5(b)(2)(A)), delivery to the office or residence (Rule 5(b)(2)(B)), transmitted electronically (Rule 5(b)(2)(E)), or other consented to means of delivery (Rule 5(b)(2)(F)). If served by mail (Rule 5(b)(2)(C)), it must be mailed at least three business days prior to the due date. If served by courier, DHL, UPS, Fed-Ex, or similar means, the date and time of delivery will generally be as noted by the courier’s delivery receipt or notice.

Rule 7.1 “Motion Practice” – Subdivision (e) amended to increase time for filing oppositions to motions and replies from 15 and 5 days to 21 and 14 days, respectively for motions filed under FED. R. CIV. P. 12(b) and (c). NOTE: This corresponds to the time set in FED. R. CIV. P. 56 (effective 12/1/09) for filing oppositions and replies in response to motions for summary judgment. It is also expected that the increase in response times will reduce, if not eliminate, the number of requests for enlargement of time. For all other motions, the time is 14 days and 7 days, respectively.

Rule 7.2 “Hearings” – Times in subsection (a) (request for oral argument), and ¶¶ (b)(1) (motion for leave to present evidence) and (b)(3) (time for providing list of witnesses and estimate of time required) increased from 3 to 5 days.

Rule 7.3 “Telephonic Participation in Civil Cases” – The time for contacting the CMC in advance of the hearing remains unchanged as 2 business days.

Rule 16.3 “Administrative Agency Appeals” – In ¶ (e)(2) the time to respond to the Clerk’s notice of a delinquent brief has been increased from 7 to 10 days. This is believed appropriate in that the amendment to FED. R. CIV. P. 6 eliminating the exclusion of intervening holidays and weekends would result in making the time to respond excessively short.

Rule 51.1 “Jury Instructions” – Time for meeting of counsel to review proposed instructions increased from 15 to 21 days before trial in ¶ (e)(1). This change departs from the usual rule that 15 days becomes 14 because of the change to the time for filing proposed instructions in subdivision (a) to 14 days. Otherwise, the meeting and deadline for submission would fall on the same day.

Rule 54.1 “Taxation of Costs” – Subdivision (a) amended to provide that cost bill be filed within 14 days of entry of judgment [coincides with time permitted to file motion for attorney’s fees under FED. R. CIV. P. 54(d)(2)(B)] and the hearing be not more than 28 days from date of notice. NOTE: FED. R. CIV. P. 54(d)(1) (effective 12/1/09) provides for a minimum 14-day notice of the hearing instead of the current 1 day. Thus a 14-day window is created during which the cost bill hearing must be held.

Paragraph (c)(1) amended to provide that objections be served and filed not later than 7 days before the hearing. Under the current rules the hearing could be held on 1 day and not more than 7 days notice; consequently objections were allowed to be first made at the hearing. With the expanded time between notice of and holding the hearing on cost bills, to make cost bill hearings more efficient, objections must be filed at least 7 days before the hearing

Rule 55.1 “Entry of Judgment on Default” – Subsection (c) currently provides for submission 3 days after service of notice under FED. R. CIV. P. 55(b)(2). Rule 55(b)(2) currently provides for a minimum of 3 days notice of the hearing. The amendment to Rule 55(b)(2) (effective 12/1/09) changes the notice time to 7 days. Under the amendment to Rule 6(a) it is possible that under the current LR 55.1 the opposition could be due as late as midnight of the date of the hearing. To ensure that the opposition is received by the party seeking default and the court before the hearing, subsection (c) has been amended to provide for submission of opposition at least 2 days before the hearing date. NOTE: As a minimum this would be at least the court day preceding the hearing.

Rule 59.1 “Motions for Reconsideration of Non-Appealable Orders” – Time for filing reconsideration motions of interlocutory orders, other than those governed by FED. R. CIV. P. 59, in ¶ (b)(1) increased from 5 to 14 days. The departure from the usual “rule” of substituting 7 for 5 days in this instance is warranted by two factors: (1) Rule 59 (effective 12/1/09) increases the time for filing motions under that rule from 10 to 28 days; and (2) a general consensus among practitioners that a shorter time period is unrealistic.

Subparagraph (d)(1)[A] is new and sets a default rule for the time for filing an opposition. Subparagraphs (d)(2)[A] and [B] are new setting the default time for filing replies and limiting the size of replies.

Local Admiralty Rules.

Rule (c)-3 “Notice Required for Default and Default Judgment in Action in Rem” – Time in subsection (b) for serving notice changed from 3 to 7 days. [The time coincides with the notice time required in FED. R. CIV. P. 55.]

Rule (e)-9 “Adversary Hearing” – Time for holding a hearing in subsection (a) changed from 3 court days to 7 days.

Rule (e)-11 “Security Deposit for Seizure of Vessels” – Time in ¶ (b)(2) for advancing additional funds unchanged from 2 business days.

Rule (e)-14 “Sale of Property” – Deleted the word calendar in (b)(1), (b)(2), (d)(2)[B](ii), (h), (j), and (j)(2); and the word “business” between “next” and “day” in (c)(1). With the elimination of the intervening weekend/holiday provision, the word calendar/business in this rule is superfluous. This change is technical and does not make any substantive change to the times in those provisions.

Time in (d)(2)[B](ii) for payment of the balance of the purchase price in the event an objection is filed is changed from 7 court days to 7 calendar days making the time for completing payment the same irrespective of whether or not an objection is filed.

Local Criminal Rules.

Rule 11.1 “Change of Plea” – The time for filing a notice of change of plea changed from 3 to 5 days. The time in ¶ (b)(2) to arrange a pre-sentence report interview remains unchanged as 3 business days.

Rule 32.1 “Sentencing Procedures” – Time in ¶ (d)(1) for filing sentencing memoranda unchanged as 7 days preceding hearing. This has the effect of giving back to the parties the day lost by the change in the time for a PSR to be disclosed plus one additional day.

Rule 32.1.1 “Revocation of Probation or Supervised Releases” – Time in subparagraph (e)(2)[B] for filing with the court changed from 2 days to 2 business days. NOTE: Time for the initial appearance in subparagraph (a)(2)[A] (14 days) tracks the time for a preliminary appearance under FED. R. CRIM. P. 5.1 (effective 12/1/09).

Rule 46.1 “Bail Hearings, Pretrial Release – Times in subparagraph (e)(1) for making a request for special pretrial services and ¶ (f)(3) for completing the application forms changed from 16 working hours to 48 hours. Time in hours is now determined as provided in FED. R. CRIM. P. 45(a)(2). This change will not result in any change to when the respective materials are due.

Rule 47.1(b) “Criminal Motion Practice” – Opposition to the motion due 7 days after service or 2 business days before the hearing, whichever is earlier.

Local Habeas Rules.

Rule 7.1 “Expansion of Record” – Time in ¶ (b)(1) for petitioner to file a motion for expansion of the record increased from 15 to 21 days. This departure from the protocol that 14 is substituted for 15 eliminates the incongruous disparity between the time allotted to a petitioner and that allotted to the respondent (a majority of prisoners seeking habeas relief are appearing *pro se*).

Federal Rules of Bankruptcy Procedure.

Rule 7052 “Findings by the Court” – The time for filing a motion under Rule 52 (incorporated by Rule 7052) is **14 days**, not the 28 days specified in Rule 52. (Current rule used the same time as specified in current rule 52, 10 days.)

Rule 4001 “Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements” – Time in ¶ (2) on objections to agreements and (3) holding hearings remain unchanged from 15 and 5 days respectively. [Note: This apparent oversight has been addressed in the Class 2010 amendments effective December 1, 2010.]

Rule 9015 “Jury Trials” – The time for filing a motion under Rule 50 (incorporated by Rule 9015) is **14 days**, not the 28 days specified in Rule 50. (Current rule used the same time as specified in current rule 50, 10 days.)

Rule 9023 “New Trials; Amendment of Judgments” – The time for filing a motion under Rule 59 (incorporated by Rule 9023) is **14 days**, not the 28 days specified in Rule 59. (Current rule used the same time as specified in current rule 59, 10 days.)

Local Bankruptcy Rules.

Rule 1015-1 “Joint Administration and Substantive Consolidation” – Time in clause (d)(2)[B](i) for submitting a calendar request remains unchanged as 3 business days.

Rule 2002-1 “Notices” – Subparagraph (c)(2)[A] amended to provide that the matrix certified as updated by the clerk be not more than 14 days old, vice the current 20 days.

Rule 2015-2 “Monthly Financial Reporting Requirements” – Paragraph (b)(1) amended by striking the word “business” before day as unnecessary. If the next day falls on a weekend or holiday, under FED. R. BANK. P. 9006, the report must be delivered or mailed on the next business day in any event.

Rule 2083-1 “Scheduling Hearings in Chapter 13 Cases” – The time for providing the trustee with a certification of payments made during the preceding month remains the third business day of the month.

Rule 2015-2 “Monthly Financial Reporting Requirements” – Paragraph (b)(1) amended by striking the word “business” before day as unnecessary. If the next day falls on a weekend or holiday, under FED. R. BANK. P. 9006, the report must be delivered or mailed on the next business day in any event.

Rule 2016-1 “Compensation of Trustees and Professional Fees” – Paragraph (i)(1) time for filing an application for professional fees in chapter 7 cases remains 7 days. Although eliminating intervening weekends and holidays from the time shortens the time, experience has shown that most applications for professional fees are filed prior to the time the final report is filed.

Rule 2081-1 “Status Conferences in Chapter 11 Cases” – Time for debtor-in-possession to file a conference statement in ¶ (c)(1) changed from 5 business days to 7 days and paragraph (c)(3) time for any other party in interest to file a conference statement remains unchanged as 3 business days.

Rule 3012-1 “Valuation of Collateral” – Subparagraph (e)(1) amended to provide for mandatory discovery changes to be 7 days prior to any hearing for all cases.

Rule 3017-1 “Hearing on Chapter 11 Disclosure Statement” – Time for filing a calendar request in ¶ (a)(1) changed from 5 business to 7 days and time in ¶ (c)(1) for receipt of objections by U.S. trustee changed from 5 business to 7 days. This change should have no substantive effect.

Rule 3017-2 “Disclosure Statements in Small Business Cases” – Time in ¶ (c)(1) for U.S. trustee to file notice of review of disclosure statement changed from 10 business days to 14 days and ¶ (d)(1) time for filing and transmitting objections to the conditionally approved disclosure statement changed from 5 business days to 7 days.

Rule 3018-1 “Report of Balloting” – Time for certifying result of balloting remains unchanged at 2 business days.

Rule 3018-2 “Acceptance or Rejection and Objections to Chapter 11 Confirmation” – Time for delivering ballots to the plan proponent in subsection (a) and for filing objections to confirmation in ¶ (b)(1) changed from 5 business days to 7 days.

Rule 4001-1 “Motions for Relief From Stay” – Paragraph (b)(2) amended to more correctly reflect the effect of 11 U.S.C. §§ 1201/1301. The stay is terminated automatically by operation of law if no objection is served and filed within 20 days of the date the motion is filed. Subparagraph (b)(2)[A] amended to provide that the last day for objections will always be 20 days after the date the motion is filed. Subparagraph (b)(2)[C] amended to make giving of notice same as motions under § 362. Time in subparagraph (f)(2)[A] changed from 3 to 5 days (adjusts for elimination of the intervening holiday/weekend exclusion).

Rule 5005-4 “Electronic Case Filing” – Time for providing notice of withdrawal of motion in clause (k)(1)[B](ii) remains unchanged as 2 business days.

Rule 5071-1 “Continuances” – Time to seek continuance in ¶ (1) remains unchanged at 3 business days.

Rule 5074-1 “Facsimile Filing” – Time to file original pleading in ¶ (a)(4) changed from 5 business days to 7 days.

Rule 8009-2 “Failure to Timely File Briefs” – Time to respond to order to file a brief in subsection (b) increased from 7 to 14 days.

Rule 9013-1 “Briefs; Memoranda” – Subdivision (c) currently uses 7 days, consistent with the 7-day interval protocol is unchanged. Although elimination of the intervening weekend/holiday exclusion shortens this time, it is believed that 7 days plus the 3-day mail rule is sufficient time for filing a reply. The times in ¶¶ (e)(1) and (2) regarding extensions that do not require court approval are unchanged.

Rule 9021-1 “ Orders, Findings, Conclusions, Judgments” – The amendment to the minimum time when proposed orders or findings are to be submitted under ¶ (a)(2) was decreased from 10 to 7 days. Setting the minimum and maximum times for submitting proposed orders at 7 and 14 days, respectively, is more consistent with the policy of expediting resolution of matters in bankruptcy cases.

Rule 9075-1 “Hearing; Trials” – The time in ¶ (e)(1) for complying with FED. R. CIV. P. 26(a)(3) changed from 7 business days to 7 days. The time for objections in subparagraph (e)(1)[C] remains unchanged as 3 business days.

Rule 9076-1 “Telephonic Participation by Parties in Interest” – To compensate for the elimination of excluding intervening weekends and holidays, this rule was amended to provide for “3 business days” in lieu of “3 days.” This amendment is technical and not intended to be a substantive change.

Federal Rules of Appellate Procedure.

Rule 4 “Appeal as of Right — When Taken” – Clause (a)(4)(A)(vi) changed to reset the time for filing a Notice of Appeal when a motion is filed under FED. R. CIV. P. 60 to a motion filed within **28 days** after entry of judgment (current rule allows 10 days).

Rule 5(b)(2) “Contents of Petition; Answer or Cross-Petition; Oral Argument” – time to file an answer to cross-petition is changed to **10 days** (current rule allows 7 days).

Rule 19 “Settlement of a Judgment Enforcing an Agency Order in Part” – Increased the time to object to Agency’s proposed judgment to **10 days** (current rule allows 7 days).

Rule 25(a)(2)(B) “A brief or appendix” – 3 calendar days changed to **3 days** in clause (B)(ii)

Rule 25(c) “Manner of Service” – 3 calendar days changed to **3 days** in subparagraph 1(c).

Rule 26(c) “Additional Time after Service” – 3 calendar days changed to **3 days**.

Rule 28.1(f) “Cross-Appeals” – Minimum time for filing appellee’s reply brief changed to **7 days** prior to oral argument.

Rule 31(a) “Serving and Filing Briefs” – Minimum time for filing appellee’s reply brief changed to **7 days** prior to oral argument.

Rule 41(b) “When Issued” – 7 calendar days changed to **7 days**.

SUBSTANTIVE AMENDMENTS

Federal Rules of Civil Procedure.

Rule 13(f) “Omitted Counter Claim” – Abrogated as redundant. An amendment to add a counterclaim is governed by Rule 15.

Rule 48(c) [New] – Provides procedure for polling jury and alternative remedies if lack of unanimity is shown (send back for further deliberations or grant new trial).

Rule 62.1 [New] – If a party files a timely motion for relief in the district court that the district court lacks authority to grant because of a pending appeal, the district court may: (1) defer consideration; (2) deny the motion; or (3) indicate that it would grant the motion if the appellate court remands for that purpose. If the district court indicates it would grant the motion, the movant must promptly notify the appellate court of that intent. The appellate court may then remand and the district court grant the motion. See FED. R. APP. P. 12.1.

Federal Rules Governing § 2254 Cases.

Rule 11 “Certificate of Appealability” [New]⁶ – Adds a requirement that the district enter its order granting or denying a Certificate of Appealability at the same time it enters its final order adverse to the applicant.

⁶ Current Rule 11 renumbered 12 without change.

Federal Rules Governing § 2255 Cases.

Rule 11 “Certificate of Appealability” – Amended to require the district enter its order granting or denying a Certificate of Appealability at the same time it enters its final order adverse to the applicant.

Local (Civil) Rules

Rule 5.1 “Filing and Proof of Service When Service is Required by Rule 5, Federal Rules of Civil Procedure” – Current subdivision (e) (Sealed Documents) deleted and re-designated 5.4(a).

Rule 5.4 “Filing Documents Under Seal, *Ex Parte*, or *In Camera*” [New] – Subsection (a) is former Rule 5.1(e) amended to provide that the filing of sealed documents without prior court approval may be made in accordance with published policies and procedures as well as court rules, e.g., CJA documents. Subsection (b) [New], which was added post-publication, provides the procedures for filing documents *ex parte*. [NOTE: Filing a document *ex parte* in the CM/ECF system restricts viewing of that document to the filer and the court. This may be used only when such restricted viewing is authorized. It should not be used in cases where the court may grant relief *ex parte*, i.e., without a response from another party, but restricted viewing is unauthorized.] Subsection (c) [New] provides the procedure for lodging documents *in camera*. Subsection (d) [New] adds a requirement that the authority for filing the document under seal include a notation of the authority in the caption, e.g., court rule or reference to order granting leave. Related provisions have been expanded to include federal rules of practice that address filing documents under seal or *ex parte*.

Rule 10.1 “Form of Pleadings and Other Papers” – ¶ (e)(4) amended by adding subparagraph [C] providing for the automatic removal of the name of a terminated party from the caption.

Rule 50.1 “Motions for Judgment as a Matter of Law” [New] – See comment to proposed LR 59.2. This rule is adopted to make the procedures governing post-judgment motions uniform.

Rule 52.2 “Motions for Amended or Additional Findings” [New] – See comment to proposed LR 59.2. This rule is adopted to make the procedures governing post-judgment motions uniform.

Rule 53.1 “Discovery Masters” – Subsection (d) abrogated as matter is fully covered in and preempted by FED. R. CIV. P. 53(d)–(f).

Rule 58.1 “Judgments” – The reference to the forms of the Appendix of Forms to the FED. R. CIV. P. changed to coincide with the 2007 form numbering change in the FED. R. CIV. P.

Rule 59.2 “Motions for New Trial/Amendment of Judgment” [New] – This rule adopts a procedure for Rule 59 motions similar to that previously adopted for reconsideration of non-appealable interlocutory rulings. As with motions for reconsideration of non-appealable

interlocutory orders, experience has shown that many Rule 59 motions may be decided without requiring a response. When the court desires a response it usually signifies that the court has reviewed the motion and that the motion has sufficient merit that a response would be helpful to the court.

Local Admiralty Rules.

Rule (e)-12 “Intervenor’s Claims” – Adaptation of Model Local Admiralty Rule E(11) promulgated by the Maritime Law Association of the United States (2008). As amended, subsection (a) dispenses with the current necessity for filing a motion to intervene under FED. R. CIV. P. 24. A claimant may now file a complaint in intervention without first obtaining leave of court. The amendment also adds the provisions of ¶¶ (c)(2) and (c)(3) regarding the obligations of the intervenor for costs and expenses incurred and the obligation of a claimant who dismisses a claim against the vessel suggested by the Maritime Law Association.

Federal Rules of Criminal Procedure.

Rule 7(c)(2) “Criminal Forfeiture” – Abrogated as obsolete. See Rule 32.1(a).

Rule 32(d)(2)(G) “Presentence Reports” [New] – Adds requirement that the presentence report specify whether the government seeks forfeiture.

Rule 32.2(a) “Notice to Defendant” – Amended to clarify that criminal forfeiture is not to be designated as a count in an indictment or information, nor need the property sought to be forfeited need be identified.

Rule 32(b) “Entering a Preliminary Order of Forfeiture” – Substantially revises the procedure for obtaining a preliminary order of criminal forfeiture.

Rule 41(e)(2)(B) “Warrant Seeking Electronically Stored Information” [New] – Authorizes issuing a warrant for off-site review of electronically stored information.⁷

Rule 41(f)(1)(B) “Inventory” – Amended to provide method for inventorying electronically stored information.

Local Criminal Rules.

Rule 32.1 “Sentencing Procedure” – Subsection (d) has been amended to make explicit that either the existence or nonexistence of cooperation agreements between the defendant and the government are not to be directly or indirectly referred to in sentencing memoranda. This amendment essentially adopts for sentencing memoranda the same procedure adopted last year for plea agreements.

Subsection (e) [new] requires a supplement to the sentencing memorandum be filed in each case under seal in conjunction with every Sentencing Memorandum. If a criminal defendant has agreed to cooperate, the Sentencing Memorandum Supplement must contain the cooperation agreement. If the criminal defendant and the United States have

⁷ Current Rule 41(e)(2)(B) re-designated (e)(2)(C) without change.

not entered into a cooperation agreement, the Sentencing Memorandum Supplement will indicate that no such agreement exists.

In light of concerns for the safety of criminal defendants, law enforcement officers, and court personnel, it is necessary and appropriate to implement a procedure to uniformly treat Sentencing Memoranda so that the internet public cannot identify cooperating defendants. Sentencing Memoranda must no longer identify whether a criminal defendant has agreed to cooperate with the United States or, conversely, mention that there is no such agreement. A second document entitled “Sentencing Memorandum Supplement” that either contains the position of the party *vis-a-vis* the cooperation agreement if there is a cooperation agreement, or simply states that no cooperation agreement exists must be filed *under seal in every case*.

Clause (f)(2)[A] (currently (e)(2)[A]) amended to provide that a substantial assistance motion is to be included in the Sentencing Memorandum Supplement filed under seal. Departures for substantial assistance are no longer filed as a separate motion as such. To the extent that the government moves for a substantial assistance departure and any pertinent argument by the defendant in respect thereto, are to be included in the “Supplemental Sentencing Memoranda.”

Current subsections (e), (f), and (g) have been re-designated (f), (g), and (h) without change except as noted in the preceding paragraph.

Federal Rules of Bankruptcy Procedure.

Rule 2016(c) “Compensation for Services Rendered and Reimbursement of Expenses” – Amended to require a bankruptcy petition preparer to deliver the § 110(h)(2) statement to the debtor who files it with the petition.

Rule 4008(a) “Filing of Reaffirmation Agreement” – Amended to require that the entity filing the reaffirmation agreement with the court also include Official Form 27, the Reaffirmation Agreement Cover Sheet.

Rule 7052 “Findings by the Court” – Amended to clarify that the entry of judgment under FED. R. CIV. P. 52 (findings and entry of judgment on partial findings) refers to entry under the applicable bankruptcy rule, 5003(a).⁸

Rule 7058 “Entering Judgment in Adversary Proceedings” [New] – Makes FED. R. CIV. P. 58 (entry of judgments) applicable in adversary proceedings.

Rule 9006(f) “Additional Time After Service by Mail or Under Rule 5(b)(2)(D), (E), or (F) F. R. Civ. P.” – Amended to correct cross references to FED. R. CIV. P. 5.

Rule 9021 “Entry of Judgment” – Amended to apply only to orders or judgments other than in adversary actions.

⁸ Practitioners should also note that the time for filing under Rule 7052 is 14 days, not the 28 days provided in FED. R. CIV. P. 52.

Local Bankruptcy Rules.

Rule 1001-1 “Scope and Applicability of Local Rules” – ¶ (f)(1) amended to add new D.Ak. LR 5.4 and 5.5 to local district court rules specifically adopted.

Rule 1017-1 “Conversion of Cases” – Subsection (c) added to dispense with the requirement that a separate notice be given when conversion is requested by the debtor in response to the U.S. trustee’s “substantial abuse” motion.

Rule 6004-1 “Sale of Estate Property” – Subparagraph (a)(2)[C] amended to require disclosure of any relationship to the trustee as well as the debtor. Paragraph (b)(2) amended to provide that the court may waive the requirement for hearing before granting a free and clear sale in the absence of an objection.

AK LBF 3 “Notice of Motion for Relief From Stay [Co-Debtor Stay §§ 1201/1301]” – Revised to more correctly reflect the effect of 11 U.S.C. §§ 1201/1301. The stay is terminated automatically by operation of law if no objection is served and filed within 20 days of the date the motion is filed. The form changed to provide that the last day for objections will always be 20 days after the date the motion is filed. The “warning” language revised to clearly state that the stay is terminated as a matter of law if no objection timely filed.

Federal Rules of Appellate Procedure.

Rule 4(a)(4) “Appeal as of Right—When Taken” – Amended to require a new or amended notice of appeal when an appellant wishes to challenge an order disposing of a motion listed in Rule 4(a)(4)(A) [Motions under FED. R. CIV. P. 50, 52, 59, and 60 (if filed within 28 days of date of entry of judgment)] or a judgment's alteration or amendment upon such a motion.

Rule 12.1 “Remand After an Indicative Ruling by the District Court on a Motion for Relief That Is barred by a Pending Appeal” [New] – Establishes procedure for remanding when district court indicates it would grant the motion. See FED. R. CIV. P. 62.1.

Rule 22(b) “Certificate of Appealability” – Adds a requirement that the district court clerk transmit the statement granting or denying a COA to the court of appeals.

CIVIL – PREJUDGMENT					
PROCEEDING	ACTION	TRIGGER	DAYS	APPLICABLE RULES	
Answer to complaint	File/Serve	Service	21	FRCP 12(a)	
Answer to complaint [If motion under 12(b), (e) made before answer]	File/Serve	Order disposing of motion	14		
Answer to counterclaim/cross-claim	File/Serve	Service	21	FRCP 12(a)	
Answer to counterclaim/cross-claim [If motion under 12(b), (e) made before answer]	File/Serve	Order disposing of motion	14		
Response to order for more definite statement	File/Serve	Notice of Order	14 + 3	FRCP 12(e)	
Motion to strike pleading	File/Serve	Service	21	FRCP 12(f)	
Of-course third-party complaint	File	Original answer filed	14	FRCP 14(a)	
Of-course amendment to pleading	File/Serve	Original pleading filed	21		
Response to amended pleading	File/Serve	Service	14	FRCP 15(a)	
Notice of attorney's change of address	File/Serve	Date of change	7	LR 11.1(b)	
Notice of hearing on attorney withdrawal motion	Serve	Hearing date	21 (prior)	LR 11.1(c)	
Administrative Agency Appeals: Request to augment agency record	File	Agency record filed	14 + 3	LR 16.3(b)	
Administrative Agency Appeals: reply brief	File/Serve	Defendant's brief	14	LR 16.3(c)	
Administrative Agency Appeals: Response to clerk's notice of untimely filing of brief	File/Serve	Service of notice	7 + 3	LR 16.3(e)	
Petition for deposition to perpetuate testimony	Serve	Hearing date	21 (Prior)	FRCP 27(a)	

CIVIL – PREJUDGMENT

PROCEEDING	ACTION	TRIGGER	DAYS	APPLICABLE RULES
Demand for jury trial	File/Serve	Last pleading	14 + 3	FRCP 38(b)
Demand for jury trial (Removed action)	File/Serve	Notice of removal	14	FRCP 81(c)
Trial briefs	File/Serve	Trial date	21 (Prior)	LR 39.2(a)
Review of trial Exhibits	Meet with Clerk	Trial date	14 (Prior)	LR 39.3(a)
		Submission of exhibits	3 business (Prior)	(whichever is earlier)
Response to notice of related cases	File/Service	Service of notice	14 + 3	LR 40.2(c)
Request for continuance final pretrial conference/trial	File/Serve	Pretrial conference/trial	14 (Prior)	LR 40.3(c)
Motion for default judgment	Give notice	Filing of motion	7	FRCP 55(b)(2); LR 55.1; LR 5.5
Opposition to default judgment	File/Serve	Hearing Date	2 (prior)	
Opposition to dispositive motions (FRCP Rule 12(b), (c); 56)	File/Serve	Motion served	21 + 3	FRCP 56(c); LR 7.1(e)
Reply to opposition to dispositive motions	File/Serve	Opposition	14 + 3	
Motion for Reconsideration (Non-Appealable Interlocutory Order)	Serve/File	Entry of Order	14	LR 59.1(b), (d), (e) (no
		Order requesting	14	opposition/reply unless ordered by the court)
Reply to opposition to reconsideration	File/Serve	Order requesting	7	

CIVIL – PREJUDGMENT				
PROCEEDING	ACTION	TRIGGER	DAYS	APPLICABLE RULES
Opposition (Other Pretrial Motions)	File/Serve	Motion	14 + 3	LR 7.1(e)
Reply (Other Pretrial Motions)	File/Serve	Opposition	7 + 3	
Oral Argument	Request	Last paper	5	LR 7.2(a)
Evidentiary Hearing	Request	Motion/Opposition	5	LR 7.2(b); 5.5
Objection to master's recommendations	Exchange Exhibits	Hearing Date	5 (prior)	
Discovery masters: Disclosure of possible conflicts	File/Serve	Service	2 1 + 3	FRCP 53(f)
Discovery masters: Motion to disqualify	Serve	Appointment	14	LR 53.1(b)
Investment of funds by Clerk	File/Serve	Master's Disclosure	14	
Maturity date of invested funds	Verification	Service of Order	14 + 3	LR 67.2(d)
Offer of judgment	Notification	Maturity Date	14 (Prior)	LR 67.2(e)
Condemnation actions: Response	Serve	Trial date	14 (Prior)	FRCP 68(a)
Answer after removal	File/Serve	Notice	21	FRCP 71.1(d)
Response to OSC re: Disbarment/Suspension	File/Serve	Service of initial pleading	21	FRCP 81(c) (whichever is later)
	File	Notice of removal received	7	
	File	Service of OSC	2 1 + 3	LR 83.1(g)

CIVIL – POST-JUDGMENT					
PROCEEDING	ACTION	TRIGGER	DAYS	APPLICABLE RULES	
Motion for judgment as matter of law (FRCP 50)	File/Serve	Entry of Judgment	28	FRCP 50, LR 50.1 (no opposition/reply unless ordered by the court)	
Opposition to Rule 50 motion	File/Serve	Order requesting	14		
Reply to opposition to Rule 50 motion	File/Serve	Order requesting	7		
Motion additional/amend findings (FRCP 52)	File/Serve	Entry of Judgment	28	FRCP 52, LR 52.1 (no opposition/reply unless ordered by the court)	
Opposition to Rule 52 motion	File/Serve	Order	14		
Reply to opposition to Rule 52 motion	File/Serve	Opposition	7		
Motion for Attorney's Fees	File/Serve	Entry of Judgment	14	FRBP 54(d); LR 7.1(e)	
Opposition to motion for attorney's fees	File/Serve	Motion	14 + 3		
Reply to opposition to attorney's fees	File/Serve	Opposition	7 + 3		
Cost Bill	File/Serve	Entry of Judgment	14		
Cost Bill: Hearing date	Set	Filing	14 – 28	FRCP 54(d), LR 54.1(a), (c), 5.5	
Cost Bill: Opposition	File/Serve	Hearing Date	7 (Prior)		
Request for court review of clerk's taxation of costs	File/Serve	Taxation	7		
Prejudgment interest: computation	File/Serve	Entry of judgment	14		
Prejudgment interest: alternative computation	File/Serve	Interest computation	7 + 3	LR 58.1(d)	

CIVIL – POST-JUDGMENT				
PROCEEDING	ACTION	TRIGGER	DAYS	APPLICABLE RULES
Motion new trial/amend judgment (FRCP 59)	File/Serve	Entry of Judgment	28	FRCP 59, LR 59.2 (no opposition/reply unless ordered by the court)
Opposition to Rule 59 motion	File/Serve	Order requesting	14	
Reply to opposition to Rule 59 motion	File/Serve	Order requesting	7	

CRIMINAL					
PROCEEDING	ACTION	TRIGGER	DAYS	APPLICABLE RULES	
Preliminary Hearing (In custody)	Hearing	Initial Appearance	14	FRCrP 5.1(c)	
Preliminary Hearing (Out of custody)	Hearing	Initial Appearance	21		
Motion for a bill of particulars	File/Serve	Arraignment	14	FRCrP 7(f)	
Notice of change of plea	File	Trial	5 (Prior)	LCrR 11.1(a); LR 5.5	
Change of Plea	Contact USPO	Entry	5	LCrR 11.1(b)	
Notice of alibi defense	Def't Notice	Request of Gov't	14	FRCrP 12.1(a)	
Alibi Defense: Disclosure of Government Witnesses	Gov't Notice	Def't's Disclosure	14	FRCrP 12.1(b) (whichever is earlier)	
		Trial	14 (Prior)		
Notice of Public-Authority defense	Gov't Response	Def't's Notice	14	FRCrP 12.3(a) (whichever is earlier)	
		Trial	21 (Prior)		
Public Authority defense – disclosure of witnesses	Gov't Request	Trial	21 (Prior)	FRCrP 12.3(a)	
	Def't Response	Gov't Request	14		
	Gov't reply	Def't Response	14		
Motion for judgment of acquittal	File/Serve	Verdict	14	FRCrP 29(a)	
Motion for new trial	File/Serve	Verdict	14	FRCrP 33(b)	
Final presentence report	Disclosure	Sentencing	14 (Prior)	LCrR 32.1(c)	

CRIMINAL					
PROCEEDING	ACTION	TRIGGER	DAYS	APPLICABLE RULES	
Revocation probation/supervised release (In custody)	Hearing	Petition	14	LCrR 32.1.1(a)	
Revocation probation/supervised release: Disposition report	Disclosed	Hearing	7 (Prior)	LCrR 32.1.1(e); LR 5.5	
Revocation probation/supervised release: Disposition report	File	Hearing	2 Business (Prior)	LCrR 32.1.1(e); LR 5.5	
	Objections	Hearing			
Opposition to petition to disclose presentence report	File/Serve	Petition	14	LCrR32.2(e)	
Motion to arrest judgment	File/Serve	Arraignment	14	FRCrP 34(b)	
Search warrant	Execute	Issuance	14	FRCrP 41(e)	
Appointed counsel	Appointment	Arraignment	14	LCrR 44.2(a)	
Bail Hearing; Special requests	File/Serve	Hearing	48 Hours (Prior)	LCrR 46.1(e), LR 5.5	
Bail Hearing: Third Party custodian	File/Serve	Hearing	48 Hours (Prior)	LCrR 46.1(f); LR 5.5	
Motion	Serve	Hearing	7 (Prior)	FRCrP 47(c)	
Opposition to motion	File/Serve	Motion	7 + 3	LCrR 47.1(b); LR 5.5	
		Hearing	2 Business (Prior)	(whichever is earlier)	

MAGISTRATE					
PROCEEDING	ACTION	TRIGGER	DAYS	APPLICABLE RULES	
Objection to Order (Nondispositive) Civil	File/Serve	Service of Order	14 + 3	28 U.S.C. § 636(b); FRCP 72(a)	
Objection to Order (Nondispositive) Criminal	File/Serve	Service of Order	14 + 3	28 U.S.C. § 636(b); FRCr.P 59(a)	
Nondispositive Orders: Objector's Brief	File/Serve	Objection	14	LMR 5(a)	
Nondispositive Orders: Opposing party's brief	File/Serve	Objector's brief	14 + 3		
Nondispositive Orders: Reply Brief	File/Serve	Opposing brief	7 + 3		
Objections to proposed F&R (Dispositive) Civil	File/Serve	Service of F&R	14 + 3	28 U.S.C. § 636(b); FRCP 72(b)	
Objections to proposed F&R (Dispositive) Criminal	File/Serve	Service of F&R	14 + 3	28 U.S.C. § 636(b); FRCrP 59(b)	
Criminal Cases: Reply to objection to F&R	File/Serve	Service of objection	7 + 3	LMR 6(a)	
Revocation probation/supervised release; Objection to F&R	File/Serve	Distribution date	14	LCrR 32.1.1(c)	
Petty Offense Appeal Interlocutory Order/Judgment	Notice of Appeal	Entry	14	FRCrP 58(g)	
Petty Offense Appeal: Reply brief	File/Serve	Appellee's Brief	14	LCrR 58.1(1)	

ADMIRALTY					
PROCEEDING/ACT	ACTION	TRIGGER	DAYS	APPLICABLE RULES	
Answer to In personam Complaint; garnishment	File/Serve	Service	21	Supplemental B(3)(a)	
Notice of arrest of vessel	Give Notice	Arrest	14	Supplemental C(4)	
Verified statement of interest	File/Serve	Execution of process	14	Supplemental C(6)	
Statement of claim (Forfeiture action)	File/Serve	Notice publication date	21	LAR (c)-2(b)	
Statement of claim (other)			14		
Answer to complaint			21		
Entry of default	Notice	Entry	7 (Prior)	LAR (c)-4(b)	
Possessory action return date for response	File/Serve	Arrest	21	LAR (d)-1	
Security for costs	Post	Entry of order	7	LAR (e)-8(b)	
Adversary Hearing	Hold	Arrest, attachment, garnishment	7	LAR (e)-9(a)	
Accepted bid	Final payment	Acceptance/Confirmation	7	LAR (e)-14(d)	
Forfeiture actions; response	File/serve	Claim filed	21	Supplemental G(5)(b)	
Forfeiture actions; Interrogatories by government	Serve	Motion to dismiss	21 +3	Supplemental G(6)(a)	
	Response	Service	21 + 3	Supplemental G(6)(b)	
Motion to dismiss	Response	Response to Interrogatories	21 + 3	Supplemental G(6)(c)	

HABEAS					
PROCEEDING/ACT	ACTION	TRIGGER	DAYS	APPLICABLE RULES	
Response to right to appointed counsel	File	Order	21 + 3	HCR 4.1(b)	
Motion to Expand Record (Petitioner)	File/Serve	Answer	21 + 3	HCR 7.1(b)	
Motion to Expand Record (Respondent)	File/Serve	Petitioner's Request	14	HCR 7.1(b) (whichever is later)	
		Answer	21		
Objection to Magistrate Judge F&R	File/Serve	Service	14 + 3	2254/2255 Rule 8	
Reply Brief	File/Serve	Respondents Brief	21 + 3	HCR 8.2(3)	

BANKRUPTCY – NOTICES		
EVENT NOTICED	DAYS	RULES
Creditors' Meeting		
Proposed use, sale of lease of property		
Hearing on approval of settlement agreement or compromise		
Hearing on dismissal/conversion of case [Chapter 7, 11, 12]	21	FRBP 2002(a)
Time for accepting/rejecting modified plan		
Hearing on request for compensation in excess of \$1,000		
Time for filing proofs of claim		
Time for objections and hearing on confirmation of Chapter 12 Plan		
Filing objections and hearing on approval of disclosure [Chapter 11]		
Hearing on final determination that a disclosure statement is not required [Chapter 11]	28	FRBP 2002(b)
Filing objections to and hearing on confirmation of a Chapter 11, 12, or 13 Plan		
Schedule of unpaid debts after conversion to Chapter 7	14	FRBP 1019
Amended Chapter 13 Plan	28	LBR 3015-2(3)
Proposed modification after confirmation of Chapter 13 Plan	21	FRBP 3015(g)
Court consideration of Chapter 11 Disclosure Statement	28	FRBP 3017(a)
Objections and hearing on confirmation of Chapter 11 Plan	28	FRBP 3017(f)
Modification of Chapter 11 Plan	21	FRBP 3019(b)
Last day to object to discharge [Chapter 11]	28	FRBP 4004(a)

BANKRUPTCY – NOTICES		
EVENT NOTICED	DAYS	RULES
Motion for Joint Administration/Substantive Consolidation	21	LBR 1015-1(b)
Hearing on motion for Joint Administration/Substantive Consolidation	14	LBR 1015-1(d)
Motion to convert	21	LBR 1017-1(a)
Status conferences in Chapter 11 cases	14	LBR 2081-1(b)
Motion for entry of final decree [Chapter 11]	21	LBR 3022-1(c)
Motion for relief from stay [§ 362(d)]	14	LBR 4001-1(b)
Time for imposing sanctions for failure to pay fee/file Declaration re: Electronic Filing	7	LBR 5005-4(k)
Notice of abandonment of estate property	14	LBR 6007-1(a)
Notice of intent to withdraw as attorney for debtor	21	LBR 9010-1(d)
Notice of hearing	7	LBR 9075-1

BANKRUPTCY – MAIN CASE					
PROCEEDING/ACTION	ACTION	TRIGGER	DAYS	APPLICABLE RULES	
Schedules, Statements, List of Creditors (Matrix) [Involuntary Case]	File	Order for Relief			
Schedules, Statements, List of Creditors (Matrix) [Voluntary Case]	File	Petition	14	FRBP 1007	
Statement of Intentions (Chapter 7)	File	Petition			
List of Equity Security Holders (Chapter 11)	File	Petition			
Responsive Pleading [Involuntary case]	File	Service	21 + 3	FRBP 1011	
Small business designation [Involuntary Chapter 11]	File	Order for Relief	14	FRBP 1020(a)	
Notice of Order for Relief [Consumer cases]	Clerk Mail	Petition	21	FRBP 2002(o)	
Certificate of Service	File	Objection/Response Due	7 (Prior)	LBR 2002-1(e)	
Motion for resolution of disputed election of trustee	File	U.S. trustee Notice	14 + 3	FRBP 2003	
Motion that appointment of a patient health care ombudsman unnecessary	File	Petition	14	FRBP 2007.2	
Trustee decline appointment	File	Notice of Appointment	7 + 3	FRBP 2008	
Monthly operating reports [Chapter 11 SB]	File/Serve	Last day of month	21	FRBP 2015(a)	
Report of controlling or substantial interest held	File	1 st Meeting of Creditors	7 (Prior)	FRBP 2015.3(b); LR 5.5	

BANKRUPTCY – MAIN CASE					
PROCEEDING/ACT	ACTION	TRIGGER	DAYS	APPLICABLE RULES	
Attorney statement of compensation	File/Serve	Petition	14	FRBP 2016(b)	
Objection to Trustee's compensation in dismissed Chapter 13	File/Serve	Entry of Order	14	LBR 2016-1(b)	
Status Conference Statement (Chapter 11)	File	hearing	7 (Prior)	LBR 2081-1(c); LR 5.5	
Motion to value collateral	File/Serve	Creditors' Meeting	21	LBR 2082-1(c)	
Objection to notice of assignment of claim	File	Notice	14 + 3	FRBP 3001(e)	
Bar date for rejection of contract/lease claims	Notice	Order Rejecting	7	LBR 3002-1(d)	
Objection to Claim for allowance of post-petition interest, costs, fees [Chapter 13]	File/Serve	Claim	1 4 + 3	LBR 3002-1(g)	
Objection to Claim for allowance of post-petition interest, costs, fees [Chapter 9/11]	File/Serve	Claim	14 + 3	LBR 3003-1(c)	
Opposition to motion to value collateral	File/Serve	Motion	21 + 3	LBR 3012-1(c)	
Debtor backup information re: value of collateral	Provide	Opposition	7 + 3		
Mandatory discovery [valuation of collateral]	Exchange	Hearing	7 (Prior)	LBR 3012-1(e); LR 5.5	
Chapter 13 Plan	File	Petition	14	FRBP 3015(b)	
Chapter 13 Plan, Analysis, Notice of Objection Date	Serve	Petition	28	LBR 3015-3(b)	
Domestic support obligation certification [Chapter 13]	File/Serve	Trustee's Recommendation	7 + 3	LBR 3015-3(f)	

BANKRUPTCY – MAIN CASE					
PROCEEDING/ACT	ACTION	TRIGGER	DAYS	APPLICABLE RULES	
Consult with U.S. Trustee [Chapter 11 Plan]	Meet	Plan Filed	14 (Prior)	LBR 3016-1(e)	
Hearing date on Chapter 11 Disclosure Statement	Request	Plan Filed	7	LBR 3017-1(a)	
Objection to Disclosure Statement	File/Serve	Hearing Date	7 (Prior)	LBR 3017-1(c); LR 5.5	
U.S. trustee position on conditional approval of small business disclosure statement	File/Serve	Disclosure Statement filed	14 + 3	LBR 3017-2(c)	
Objection to conditionally approved disclosure statement	File/Serve	Confirmation Hearing	7 (Prior)	LBR 3017-2(d); LR 5.5	
Ballots Chapter 11 Plan confirmation	Serve	Confirmation Hearing	7 (Prior)	LBR 3018-2(a); LR 5.5	
Objections to confirmation of chapter 11 Plan	File/Serve	Confirmation Hearing	7 (Prior)	LBR 3018-2(b); LR 5.5	
Request to present testimony at preliminary hearing on motion for relief from stay	File/Serve	Hearing	5 (Prior)	LBR 4001-1(f); LR 5.5	
Objection to motion for relief from stay under § 362(c)	File/Serve	Motion	14 + 3	LBR 4001-1(h)	
Mandatory discovery [motions for relief from stay]	Exchange	Objection	7 + 3	LBR 4001-1(i)	
Lessor's rental deposit [§ 362(i)]	Forward	Deposit with Clerk	7	LBR 4001-1(i)	
Motion to use cash collateral	Hearing	Motion	14 + 3	FRBP 4001(b)	
Motion to obtain secured credit	Hearing	Motion	14 + 3	FRBP 4001(c)	

BANKRUPTCY – MAIN CASE					
PROCEEDING/ACT	ACTION	TRIGGER	DAYS	APPLICABLE RULES	
Information on domestic support obligations	Provide to Trustee	Petition	14	LBR 4002-1(b)	
Information on domestic support obligations [Chapter 11]		Appointment of trustee	7		
Evidence of making domestic support payment		Payment Date	7		
Notice of change of address of domestic support obligation payee		Information received	14		
Domestic Support Obligation: Notice of change of employment		Date of change	14		
Domestic Support Obligation: Execution of reaffirmation agreement		Date of execution	7		
Providing tax returns to creditors	Request for	Creditors' Meeting	14 (Prior)		FRBP 4002(b); LR 5.5
	Provide	Creditors' Meeting	7 (Prior)		
Notice of hearing on objection to claim of exemptions	Serve	Receipt of date	7		LBR 4003-1(b)
Original Declaration re: Electronic Filing	File	Petition	14		LBR 5005-4(c)
Motion to withdraw reference	Objection	Service	21 + 3	LBR 5011-1(c)	
Original of facsimile filings	File	Filed	7	LBR 5074-1(a)	
Objections to proposed use, sale, or lease of property	File/Serve	Hearing	7 (Prior)	FRBP 6004(b); LR 5.5	
Objections to sale of property under \$2,500	File/Serve	Notice	14 + 3	FRBP 6004(d)	

BANKRUPTCY – MAIN CASE					
PROCEEDING/ACT	ACTION	TRIGGER	DAYS	APPLICABLE RULES	
Objections to sale of personally identifiable information	File/Serve	Hearing	7 (Prior)	FRBP 6004(g); LR 5.5	
Mandatory discovery [Sale of property]	Exchange	Objection	14	LBR 6004-1(c)	
Proceeds of sale	Remit	Sale Date	14	LBR 6004-1(d)	
Objection to Application for allowance of post-petition fees, costs, and charges [sale of property]	File/Serve	Service	1 4 + 3	LBR 6004-1(g)	
Objection to abandonment of estate property	File/Serve	Notice	14 + 3	FRBP 6007(a)	
Objection to motion to redeem property	File/Serve	Motion	21 + 3	LBR 6008-1(d)	
New counsel for non-individual debtor	Appear	Prior counsel withdrawal	14	LBR 9010-1(d)	
Motion for sanctions under § 707(b)(4)	File/Serve	Dismissal Order entry	14	LBR 9011-3(a)	
Opposition to motion for sanctions under § 707(b)(4)	File/Serve	Motion	14 + 3		
Reply to opposition to motion for sanctions under § 707(b)(4)	File/Serve	Opposition	7 + 3		
Motion for sanctions under § 707(b)(5)	File/Serve	Dismissal Order	21	LBR 9011-3(b)	
Opposition to motion for sanctions under § 707(b)(5)	File/Serve	Motion	14 + 3		
Reply to opposition to motion for sanctions under § 707(b)(5)	File/Serve	Opposition	7 + 3		
Unspecified time to respond to motion/application	File/Serve	Service	21 + 3	LBR 9013-1(b)	

BANKRUPTCY – MAIN CASE					
PROCEEDING/ACT	ACTION	TRIGGER	DAYS	APPLICABLE RULES	
Opposition to motion under 11 U.S.C. 110(i) [BPP]	File/Serve	Service	28 + 3	LBR 9013-3(b)	
Motion for judgment as matter of law (FRCP 50)	File/Serve	Entry	14	FRBP 9015	
Motion for new trial/amend judgment (FRCP 59)	File/Serve	Entry	14	FRBP 9023	
Response to removal	File/Serve	Notice of Removal	14	FRBP 9027(e)	
Objections to proposed F&C (Non-Core; Dispositive)	File/Serve	Service	14 + 3	FRBP 9033(b)	
Objections to proposed F&C (Non-Core; Non-Dispositive)	File/Serve	Service	14+3	LBR 9033-1(c)	
Request for telephonic participation	File	Hearing	3 Business (Prior)	LBR 9076-1(1)	

BANKRUPTCY – ADVERSARY ACTIONS					
PROCEEDING	ACTION	TRIGGER	DAYS	APPLICABLE RULES	
Summons and Complaint	Serve	Issuance	14	FRBP 7004(e)	
Answer to complaint	File/Serve	Service	21	FRBP 7012(a)	
Answer to complaint [If Motion under 12(b), (e) made before answer]	File/Serve	Order disposing of motion	14		
Opposition to dispositive motions under [FRCP 12(b) (dismiss), (c) (judgment on pleadings); 56 (summary judgment)]	File/Serve	Motion	21 +3	FRBP 7012; FRBP 7056; LBR 7001-1; LR 7.1(e)	
Reply to opposition to dispositive motions	File/Serve	Opposition	14 + 3		
Opposition to non-dispositive motions	File/Serve	Motion	14+ 3	LBR 7001-1; LR 7.1(e)	
Reply to opposition to non-dispositive motions	File/Serve	Opposition	7 + 3		
Opposition to dismissal of § 727 nondischarge complaint	File/Serve	Motion	21 + 3	LBR 7041-1(c)	
Motion to amend findings (FRCP 52)	File/Serve	Entry	14	FRBP 7052	

BANKRUPTCY – APPEALS					
PROCEEDING	ACTION	TRIGGER	DAYS	APPLICABLE RULES	
Notice of Appeal	File/Serve	Judgment	14	FRBP 8002(a)	
Statement of Issues/Designation of Record (Appellant/Cross-Appellant)	File/Serve	Notice of Appeal	14	FRAP 6(b); FRBP 8006	
Designation of Record (Appellee/Cross-Appellee)	File/Serve	Appellant's Designation	14 + 3		
Response to request for certification to Court of Appeals	File/Serve	Request	14 + 3		
Supplement to <i>sua sponte</i> certification	File/Serve	Certification	14	FRBP 8001(f)	
Request for extension of time to file appeal	File/Serve	Judgment	21	FRBP 8002(c)	
Opposition to motion for leave to appeal	File/Serve	Motion	14 + 3	FRBP 8003(a)	
Appellant's Brief	File/Serve	Entry on Docket	14		
Appellee's Brief	File/Serve	Service of Appellant's	14 + 3	FRBP 8009	
Reply Brief	File/Serve	Service of Appellee's	14 + 3		
Oral Argument	File/Serve	Notice of submission on the briefs	14 + 3	LBR 8012-1(b)	
Motion for Rehearing	File/Serve	Entry of Judgment	14	FRBP 8015	
Motion for Stay Pending Appeal to Circuit Court	File/Serve	Motion	14	LBR 8017-1(b)	

BANKRUPTCY – MISCELLANEOUS TIMES			
NATURE	DAYS	RULES	
Expiration of Stay of Chapter 11 Confirmation Order	14	FRBP 3020(e)	
Expiration of Stay of order granting relief from the automatic stay	14	FRBP 4001(a)	
Expiration of Stay of order authorizing, use, sale or lease of property	14	FRBP 6004(h)	
Expiration of Stay of order authorizing assignment of executory contract or lease	14	FRBP 6006(d)	
Expiration of Stay of judgment of district court/BAP	14	FRBP 8017	
Extension by bankruptcy judge to object to proposed findings and conclusions (non-core)	21	FRBP 9033(c)	
Commencement of compensation after notice given	7	LBR 2026-2(c)	
Hearing on compensation after request	14		
Expiration of interim orders for use of cash collateral	21	LBR 4001-2(d)	
Relief may not be granted on applications to employ, motions to use, sell, lease or incur obligations, or motions to assume or assign an executory contract until 21 days after the petition is filed		FRBP 6003	
Orders/findings not to be submitted until at least 7, but not more than 14 days, after last day for objection and no objection filed or objection filed and no party has requested a hearing within specified time		LBR 9021-1(a)	

APPELLATE					
PROCEEDING/ACT	ACTION	TRIGGER	DAYS	APPLICABLE RULES	
Motion to Extend time to appeal (Civil)	File/serve	Notice of entry of judgment	14	FRAP 4(a)	
Appeal (Criminal)	File Notice	Entry of judgment	14	FRAP 4(b)	
Petition for permission to appeal	Opposition	Service of petition	10 + 3	FRAP 5(b)	
	Pay Fee/ Bond	Entry of Order	14	FRAP 5(d)	
Transcript	Appellant Order	Notice of Appeal	14	FRAP 10(b)	
	Appellee Order	Appellant's Order	14 + 3		
Statement of Issues (Partial Transcript)	File/serve	Notice of Appeal	14		
Statement of Evidence	Objection	Service of Statement	14 + 3	FRAP 10(c)	
Statement of Represented Parties	File	Notice of Appeal	14	FRAP 12(b)	
Proposed agency judgment	Opposition	Service by agency	14 + 3	FRAP 19	
	Motions	Motion	10 + 3	FRAP 25(a)	
Cost Bills	Reply	Response	7 + 3		
	File	Entry of Judgment	14	FRAP 39(d)	
	Opposition	Cost Bill	14 + 3		

SYNOPSIS OF STATUTORY TIME CHANGES
 STATUTORY TIME-PERIODS TECHNICAL AMENDMENTS ACT OF 2009
 HR 1626, PL 111-16 [Effective December 1, 2009]

Code	Section	Section Title/Subject	Time
Title 11	109(h)(3)(A)(ii)	“Who may be a debtor” [waiver of credit counseling due to unavailability of credit counseling preceding filing petition]	7 days
	322(a)	“Qualifications of trustee” [time for filing bond before undertaking duties]	7 days
	332(a)	“Consumer privacy ombudsman” [time for appointment of ombudsman in sale of personal identifying information]	7 days
	342(e)(2)	“Notice” [time after receipt of address notice from creditor that new address is effective for notice purposes]	7 days
	521(e)(3)(B)	“Debtor’s duties” [time for providing copy of chapter 13 plan after request]	7 days
	521(i)(2)	“Debtor’s duties” [time for entry of dismissal order after request when debtor fails to timely provide all information required]	7 days
	704(b)(1)(B)	“Duties of trustee” [time within which clerk must provide creditors with U.S. trustee statement of presumed abuse]	7 days
	749(b)	“Voidable transfers” [safe harbor period for post-petition transfers in stockbroker cases]	7 days
	764(b)	“Voidable transfers” [safe harbor period for post-petition transfers in commodity trader cases]	7 days

Code	Section	Section Title/Subject	Time
Title 18	983(j)(3)	“Notice; Claim; complaint” [expiration of TRO affecting property subject to civil forfeiture]	14 days
	1514(a)(2)(C)	“Civil action to restrain harassment of victim or witness” [Expiration of TRO prohibiting harassment of a victim or witness]	14 days
	1514(a)(2)(E)	“Civil action to restrain harassment of victim or witness” [notice to government of motion to dissolve or modify TRO prohibiting harassment of a victim or witness]	(Note 2)
	1963(d)(2)	“Criminal penalties” [expiration of TRO affecting property subject to civil forfeiture]	14 days
	2252A(c)	“Certain activities relating to material constituting or containing child pornography” [maximum time before trial that a defendant may assert a defense that no actual minor was involved]	14 days
	2339B(f)(5)(B)(ii)	“Providing material support or resources to designated foreign terrorist organizations” [appeals by government from order denying request to redact classified information]	14 days
	2339B(f)(5)(B)(iii)	“Providing material support or resources to designated foreign terrorist organizations” [appeals by government from order denying request to redact classified information]	(Note 3)
	3060(b)(1)	“Preliminary examination” [date by which a preliminary examination must be held for defendants for which certain custody restrictions apply]	14 days
	3432	“Indictment and list of jurors and witnesses for prisoner in capital cases” [providing list to defendant before trial]	(Note 4)
	3509(b)(1)(A)	“Child victims’ and child witnesses’ rights” [time for seeking an order for non-courtroom appearance by child at trial]	7 days (prior)

Code	Section	Section Title/Subject	Time
	3771(d)(5)(B)	“Crime victims rights” [time for petitioning the court of appeals for mandamus to reopen a plea or sentence where denied rights by trial court]	14 days
18 App. ¹	7(b)	“Interlocutory appeal” [time for taking an appeal]	14 days (note 5)
21	853(e)(2)	“Criminal Forfeitures” [expiration of TRO affecting property subject to civil forfeiture]	14 days
28	636(b)(1)	“Jurisdiction, powers, and temporary assignment” [time for objecting to magistrate judge’s findings and recommendations]	14 days
	1453(c)(1)	“Removal of Class Actions” [time to appeal from an order granting or denying a motion to remand a class action to the state court]	10 days
	2107(c)	“Time to appeal to court of appeals” [time to move in district court to reopen time to appeal after receiving notice of entry of judgment]	14 days

NOTES

NOTE 1: The JCUS proposed changes to statutory time only included those statutes affected by elimination of intervening weekends and holidays. JCUS did not propose that Congress apply the 7 - 14 - 21 - 28-day protocol to statutory time frames.

NOTE 2: Retains 2-day period but adds an exclusion of intervening weekends and holidays.

NOTE 3: Retains 4-day period in (I) and (III) but adds an exclusion of intervening weekends and holidays.

NOTE 4: Retains 3-day period for providing list but adds an exclusion of intervening weekends and holidays.

NOTE 5: Time for appellate court to hear argument and render decision in ¶¶ (b)(1) and (b)(2), respectively remain 4 days but adds an exclusion of intervening weekends and holidays.

¹ “Classified Information Procedures Act”