

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

December 1, 2009

TIME COMPUTATION

REFERENCE RULES

Fed. R. Civ. P. 5(b)
Fed. R. Civ. P. 6(a) and (d)
LR 6.1 and 7.1(b)

Fed. R. Crim. P. 45(a) and (c)
Fed. R. Crim.P. 49
LCrR 12.1(d) and 45.1

GENERAL INFORMATION

TIME PERIODS STATED IN DAYS OR LONGER

Exclude first day and count every calendar day, including intermediate Saturdays, Sundays, and legal holidays. Include the last day, unless it is a Saturday, Sunday, or a legal holiday, or a day when the Clerk's Office is inaccessible.

TIME PERIODS STATED IN HOURS

Begin counting immediately on the occurrence of the event that triggers the period and count every hour, including intermediate Saturdays, Sundays, and legal holidays. If the period would end on a Saturday, Sunday, or a legal holiday, the period continues to run to the next business day.

**ADDITIONAL TIME AFTER SERVICE BY MAIL,
SERVICE ELECTRONICALLY THROUGH CM/ECF,
LEAVING WITH CLERK, AND OTHER MEANS TO
WHICH PARTY CONSENTS IN WRITING**

If time period runs from the date of “service” rather than “filing,” add three (3) calendar days after compute the end of the prescribed period under Rule 6(a).

FILING DEADLINE ON LAST DAY

For both electronic filings as well as paper filings using the 24-hour depository, the last day shall end at midnight local time unless a different time is established by court order.

WHEN SERVICE IS COMPLETE

Service by mail is complete when mailed. Service by electronic means (including through ECF) is complete on transmission. Service by other means is complete upon delivery.

MOTION RESPONSE TIMES

The Clerk's Office calculates response deadlines for motions as follows:

SUMMARY JUDGMENT MOTIONS	If motion was served pursuant to Fed. R. Civ. P. 5(b)(2)(C), (D), (E) or (F):	33 calendar days after service
	If motion was served pursuant to Fed. R. Civ. P. 5(b)(2)(A) or (B):	30 calendar days after service
OTHER MOTIONS	If motion was served pursuant to Fed. R. Civ. P. 5(b)(2)(C), (D), (E) or (F): service	17 calendar days after
	If motion was served pursuant to Fed. R. Civ. P. 5(b)(2)(A) or (B):	14 calendar days after service

United States District Court
District of New Hampshire

NOTE: This document is intended for internal use by the Clerk's Office staff. The summary below is not comprehensive and is intended to assist staff in computing due dates for responsive pleadings. Counsel and pro se litigants should not rely on the contents of this document and are responsible to consult the Local Rules and Rules of Civil Procedure to determine the responsive pleading deadlines in their cases.

**COMPUTING RESPONSIVE PLEADING DEADLINES CALCULATED FROM THE DATE
OF "SERVICE" UNDER THE LOCAL RULES AND THE FEDERAL RULES OF CIVIL
PROCEDURE¹**

I. RELEVANT FACTORS FOR RESPONSE DATE COMPUTATION

1. METHODS OF SERVICE

- A. Personal service in-hand, at office, or abode. Fed. R. Civ. P. 5(b)(2)(A) & (B)
- B. Service by mail. Fed. R. Civ. P. 5(b)(2)(C)
- C. Service on Clerk of Court if party's address unknown. Fed. R. Civ. P. 5(b)(2)(D)
- D. Other means of service with written consent (including electronic transmission through ECF). Fed. R. Civ. P. 5(b)(2)(E) & (F)

2. DATE SERVICE DEEMED COMPLETED

- A. Personal service in-hand, at office, or abode: upon delivery. Fed. R. Civ. P. 5(b)(2)(A) & (B)
- B. Service by mail: date mailed. Fed. R. Civ. P. 5(b)(2)(C)
- C. Service on Clerk of Court if party's address unknown: upon delivery. Fed. R. Civ. P. 5(b)(2)(D)
- D. Service by electronic transmission with consent: upon transmission. Fed. R. Civ. P. 5(b)(2)(E)
- E. Other means of service with consent: upon delivery. Fed. R. Civ. P. 5(b)(2)(F)

3. COMPUTATION RULES

- A. If responsive time period is stated in days or longer, the date service is deemed completed shall not be included in the computation. Fed. R. Civ. P. 6(a)
- B. If the last day falls on a weekend, legal holiday, or date when the clerk's office is closed, the deadline runs to the end of the next business day. Fed. R. Civ. P. 6(a)
- C. If time period runs from "service" and served by mail, through the Clerk of Court, or by other means with consent (including electronic transfer), add three calendar days. Fed. R. Civ. P. 6(d); LR 6.1. Before adding three calendar days, first calculate the prescribed period using all time-counting rules under Rule 6(a) as set forth in immediate subparagraphs (A), and (B) above.
- D. Do not add three calendar days if time period runs from "filing" or if in-hand service on person, office, or abode. Fed. R. Civ. P. (6)(d); LR 6.1
- E. For both electronic filings as well as paper filings using the 24-hour depository, the last day shall end at midnight local time unless a different time is established by court order. Fed. R. Civ. P. 6(a)(4); LR 6.1.

¹Reference Fed. R. Civ. P. 6(a), (d); LR 6.1. and 7.1(b). This calculation method may not apply to time periods calculated from the date of "filing," LR 6.1, and deadlines established by other Federal Rules, *see, e.g.* Fed. R. Civ. P. 54(d)(2)(B)(filing due "no later than 14 days after entry of judgment").

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CALCULATION OF RESPONSE FROM “SERVICE” WORKSHEET²		
How Was Pleading Served?		IH=In-hand on person, at office, or abode. M=Mail. C=Clerk of Court if party's address unknown. E=Electronic with consent. O= Other means of service with written consent.
When Is Service Deemed Completed?		*If in-hand on person, at office, or abode: date delivered. *If by mail: date mailed. *If on Clerk of Court: date delivered. *If electronic with consent: date transmitted. *If other means with consent: date delivered.
When Does Response Time Commence?		*Begin calculating the response deadline starting on the day after the date service is deemed completed and count using calendar days.
Does the Last Day Fall on a Weekend, Holiday, or Date Court Closed?		*If yes, calculate the deadline as midnight of the next business day.
Was Pleading Served by Mail, on Clerk, Electronically with Consent, or by Other Means with Consent?		*If yes, add 3 calendar days to response deadline after calculate time period under Fed. R. Civ. P. 6(a). If deadline falls on a weekend, holiday, or date the court is closed, calculate the deadline as midnight of the next business day.

²Note this calculation worksheet applies to deadlines stated in periods of days or longer. For deadlines stated in hours, please see Fed. R. Civ. P. 6(a)(2).