

## COMPUTATION OF OBJECTION DEADLINES UNDER RULE 9006(a) and (f)

1. Rule 9006(f). As of December 1, 2016, the 3-day extension to time periods is eliminated when service is made electronically.

2. Rule 9006(f) Applies Only to Rule 9006(a) “Prescribed Period” Deadlines.

Rule 9006(f) applies only to “prescribed period” deadlines computed under Rule 9006(a) (e.g. 14 days after service of notice). An objection deadline is not a “prescribed period” under Rule 9006(a) if it ends on a fixed date and/or time, without reference to a number of days after service (e.g., “the last day to file and serve objections is December 21, 2012 at 4:00 p.m.”). Note too that under Rule 9006(a), if an objection deadline is a date certain (e.g., December 25, 2016), the deadline is **not** extended to the next business day if the stated date is a weekend or legal holiday.<sup>1</sup>

3. When and how to add three days under 9006(f). If service is made by mail, Rule 9006(f) provides that “three days are added after the prescribed period would otherwise expire under Rule 9006(a).”

a. When the Last Day of the Prescribed Period Falls on a Weekday and Service is Made by Mail. If the prescribed period ends on a weekday, add three days (e.g. a Tuesday deadline becomes a Friday deadline). If the third additional day falls on a weekend or legal holiday, the prescribed period, as extended, end on the next business day.

*Example:* The objection deadline is 21 days after service of notice. Notice was served by mail on Wednesday, December 2. The 21-day period ends on Wednesday, December 23. Because service was made by mail, under Rule 9006(f) three days are added to December 23, resulting in an objection deadline of Saturday, December 26. However, since the 26<sup>th</sup> is a weekend, the deadline becomes the next business day, Monday, December 28.

b. When the Last Day of the Prescribed Period Falls on a Weekend or Legal Holiday and Service is Made by Mail. If the prescribed period ends on a weekend or legal holiday, the period is extended until the next business day, and three additional three days are added thereafter.

*Example:* The objection deadline is 21 days after service of notice. Notice was served by mail on Friday, December 4. The 21-day prescribed period falls on Friday, December 25, a legal holiday. The 21-day deadline therefore is extended to Monday, December 28, the next business day. Then, because service was made by mail, under Rule 9006(f) three days are added to December 28, resulting in an objection deadline of Thursday, December 31.

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<sup>1</sup> “Legal holiday” is defined in Rule 9006(a).

4. The Potential for Different Deadlines. If one or more parties are served by mail and one or more parties are served electronically, application of Rule 9006(f) will result in different deadlines for the same motion. Remember, however, that if the deadline is a date certain, Rule 9006(f) **does not apply**. The fixed date and/or time is the deadline for all parties regardless of the method of service. If Rule 9006(f) applies because at least one party was served by mail and the deadline is not a fixed date and/or time, the moving party will need to wait for the 3-day extended period to expire before submitting an order to the Court granting relief by default.