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(A) on the last day for filing under Rule 26(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 26(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.

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

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

(B) for electronic filing in the court of appeals, at midnight in the time zone of the circuit clerk’s principal office;

(C) for filing under Rules 4(c)(1), 25(a)(2)(B), and 25(a)(2)(C) — and filing by mail under Rule 13(b) — at the latest time for the method chosen for delivery to the post office, third-party commercial carrier, or prison mailing system; and

(D) 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

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Day, Independence Day, Labor Day,
Columbus Day, Veterans' Day,
Thanksgiving Day, or Christmas Day;

(B) any day declared a holiday by the President
or Congress; and

(C) for periods that are measured after an
event, any other day declared a holiday by
the state where either of the following is
located: the district court that rendered the
challenged judgment or order, or the circuit
clerk's principal office.

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(c) Additional Time after Service. When a party may
or must act within a specified time after service, 3
days are added after the period would otherwise
expire under Rule 26(a), unless the paper is delivered
on the date of service stated in the proof of service.

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For purposes of this Rule 26(c), a paper that is served electronically is not treated as delivered on the date of service stated in the proof of service.

Rule 27. Motions

(a) In General.

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(3) Response.

(A) Time to file. Any party may file a response to a motion; Rule 27(a)(2) governs its contents. The response must be filed within 10 days after service of the motion unless the court shortens or extends the time. A motion authorized by Rules 8, 9, 18, or 41 may be granted before the 10-day period runs only if the court gives reasonable notice to the parties that it intends to act sooner.

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- (4) **Reply to Response.** Any reply to a response must be filed within 7 days after service of the response. A reply must not present matters that do not relate to the response.

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Rule 28.1. Cross-Appeals

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- (f) **Time to Serve and File a Brief.** Briefs must be served and filed as follows:

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- (4) the appellee's reply brief, within 14 days after the appellant's response and reply brief is served, but at least 7 days before argument unless the court, for good cause, allows a later filing.

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Rule 30. Appendix to the Briefs

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(b) All Parties' Responsibilities.

(1) Determining the Contents of the Appendix.

The parties are encouraged to agree on the contents of the appendix. In the absence of an agreement, the appellant must, within 14 days after the record is filed, serve on the appellee a designation of the parts of the record the appellant intends to include in the appendix and a statement of the issues the appellant intends to present for review. The appellee may, within 14 days after receiving the designation, serve on the appellant a designation of additional parts to which it wishes to direct the court's attention. The appellant must include the designated parts in the appendix. The parties must not engage in

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unnecessary designation of parts of the record, because the entire record is available to the court. This paragraph applies also to a cross-appellant and a cross-appellee.

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Rule 31. Serving and Filing Briefs

(a) Time to Serve and File a Brief.

- (1) The appellant must serve and file a brief within 40 days after the record is filed. The appellee must serve and file a brief within 30 days after the appellant's brief is served. The appellant may serve and file a reply brief within 14 days after service of the appellee's brief but a reply brief must be filed at least 7 days before argument, unless the court, for good cause, allows a later filing.

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Rule 39. Costs

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(d) Bill of Costs: Objections; Insertion in Mandate.

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- (2) Objections must be filed within 14 days after service of the bill of costs, unless the court extends the time.

Rule 41. Mandate: Contents; Issuance and Effective Date; Stay

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- (b) When Issued.** The court's mandate must issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate,

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whichever is later. The court may shorten or extend
the time.

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