

**Rule 6. Time****6.01 Computation**

**(a) Computing Time.** The following rules apply in computing any time period specified in these rules, in any local rule or court order, or in any statute that does not specify a method of computing time.

(1) Period Stated in Days or a Longer Unit of Time. 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 legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

(2) Periods Shorter than 7 Days. Only if expressly so provided by any other rule or statute, a time period that is less than 7 days may exclude intermediate Saturdays, Sundays, and legal holidays.

(3) 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 occurring 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.

(4) Inaccessibility of the Court Administrator's Office. Unless the court orders otherwise, if the court administrator's office is inaccessible:

(A) on the last day for filing or service under Rule 6.01(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 6.01(a)(1), 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.

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

(1) for electronic filing, at 11:59 p.m. local Minnesota time; and

(2) for filing by other means, when the Court Administrator's office is scheduled to close.

**(c) "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.

**(d) Definition of Legal Holiday.** As used in this rule and in Rule 77(c), "legal holiday" includes any holiday designated in Minnesota Statutes, section 645.44, subdivision 5, as a holiday for the state or any statewide branch of government and any day that the U.S. mail does not operate.

**(e) Additional Time After Service by Mail or Service Late in Day.** Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other document upon the party, and the notice or document is served upon the party by United States Mail, 3 days shall be added to the prescribed period.

If service is made by any means other than United States Mail and accomplished after 5:00 p.m. local Minnesota time on the day of service, 1 additional day shall be added to the prescribed period.

(Amended effective January 1, 1997; amended effective July 1, 2007; amended effective September 1, 2012; amended effective January 1, 2020.)

## **6.02 Enlargement**

When by statute, by these rules, by a notice given thereunder, or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may, at any time in its discretion, (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action under Rules 4.043, 59.03, 59.05, and 60.02 except to the extent and under the conditions stated in them.

## **6.03 Unaffected by Expiration of Term**

The continued existence or the expiration of a term of court does not affect or limit the period of time provided for the taking of any action or proceeding, or affect the power of the court to act or take any proceeding in any action which has been pending before it.

## **6.04 For Motions; Affidavits**

The deadlines for service and filing of motions, as well as affidavits and other documents in support of or responding to motions, are governed by the Minnesota General Rules of Practice.

(Amended effective January 1, 1997; amended effective January 1, 2020.)

## **6.05 [Abrogated]**

(Amended effective January 1, 1997; amended effective July 1, 2007; amended effective September 1, 2012; amended effective July 1, 2015; abrogated effective January 1, 2020.)

### ***Advisory Committee Comment - 1996 Amendment***

*The amendment to Rule 6.01 conforms the rule to its federal counterpart. The committee believes it is desirable to define explicitly what constitutes a "legal holiday." Given the nature of Minnesota's weather, the committee believes specific provision for dealing with inclement weather should be made in the rules. The federal rule enumerates specific holidays. That drafting approach is not feasible in Minnesota because Minnesota Statutes, section 645.44, subdivision 5, defines legal holidays, but allows the judiciary to pick either Columbus Day or the Friday after Thanksgiving as a holiday. Whichever is selected is defined to be a holiday under the rule.*

*The amendment to Rule 6.05 conforms the rule to the federal rule except for the last sentence which is new and has no federal counterpart. This provision is intended to discourage the unseemly practices of sliding a "service" under the door of opposing counsel or sending a facsimile transmission after the close of business and asserting timely service. Such service will be timely under the rules, but will add a day to the time to respond. If the paper is due to be served a fixed*

*number of days before an event, that number should be increased by one as well, making it necessary to serve late in the day before the deadline.*

#### ***Advisory Committee Comment - 2007 Amendment***

*Rule 6.01 is amended to remove potential ambiguity in the existing rule. The rule is ambiguous because of the odd definition of "holiday" in Minnesota Statutes, section 645.44, subdivision 5, and its ambiguity over how Columbus Day is treated. Additionally, because the rules explicitly provide for service by mail, the court recognized that a "mail holiday" should be a "legal holiday" for the purpose of this rule.*

*The rule excuses filing on the last day of a time period if the court administrator's office is inaccessible. The amended rule replaces an indefinite concept of the court administrator's office being "inaccessible" with a more definite formulation: the office of the administrator of the court where the action is pending must actually be closed.*

*Rule 6.05 is amended to make the rule definite as to what forms of service qualify as "service by mail." The rule as amended explicitly allows three additional days only for service by U.S. mail; the use of any other delivery or courier service does not constitute "U.S. mail," and therefore does not qualify for additional time. This rule is now consistent with Minn. R. Civ. P. 4.05, which specifies "first-class mail" as the means for service by mail.*

#### ***Advisory Committee Comment - 2012 Amendment***

*Rule 6.01 is amended to add unavailability of the court-authorized e-filing and e-service system as a circumstance that would result in the extension of the time period. This extension applies only where the system problem occurs on the last day of the period and should only apply where the problem is not momentary. The rule requires that unavailability of the E-Filing System actually prevent compliance with the service or filing requirements. This certainly eliminates use of a short-lived shutdown from extending the deadline except, possibly, where it occurs right at the end of the day. Where the shutdown occurs for a substantial part of the day and where it continues through the close of business, then the additional day would be automatically applied.*

#### ***Advisory Committee Comments - 2015 Amendments***

*Rule 6.05 is amended to remove a potential ambiguity in the existing rule--the 5:00 p.m. deadline for service to be accomplished without allowing an additional day for response is defined to be Minnesota time. This provision will be especially important for service using the court's E-Filing System, by which service could be effected from anywhere in the world.*

#### ***Advisory Committee Comments - 2019 Amendments***

*The amendments to Rule 6.01 are important and are the key to the amendments to several other rules related to timing. These amendments implement the adoption of a standard "day" for counting deadlines under the rules - counting all days regardless of the length of the period and standardizing the time periods, where practicable, to a 7-, 14-, 21- or 28-day schedule. The most important change is found in Rule 6.01(a)(1)(B), which establishes "a day is a day" - all days during a period under the rules, regardless of length, are included, including weekends and legal holidays. This change mirrors a set of changes made in the Federal Rules of Civil Procedure, and is intended to create substantial similarity between "state days" and "federal days." Minnesota and the federal government recognize slightly different legal holidays.*

*Rule 4.06 has for years required that proof of service include the time of service for all forms of service other than service by publication. Compliance with Rule 4.06 is especially important because of the need to know the time of service in order to calculate response deadlines.*

*Rule 6.01(c) is also an important provision that will affect many deadlines. It establishes an explicit rule for how days are counted when counting "backwards" from a deadline. The rule requires that, when counting backwards from an event, and the last day falls on a weekend or holiday, the counting continues to the next earlier date that is not a weekend or holiday. This rule is modeled on its federal counterpart and is intended to create greater uniformity in timing between state and federal court matters.*

*Rule 6.01(e) appears as new text, but is the former Rule 6.05 relocated to Rule 6.01 because it addresses the same timing matters.*

*Rule 6.04 is rewritten because it is superseded by more specific provisions of Rule 115 of the Minnesota General Rules of Practice. Additionally, Rule 56 of the civil rules establishes a very important deadline for summary judgment motions - "in no event shall the motion be served less than 14 days before the time fixed for the hearing." Minn. R. Civ. P. 56.02. This limit on shortened notice recognizes the power of the summary judgment motion and its potential to be case or defense-terminating and provides an opportunity for the responding party to prepare a response and be heard.*

*Rule 6.05 is abrogated only because its text is now incorporated in Rule 6.01(e).*