

Rule 503 Computation of Time**Rule 503.01 Generally**

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.

(a) Period Stated in Days or a Longer Unit of Time. When the period is stated in days or a longer unit of time:

- (1) exclude the day of the event that triggers the period;
- (2) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(3) 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.

(b) 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. Otherwise, all time periods include Saturdays, Sundays, and legal holidays.

(c) Period Stated in Hours. When the period is stated in hours:

- (1) begin counting immediately on the occurrence of the event that triggers the period;
- (2) count every hour, including hours occurring during intermediate Saturdays, Sundays, and legal holidays; and
- (3) 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.

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

- (1) on the last day for filing or service under Rule 503.01(a) and (b), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday; or
- (2) during the last hour for filing under Rule 503.01(b) and (c), 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.

(e) "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.

(f) "Next Day" Defined. The "next day" is determined by continuing to count forward 1 when the period is measured after event and backward when measured before an event.

(Amended effective January 1, 2010; amended effective July 1, 2015; amended effective January 1, 2020.)

Rule 503.02 Definition of Legal Holiday

As used in these rules, "legal holiday" includes any holiday designated in Minnesota Statutes, section 645.44, subdivision 5, as a holiday for the state or any state-wide branch of government and any day that the United States Mail does not operate.

(Amended effective January 1, 2020.)

Rule 503.03 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, 2020.)

1993 Committee Comment

State level judicial branch holidays are defined in Minnesota Statutes 1990, section 645.44, subdivision 5, which includes: New Year's Day, January 1; Martin Luther King's Birthday, the third Monday in January; Washington's and Lincoln's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Veteran's Day, November 11; Thanksgiving Day, the fourth Thursday in November; and Christmas Day, December 25. Section 645.44, subdivision 5, further provides that when New Year's Day, January 1; or Independence Day, July 4; or Veteran's Day, November 11; or Christmas Day, December 25; falls on Sunday, the following day shall be a holiday and that when New Year's Day, January 1; or Independence Day, July 4; or Veteran's Day, November 11; or Christmas Day, December 25; falls on Saturday, the preceding day shall be a holiday. Section 645.44, subdivision 5, also authorizes the judicial branch to designate certain other days as holidays. The 1992 Judicial Branch Personnel Plan designates the Friday after Thanksgiving as a holiday.

*Conciliation courts are housed in county buildings, and the county is authorized to close county offices on certain days pursuant to Minnesota Statutes 1990, section 373.052. Thus, if a county closes its offices under Minnesota Statutes, section 373.052, on a day that is not a state level judicial branch holiday, such as Christopher Columbus Day, the second Monday in October, the conciliation court in that county would nevertheless include that day as a holiday for the purpose of computing time under Rule 503. See *Mittelstadt v. Breider*, 286 Minn. 211, 175 N.W.2d 191 (1970) (applying Minnesota Statutes, section 373.052, to filing of notice of election contest with district court). If a county does not close its offices on a day that is a state level judicial branch holiday, such as the Friday after Thanksgiving, the conciliation court in that county must still include that day as a holiday for the purpose of computing time under Rule 503.*

Advisory Committee Comment - 2009 Amendment

*Rule 503(c) is amended to clarify that for service or filing by mail, if U. S. Postal Service offices are closed on a particular day, that day is not deemed a "working week day" for the purpose of the rule, effectively permitting the mailing to be made on the next day that is a "working week day." This change conforms the rule to the time calculation provision of Minn. R. Civ. P. 6.01, which in turn was amended in 2008 to conform the rule to the Minnesota Supreme Court decision in *Commandeur LLC v. Howard Harry, Inc.*, 724 N.W.2d 508 (Minn. 2006) (holding that where the*

last day of a time period occurred on Columbus Day, service by mail permitted by the rules was timely if mailed on the following day on which mail service was available).

Advisory Committee Comment - 2019 Amendments

This amended Rule 503 is drawn directly to Rule 6.01 as amended as part of the extensive revamping in 2019 of the timing rules for all civil matters. 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 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." The amended rule also adopts the same definition of "legal holidays" as set used in Minn. R. Civ. P. 6.

Rule 503.01(f) is 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 all state and federal court matters.