

## **RULE 1:3. Time**

### **1:3-1. Computation of Time**

In computing any period of time fixed by rule or court order, the day of the act or event from which the designated period begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor legal holiday. In computing a period of time of less than 7 days, Saturday, Sunday and legal holidays shall be excluded.

**Note:** Source-R.R. 1:27, 8:12-4.

### **1:3-2. Time Unaffected by Expiration of Term**

The period of time provided for the doing of any act is not affected or limited by the continued existence or expiration of a term of court.

**Note:** Source-R.R. 4:6-2 (first sentence).

### **1:3-3. Additional Time After Service by Ordinary Mail**

When service of a notice or paper is made by ordinary mail, and a rule or court order allows the party served a period of time after the service thereof within which to take some action, 3 days shall be added to the period.

**Note:** Source-R.R. 4:6-4; amended June 28, 1996 to be effective September 1, 1996.

### **1:3-4. Enlargement of Time**

**(a) Enlargement by Order or Consent.** Unless otherwise expressly provided by rule, a period of time thereby fixed for the doing of an act may be enlarged before or after its expiration by court order on notice or (unless a court has otherwise ordered) by consent of the parties in writing.

**(b) Enlargement for Appeal and Review.** Enlargement of time for appeal and review shall be governed by the following rules: appeals to the Supreme Court and Superior Court, Appellate Division, by R. 2:4-4; actions in lieu of prerogative writs in the Superior Court, Law Division, by R. 4:69-6(c); appeals to the Superior Court, Law Division from reports of condemnation commissioners, by R. 4:73-6(a); civil appeals to the Superior Court, Law Division, by R. 4:74-2(b); and review of ex parte probate actions, by R. 4:85-2.

**(c) Enlargements Prohibited.** Neither the parties nor the court may, however, enlarge the time specified by R. 1:7-4 (motion for amendment of findings); R. 3:18-2 (motion for judgment of acquittal after discharge of jury); R. 3:20-2, R. 4:49-1(b) and (c) and R. 7:10-1 (motion for new trial); R. 3:21-9 (motion in arrest of judgment); R. 3:21-10(a); R. 3:22-12 (petitions for post-conviction relief); R. 3:23-2 (appeals to the Law Division from judgments of conviction in courts of limited criminal jurisdiction); R. 3:24 (appeals to the Law Division from interlocutory orders and orders dismissing the complaint entered by courts of limited criminal jurisdiction); R. 4:40-2(b) (renewal of motion for judgment); R. 4:49-2 (motion to alter or amend a judgment); and R. 4:50-2 (motion for relief from judgment or order).

Note: Source-R.R. 1:27B (a) (b) (c) (d) (e), 4:6-1, 8:12-5(a)(b). Paragraph (c) amended July 7, 1971, effective September 13, 1971; paragraph (b) amended November 27, 1974 to be effective April 1, 1975; paragraph (b) amended July 22, 1983 to be effective September 12, 1983; paragraph (c) amended July 26, 1984 to be effective September 10, 1984; paragraphs (b) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (c) amended January 5, 1998 to be effective February 1, 1998; paragraph (c) amended July 10, 1998 to be effective September 1, 1998; paragraph (c) amended July 28, 2004 to be effective September 1, 2004; paragraph (c) amended July 16, 2009 to be effective September 1, 2009.