

December 30, 2002

M E M O R A N D U M

TO: Virgin Islands Bar Association
Public and Private

FROM: Jeffrey L. Resnick
U.S. Magistrate Judge

CC: Hon. Raymond L. Finch, Chief Judge
Hon. Thomas K. Moore, District Judge
Hon. Geoffrey W. Barnard, Magistrate Judge

RE: Time for Response to Motions

LRCi 7.1 provides that responses to motions shall be filed within ten (10) days of service of the motion. Per Fed. R. Civ. P. 6(a):

[t]he date of service is not counted and intermediate Saturdays, Sundays, and legal holidays are excluded from computation (see LRCi 6.1 regarding "legal holidays"). Fed. R. Civ. P. 5(b) allows service of motions by mail. Rule 6(e) requires that when served by mail, three (3) days shall be added to the time for service. The more widely adopted view is that weekends and holidays are not excluded from the three(3) day period provided in Rule 6(e). *Douglas v. Sandoz Pharmaceuticals Corp.* 2000 WL 33342286 *3 (M.D.N.C.); *CNPq-Conselho Nacional v. Inter-Trade, Inc.*, 50 F.3d 56, 58 (D.C.Cir. 1995); *Levin v. Lear Siegler Diversified Holdings Corp.* 1992 WL 100935 *2 (N.D.Ill.).

Service is complete upon mailing. *Greene v. WCI Holdings Corp.*, 136 F.3d 313, 315 (2nd Cir. 1998). Wright, Miller FEDERAL PRACTICE AND PROCEDURE: CIVIL 2d § 1148. Accordingly, the Court will look to the "Certificate of Service" to ascertain when a response is due. **Any stipulations or motions for additional time to respond must be filed (with copies provided to the appropriate judge or magistrate judge) by such due date.** Stipulations or motions in such regard that are presented after ruling on the subject motion may be disregarded.