

**Summary of Impact of Time Computation Changes on  
Rules of the United States Court of International Trade<sup>1</sup>**

<b>Rule/Caption</b>	<b>Subdivision</b>	<b>Present Time Period<sup>2</sup></b>	<b>New Time Period<sup>2</sup></b>	<b>Comment</b>
3. Commencing an Action	3(a)(2) – Commencement.	30	30	Statutory (19 U.S.C. § 1516a)
3.1. Actions Transferred to the Court of International Trade from a Binational Panel or Committee Pursuant to 19 U.S.C. § 1516a(g)(12)(B) or (D)	<b>3.1(c)(2) - Intervention of Right.</b>	<b>10</b>	<b>14</b>	<b>No comparable FRCP Rule – changed per new time computation methodology.</b>
	3.1(d)(1) - Documents in an Action Transferred under 19 U.S.C. § 1516a(g)(12).	30	30	
	3.1(d)(2) - Documents in an Action Transferred under 19 U.S.C. § 1516a(g)(12).	40	40	
	<b>3.1(e)(2) – Pleadings.</b>	<b>10</b>	<b>14</b>	<b>No comparable FRCP Rule – changed per new time computation methodology.</b>
	3.1(f)(2) - Additional Provisions Governing Judgment on an Agency Record.	21	21	
4. Service of Summons and Complaint	4(c)(1) - Waiving Service.	30 60	30 60	
	4(c)(3) - Time to Answer After a Waiver.	60 90	60 90	
	4(l) - Time Limit for Service.	120	120	

<sup>1</sup> This summary lists all subdivisions in the Court’s Rules in which a period of time within which an act must be performed is expressed. The time periods proposed for change per the new time computation methodology appear in bold.

<sup>2</sup> Time periods are expressed in terms of days, unless otherwise indicated.

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6. Computing and Extending Time; Time for Motion Papers	6(d) – Additional Time after Certain Kinds of Service.	5	5	Disparity with FRCP Rule, which adds 3 days to deadline after certain types of service, is maintained.
7. Pleadings Allowed; Consultation; Oral Argument; Response Time; Show Cause Order; Form of Motions and Other Papers	<b>7(c) - Oral Argument.</b>	<b>20</b> <b>20</b>	<b>21</b> <b>21</b>	<b>No comparable FRCP Rule – changed per new time computation methodology.</b>
	<b>7(d) -Time to Respond.</b>	<b>10</b> 30 <b>10</b>	<b>14</b> 30 <b>14</b>	<b>No comparable FRCP Rule – changed per new time computation methodology.</b>
11. Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions	11(c)(2) – Motion for Sanctions.	21	21	
12. Defenses and Objections; When and How Presented; Motion for Judgment on the Pleadings; Consolidating Motions; Waiving Defenses; Pretrial Hearing	<b>12(a)(1)(A)(ii) - Time to Serve a Responsive Pleading. In General.</b>	<b>10</b>	<b>14</b>	<b>No comparable FRCP Rule – changed per new time computation methodology.</b>
	<b>12(a)(1)(B)(i) - Time to Serve a Responsive Pleading. In General.</b>	<b>20</b>	<b>21</b>	<b>As in FRCP Rule.</b>
	<b>12(a)(1)(C) - Time to Serve a Responsive Pleading. In General.</b>	<b>20</b>	<b>21</b>	<b>As in FRCP Rule.</b>
	<b>12(a)(1)(D) - Time to Serve a Responsive Pleading. In General.</b>	<b>20</b>	<b>21</b>	<b>As in FRCP Rule.</b>
	<b>12(a)(2)(A) - Time to Serve a Responsive Pleading. Effect of a Motion.</b>	<b>10</b>	<b>14</b>	<b>As in FRCP Rule.</b>
	<b>12(a)(2)(B) - Time to Serve a Responsive Pleading. Effect of a Motion.</b>	<b>10</b>	<b>14</b>	<b>As in FRCP Rule.</b>
	<b>12(e) - Motion for a More Definite Statement.</b>	<b>10</b>	<b>14</b>	<b>As in FRCP Rule.</b>
	<b>12(f)(2) - Motion to Strike.</b>	<b>20</b>	<b>21</b>	<b>As in FRCP Rule.</b>

Rule/Caption	Subdivision	Present Time Period <sup>2</sup>	New Time Period <sup>2</sup>	Comment
13. Counterclaim and Crossclaim	13(i)(3) – Demand for a Complaint.	30	30	
14. Third-Party Practice	<b>14(a)(1) - When Defendant May Bring in Third Party. Timing of the Summons and Complaint.</b>	<b>10</b>	<b>14</b>	<b>As in FRCP Rule.</b>
15. Amended and Supplemental Pleadings	<b>15(a)(1)(B) - Amendments Before Trial. Amending as a Matter of Course.</b>	<b>20</b>	<b>21</b>	<b>As in FRCP Rule.</b>
	<b>15(a)(3) - Amendments Before Trial. Time to Respond.</b>	<b>10</b>	<b>14</b>	<b>As in FRCP Rule.</b>
16. Postassignment Conferences; Scheduling; Management	16(b)(2) – Scheduling. Time to Issue.	90	90	
16.1 Court-Annexed Mediation	N/A	30	30	
23. Class Actions	<b>23(f) - Appeals.</b>	<b>10</b>	<b>14</b>	<b>As in FRCP Rule.</b>
24. Intervention	24(a)(3) – Intervention of Right.	30	30	
	<b>24(c) - Notice and Pleading Required.</b>	<b>10</b>	<b>14</b>	<b>No comparable FRCP Rule – changed per new time computation methodology.</b>
25. Substitution of Parties	25(a)(1) – Death. Substitution if the Claim Is Not Extinguished.	90	90	
26. Duty to Disclose; General Provisions Governing Discovery	26(a)(1)(C) – Time for Initial Disclosures – In General.	14	14	
	26(a)(1)(D) – Time for Initial Disclosures – Parties Served or Joined Later.	30	30	
	26(a)(2)(C) – Time to Disclose Testimony.	90	90	
		30	30	
26(a)(3)(B) – Time for Pretrial Disclosures; Objections.	30 14	30 14		

Rule/Caption	Subdivision	Present Time Period <sup>2</sup>	New Time Period <sup>2</sup>	Comment
	26(f) – Conference of the Parties; Planning for Discovery.	21 14	21 14	
	26(f)(4) – Expedited Schedule.	21 14	21 14	
27. Depositions to Perpetuate Testimony	<b>27(a) - Before an Action is Filed.</b>	<b>20</b>	<b>21</b>	<b>As in FRCP Rule.</b>
30. Depositions by Oral Examination	30(e) – Review by the Witness; Changes.	30	30	
31. Depositions by Written Questions	31(a)(5) – When a Deposition May Be Taken. Questions from Other Parties.	14 7 7	14 7 7	
32. Using Depositions in Court Proceedings	<b>32(a)(5)(A) - Depositions taken on Short Notice.</b>	<b>11</b>	<b>14</b>	<b>As in FRCP Rule.</b>
	<b>32(d)(3)(C) - Objection to a Written Question.</b>	<b>5</b>	<b>7</b>	<b>As in FRCP Rule.</b>
33. Interrogatories to Parties	33(b)(2) – Answers and Objections. Time to Respond.	30	30	
34. Producing Documents, Electronically Stored Information, and Tangible Things, or Entering onto Land, for Inspection and Other Purposes	34(b)(2)(A) – Procedure . Responses and Objections. Time to Respond.	30	30	
36. Requests for Admission	36(a)(3) – Scope and Procedure. Time to Respond; Effect of Not Responding.	30	30	
38. Right to a Jury Trial; Demand	<b>38(b) – Demand.</b>	<b>10</b>	<b>14</b>	<b>As in FRCP Rule.</b>
	<b>38(c) – Specifying Issues.</b>	<b>10</b>	<b>14</b>	<b>As in FRCP Rule.</b>

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40. Request for Trial	<b>40(a) – Request.</b>	30 10 10	30 14 14	<b>No comparable FRCP Rule – changed per new time computation methodology.</b>
43. Taking Testimony	<b>43(e)(2) - Documents Specially Admissible. Service.</b>	15	21	<b>No comparable FRCP Rule – changed per new time computation methodology.</b>
45. Subpoena	45(c)(2)(B) – Protecting a Person Subject to a Subpoena. Command to Produce Materials or Permit Inspection. Objections.	14	14	
50. Judgment as a Matter of Law in a Jury Trial; Related Motion for a New Trial; Conditional Ruling	50(b) - Renewing the Motion After Trial; Alternative Motion for a New Trial.	30 30	30 30	FRCP Rule currently provides for 28-day periods, which were lengthened from 10 days under the prior rule.
	50(d) - Time for a Losing Party’s New-Trial Motion.	30	30	FRCP Rule currently provides for a 28-day period, which was lengthened from 10 days under the prior rule.
52. Findings and Conclusions by the Court; Judgment on Partial Findings	52(b) - Amended or Additional Findings.	30	30	FRCP Rule currently provides for a 28-day period, which was lengthened from 10 days under the prior rule.
53. Masters	<b>53(f)(2) - Action on the Master’s Order, Report, or Recommendations. Time to Object or Move to Adopt or Modify.</b>	20	21	<b>As in FRCP Rule.</b>
54. Judgment; Costs	<b>54(d)(1) – Costs; Attorney’s Fees – Costs Other than Attorney’s Fees.</b>	1 5	14 7	<b>In accord with changes made to the FRCP, this proposal would revise the unrealistic short 1-day period in which the clerk may give notice before taxing costs.</b>

Rule/Caption	Subdivision	Present Time Period <sup>2</sup>	New Time Period <sup>2</sup>	Comment
	54(d)(2)(B) – Costs; Attorney’s Fees. Attorney’s Fees. Timing and Contents of the Motion.	14	14	
54.1. Attorney’s Fees and Expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)	54.1(a) – Time for filing.	30	30	
	54.1(c) – Response and Reply.	30	30	
55. Default Judgment	<b>55(b) – Entering a Default Judgment.</b>	<b>10</b>	<b>14</b>	<b>FRCP Rule currently provides for a 7-day period, which was lengthened from 3 days under the prior rule.</b>
56. Summary Judgment	<b>56(c) – Serving the Motion; Proceedings.</b>	<b>10</b>	<b>14</b>	<b>No comparable FRCP Rule – changed per new time computation methodology.</b>
56.1. Judgment on an Agency Record for an Action Other Than That Described in 28 U.S.C. § 1581(c)	<b>56.1 (d) – Time to Respond.</b>	30 <b>10</b>	30 <b>14</b>	<b>No comparable FRCP – changed per new time computation methodology.</b>
56.2. Judgment on an Agency Record for an Action Described in 28 U.S.C. § 1581(c)	56.2 (a) – Proposed Briefing Schedule and Joint Status Report.	30 30 30	30 30 30	
	<b>56.2(c)(3) – Briefs.</b>	<b>3</b>	<b>7</b>	<b>No comparable FRCP Rule – changed per new time computation methodology.</b>

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	<b>56.2(d) – Time to Respond.</b>	60 60 <b>25</b>	60 60 <b>28</b>	<b>No comparable FRCP Rule – changed per new time computation methodology.</b>
	56.2(e) – Hearing.	30	30	
	56.2(g) – Voluntary Dismissal - Time Limitation.	30 30	30 30	
58. Entering Judgment	58(d) – Time of Entry.	150	150	
59. New Trial; Rehearing; Altering or Amending a Judgment	59(b) – Time to File a Motion.	30	30	Statutory (28 U.S.C. § 2646)
	<b>59(c) – Time to Serve Affidavits.</b>	<b>10</b>	<b>14</b>	<b>As in FRCP Rule.</b>
	59(d) – New Trial on the Court’s Initiative or for Reasons not in the Motion.	30	30	FRCP Rule changed from 10 to 14 days. CIT rule retained at 30 days.
	59(e) – Motion to Alter or Amend Judgment.	30	30	FRCP Rule changed from 10 to 14 days. CIT rule retained at 30 days.
62. Stay of Proceedings to Enforce a Judgment	62(a) – Automatic Stay; Exception for Injunctions.	30	30	FRCP Rule changed from 10 to 14 days. CIT rule retained at 30 days. See also Practice Comment.
65. Injunctions	<b>65(b)(2) – Contents; Expiration.</b>	<b>10</b>	<b>14</b>	<b>As in FRCP Rule.</b>
	65(b)(4) – Motion to Dissolve.	2	2	The FRCP has retained the 2-day notice period.
68. Offer of Judgment	<b>68(a) – Making an Offer; Judgment on an Accepted Offer.</b>	<b>10</b> <b>10</b>	<b>14</b> <b>14</b>	<b>As in FRCP Rule. Also, stylistic change to conform to FRCP.</b>
	<b>68(c) – Offer After Liability is Determined.</b>	<b>10</b>	<b>14</b>	<b>As in FRCP Rule. Also, stylistic change to conform to FRCP.</b>

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73.2. Documents in an Action Described in 28 U.S.C. § 1581(c) or (f)	73.2(a) - Actions Described in 28 U.S.C. § 1581(c).	40	40	Statutory (28 U.S.C. § 2635)
	73.2(b)(1) – Alternative Procedure in an Action Described in 28 U.S.C. § 1581(c).	40	40	Statutory (28 U.S.C. § 2635)
	73.2(c)(5) – Confidential or Privileged Information in an Action Described in 28 U.S.C. § 1581(c).	31	31	Statutory (28 U.S.C. § 2635)
	73.2(d) – Documents in an Action Described in 28 U.S.C. § 1581(f).	15	15	Statutory (28 U.S.C. § 2635)
73.3. Documents in All Other Actions Based on the Agency Record	73.3(a) – Documents Furnished in all Other Actions Based on the Agency Record.	40	40	Statutory (28 U.S.C. § 2635)
74. Admission to Practice	74(b)(2) – Procedure.	90	90	
	74(b)(4) – Procedure.	90	90	
	74(f)(2)(B) – Disciplinary Proceedings for Misconduct.	30	30	
	74(f)(3)(A)(ii) – Attorneys Convicted of Crimes.	30	30	
	74(f)(4)(B)(ii) – Discipline Imposed by Other Courts.	30	30	
	74(f)(6)(B) – Readmission/Reinstatement.	1 year	1 year	
80. Papers, Exhibits and Other Material	80(c)(1) –Withdrawal of Papers, Exhibits, and Other Materials.	30	30	
	80(d) – Return and Removal.	60 30	60 30	
82. Clerk’s Office Hours; Clerk’s Orders	82(b)(5) – Motions, Orders and Judgments.	30	30	
83. Reserve Calendar	83(a) – Reserve Calendar.	18-month period	18-month period	



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	<b>83(c) – Dismissal for Lack of Prosecution.</b>	<b>10</b> <b>10</b>	<b>14</b> <b>14</b>	<b>No comparable FRCP Rule – changed per new time computation methodology.</b>
	83(d) – Extension of Time.	30	30	
84. Suspension Calendar	<b>84(b) – Motion for Test Case Designation.</b>	<b>10</b>	<b>14</b>	<b>No comparable FRCP Rule – changed per new time computation methodology.</b>
85. Suspension Disposition Calendar	<b>85(d) – Dismissal for Lack of Prosecution.</b>	<b>10</b> <b>10</b>	<b>14</b> <b>14</b>	<b>No comparable FRCP Rule – changed per new time computation methodology.</b>
	85(e) – Extension of Time	30	30	