

LR 6.1 CONTINUANCE MOTIONS TO EXTEND TIME

(a) General Rule. Ordinarily, a party who seeks a continuance must show good cause. But a party who seeks a continuance because of the absence of an expert witness must show extreme good cause. Parties must anticipate the possibility that an expert witness may be unavailable and must be prepared to present expert witness testimony either by deposition or by stipulation among the parties that the expert witness's written report may be received in evidence.

(b) Trial Dates. A party who seeks continuance of a trial date must move for a continuance in writing.

(a) Applicability. Motions seeking to extend a deadline pursuant to Fed. R. Civ. P. 6(b) are governed by this rule rather than LR 7.1(b). This rule does not apply to motions to modify a scheduling order, which are governed by LR 16.3.

(b) Requirements. Unless the court directs otherwise, the following provisions apply to motions governed by this rule:

(1) Good Cause. Good cause for the extension (or excusable neglect if filed after the deadline under Fed. R. Civ. P. 6(b)(1)(B)) should be set forth in the motion itself, whether or not the motion is opposed. Ordinarily, no separate memorandum or other document will be required.

(2) Meet-and-Confer Requirement. The meet-and-confer requirement of LR 7.1(a) applies to motions to extend time, except that the moving party's statement must appear in the motion itself rather than in a separate document. The statement must include whether or not another party has indicated a desire to respond to the motion.

(3) Agreed Motions. Parties are strongly encouraged to seek agreement on a motion to extend time. Even if the parties agree, the party seeking the extension should file an agreed or unopposed motion rather than a stipulation.

(4) Response. A party wishing to respond to a motion to extend time should do so promptly, and in no event later than three days after the motion is filed. The court may rule on a motion to extend time before a response is filed.

(5) No Hearing. Ordinarily, no hearing will be held on a motion to extend time.

[Adopted effective February 1, 1991; amended July 23, 2012; abrogated and replaced, 2026]

2026 Advisory Committee's Note to LR 6.1

Former LR 6.1 is abrogated because it included an “extreme good cause” standard for continuances premised on the absence of an expert witness, and this standard is not defined and does not otherwise appear in the Local Rules or the Federal Rules of Civil Procedure. Additionally, former LR 6.1’s requirement that continuance motions be in writing was redundant of LR 16.3(a)’s requirement that scheduling orders be modified by motion in accordance with LR 7.1(b).

New LR 6.1 brings uniformity to the district’s practices with respect to motions to extend time, establishing a streamlined approach and clarifying that LR 7.1 does not govern such motions. This rule establishes an exception under Fed. R. Civ. P. 6(c)(1)(C) to the ordinary timing rules for motions.

2012 Advisory Committee's Note to LR 6.1

The language of LR 6.1 has been amended in accordance with the restyling process described in the 2012 Advisory Committee’s Preface on Stylistic Amendments.