

Civil procedure – time limits

Action	Time limit
Motion for removal from state to federal court	30 days after receiving complaint from plaintiff.
Motion for remand	30 days after removal
Service of process	90 days after filing complaint. Court can extend if P can show good cause.
Motion to dismiss for lack of subject matter jurisdiction	Any time, even on appeal
Motion to dismiss for lack of PJ, improper venue, insufficiency of process, insufficiency of service of process	Waived if not raised by motion or answer, whichever is first
Motion to dismiss for failure to state a claim or join an indispensable party	May be raised at any time before trial or at trial
Motion for a more definite statement	Before answer
Motion to strike	Before answer
Defendant's response/answer	Pre-answer motion needs to be made within 21 days of service of process If no pre-answer motion was made, within 21 days of service of process If the defendant waived formal service, within 60 days (from when waiver was mailed) If the defendant made a pre-answer motion, within 14 days after the court's denial or postponement of the motion If the defendant made a motion for a more definite statement, within 14 days of service of that statement
Default judgement	If defendant has appeared, notice of 7 days prior to default judgement hearing If defendant has not appeared, not entitled to notice
Amendment to complaint	Of right: Within 21 days of service With consent/leave of court: after 21 days, at discretion of court
Motion for sanctions – breach of Rule 11	Breaching party needs to withdraw or correct the matter within 21 days – after that a motion can be filed for sanctions
Initial disclosures	Within 14 days after the conference of the parties (Rule 26f conference)
Disclosure of expert testimony	At least 90 days before trial

	If used solely to rebut another expert witness: within 30 days after disclosure of relevant evidence to be rebutted
Pretrial disclosures	At least 30 days before trial
Request for jury trial	No later than 14 days after service of last pleading raising jury triable issues
Motion for summary judgement	Up until 30 days after the close of discovery
Judgement as a matter of law	Up until the jury deliberates
Renewed motion as a matter of law	Within 28 days after judgement
Appeal	<p>Within 30 days from the entry of the judgement (court has discretion to extend time for another 30 days or for 14 days after order granting extension, whichever is later)</p> <p>Appeal of class action certification or denial: 14 days</p>
Motion for new trial	Within 28 days of judgement
Motion for relief from judgement	Reasonable time/within a year