

TITLE XII. COURT CALENDARS

Rule 83. Reserve Calendar

(a) Reserve Calendar. A Reserve Calendar is established on which an action described in 28 U.S.C. § 1581(a) or (b) is commenced by the filing of a summons shall be placed when the action is commenced. An action may remain on the Reserve Calendar for an 18-month period. The applicable 18-month period shall run from the last day of the month in which the action is commenced until the last day of the 18th month thereafter.

(b) Removal. An action may be removed from the Reserve Calendar upon: (1) assignment, (2) filing of a complaint, (3) granting of a motion for consolidation pursuant to Rule 42, (4) granting of a motion for suspension under a test case pursuant to Rule 84, or (5) filing of a stipulation for judgment on agreed statement of facts pursuant to Rule 58.1.

(c) Dismissal for Lack of Prosecution. An action not removed from the Reserve Calendar within the 18-month period shall be dismissed for lack of prosecution and the clerk shall enter an order of dismissal without further direction from the court unless a motion is pending. If a pending motion is denied and less than 10 days remain in which the action may remain on the Reserve Calendar, the action shall remain on the Reserve Calendar for 10 days from the date of entry of the order denying the motion.

(d) Extension of Time. For good cause shown why the action was not removed within the 18-month period, the court may grant an extension of time for the action to remain on the Reserve Calendar. A motion for an extension of time shall be made at least 30 days prior to the expiration of the 18-month period.

(As amended Oct. 3, 1984, eff. Jan. 1, 1985; Sept. 25, 1992, eff. Jan. 1, 1993.)