

Proposed Amendments to Rule 60

Rule 60 is amended as follows:

Rule 60. Relief from a Judgment or Order

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PRACTICE COMMENT: The deadline to file a Rule 60 motion may fall after the time to appeal a judgment from the Court. Practitioners may wish to consult Federal Rule of Appellate Procedure 4(a)(4)(A)(vi) for more information.

(As amended Oct. 3, 1984, eff. Jan. 1, 1985; July 21, 1986, eff. Oct. 1, 1986; July 28, 1988, eff. Nov. 1, 1988; Dec. 18, 2001, eff. Apr. 1, 2002; Sept. 28, 2004, eff. January 1, 2005; Nov. 25, 2008, eff. Jan. 1, 2009; _____, eff. _____.)

Advisory Committee Note

Federal Rule of Appellate Procedure (FRAP) 4(a) provides the timing for taking an appeal as of right. FRAP 4(a)(4) tolls the time to file an appeal when certain motions have been filed at the Court of International Trade, to the entry of the order disposing of the motion. Such motions include motions under Rule 59 (New Trial; Rehearing; Altering or Amending a Judgment) and 60 (Relief from a Judgment or Order), but FRAP 4(a)(4)(A)(vi) limits the tolling for Rule 60 motions to only those motions that were filed “no later than 28 days after the judgment is entered.” No amendments to the Court’s rules are needed, but a practice comment to Rule 60 has been added in order to alert practitioners that the deadline to file a Rule 60 motion may fall after the time to appeal a judgment from the Court and in that case, would not toll the appeal period.