

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO



**NOTICE FROM THE CLERK  
NO. 16-07**

Request for Public Comment as to the Abrogation of Local Civil Rule 5(e)

Notice is hereby given that the Court has determined to abrogate Local Civil Rule 5(e) (Additional Time After Service/Effect on Time Computation), to comply with the United States Supreme Court's amendment to Federal Rule of Civil Procedure 6(d), which removes service by electronic means from the modes of service that allow three additional days to act after being served, which is scheduled to go into effect on December 1, 2016.

In accordance with 28 U.S.C. § 2071(e), the Court has afforded an opportunity for comment on the clarifying amendments to subsection (e) of Local Civil Rule 5. Comments must be submitted, on or before November 28, 2016, to: Frances Ríos de Morán, Esq., Clerk of Court (Attn: Comment L.Cv.R.5(e)), Federal Building Room 150, San Juan, Puerto Rico 00918-1767.

All comments timely received by the Court will be considered. Local Civil Rule 5(e) shall be abrogated effective December 1, 2016, unless otherwise determined by the Court.

A copy of this Notice and the attached Order will be posted at the Attorneys' Lounge and the Clerk's Office, and will be notified to all members of the Bar of this Court via mass email.

**BY ORDER OF THE COURT.**

In San Juan, Puerto Rico, this 28<sup>th</sup> day of October, 2016.

A handwritten signature in blue ink, appearing to read "Frances Rios de Moran".

**FRANCES RIOS DE MORAN, ESQ.  
CLERK OF COURT**

Attachment: Order

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

In the Matter of:

ADOPTION OF LOCAL RULES

MISC. NO. 03-115(ADC)

Amendment of Local Civil Rule 5(e)

**ORDER**

The Court is considering abrogating Local Civil Rule 5(e) (Additional Time After Service/Effect on Time Computation), effective on December 1, 2016.<sup>1</sup> This abrogation will comply with the United States Supreme Court's amendment to Federal Rule of Civil Procedure 6(d)<sup>2</sup> which removes service by electronic means from the modes of service that allow three additional days to act after being served, which is scheduled to go into effect on December 1, 2016.

Pursuant to 28 U.S.C. §2071(e), the Clerk is instructed to give prompt public notice and opportunity for comment on the amendments to Local Civil Rule 5(e). Comments must be submitted in writing to the Clerk of Court on or before November 28, 2016. All comments timely received by the Court will be considered.

**IT IS SO ORDERED.**

San Juan, Puerto Rico, October, 26, 2016.

s/ Francisco A. Besosa  
Francisco A. Besosa  
United States District Judge  
Chair, Local Rules Committee

<sup>1</sup> Local Civil Rule 5(e) provides that, "[p]arties receiving service by electronic means are entitled to three (3) additional days to respond pursuant to Fed. R. Civ. P. 6(d).

<sup>2</sup> The U.S. Supreme Court has amended Federal Rule of Civil Procedure 6(d), as follows (effective December 1, 2016):

**Rule 6. Computing and Extending Time; Time for Motion Papers**

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**(d) Additional Time After Certain Kinds of Service.**

When a party may or must act within a specified time after being served and service is made under Rule 5(b)(2)(C) (mail), (D) (leaving with the clerk), or (F) (other means consented to), 3 days are added after the period would otherwise expire under Rule 6(a).

Advisory Committee Note (2016 Amendment)

Rule 6(d) is amended to remove service by electronic means under Rule 5(b)(2)(E) from the modes of service that allow 3 additional days to act after being served.