

(2) a notice of appeal from or a petition to enjoin, set aside, suspend, modify, enforce, or otherwise review an order of an administrative agency, board, commission, or officer of the United States, unless specifically authorized by law.

(c) **Additional Time after Service.** When a party is required or permitted to act within a prescribed period after a paper is served on that party, 3 calendar days are added to the prescribed period unless the paper is delivered on the date of service stated in the proof of service. For purposes of this Rule 26(c), a paper that is served electronically is not treated as delivered on the date of service stated in the proof of service.

6 Cir. R. 26 Computation and Extension of Time

(a) **How Sought.** Extensions of time must be sought by written motion, not by stipulation of counsel or telephone request. The fact that the opposing party does not oppose the request for extension or that the opposing party previously has received an extension is not dispositive. Failure of the appellant to process appeals timely, including failure to file the joint appendix, may result in prompt dismissal for want of prosecution, imposition of sanctions, or both.

(b) **Extension of Time to File Brief.** This Court does not favor applications for extensions of time for the filing of briefs. Applications for extensions of time for the filing of briefs in criminal and other expedited cases will not be granted except in the most extraordinary circumstances. Motions for extensions of time in criminal appeals shall state whether the appellant is incarcerated or released on bail.

(c) **Late Documents.** Any documents for which there is a submission deadline and which are tendered after that deadline has passed, shall be accompanied by a motion for leave to file out-of-time and a memorandum explaining the circumstances. Absent the grant of such a motion, the documents will not be acted on.

COMMITTEE NOTE: Former 6th Cir. R. 10(k) and former I.O.P. 15.8, 16.10, and 17.10.

6 Cir. I.O.P. 26 Extensions of Time

Parties filing motions for extensions should assume that their brief, appendix or response is due at the time originally called for unless and until they are advised otherwise by the clerk's office.

COMMITTEE NOTE: Former I.O.P. 17.10.

FRAP 26.1 Corporate Disclosure Statement

- (a) **Who Must File.** Any nongovernmental corporate party to a proceeding in a court of appeals must file a statement identifying any parent corporation and any publicly held company that owns 10% or more of its stock or states that there is no such corporation.
- (b) **Time for Filing.** A party must file the Rule 26.1(a) statement with the principal brief or upon filing a motion, response, petition, or answer in the court of appeals, whichever occurs first, unless a local rule requires earlier filing. Even if the statement has already been filed, the party's principal brief must include the statement before the table of contents. A party must supplement its statement whenever the information that must be disclosed under Rule 26.1(a) changes.
- (c) **Number of Copies.** If a statement is filed before the principal brief, the party must file an original and 3 copies unless the court requires a different number by local rule or by order in a particular case.

6 Cir. R. 26.1 Corporate Disclosure Statement

- (a) **Parties Required to Make Disclosure.** With the exception of the United States government or agencies thereof or a state government or agencies or political subdivisions thereof, all parties and amici curiae to a civil or bankruptcy case, agency review proceeding, or original proceedings, and all corporate defendants in a criminal case shall file a corporate affiliate/financial interest disclosure statement. A negative report is required except in the case of individual criminal defendants.
- (b) **Financial Interest to Be Disclosed.**
 - (1) Whenever a corporation that is a party to an appeal, or which appears as amicus curiae, is a subsidiary or affiliate of any publicly owned corporation not named in the appeal, counsel for the corporation that is a party or amicus shall advise the clerk in the manner provided by subdivision (c) of this rule of the identity of the parent corporation or affiliate and the relationship between it and the corporation that is a party or amicus to the appeal. A corporation shall be considered an affiliate of a publicly owned corporation for purposes of this rule if it controls, is controlled by, or is under common control with a publicly owned corporation.
 - (2) Whenever, by reason of insurance, a franchise agreement, or indemnity agreement, a publicly owned corporation or its affiliate, not a party to the appeal, nor an amicus, has a substantial financial interest in the outcome of litigation, counsel for the party or amicus whose interest is aligned with that of the publicly owned corporation or its affiliate shall advise the clerk in the manner provided by subdivision (c) of this rule of the identity of the publicly owned corporation and the nature of its or its affiliate's substantial financial interest in the outcome of the litigation.

- (c) **Form and Time of Disclosure.** The disclosure statement shall be made on a form provided by the clerk and filed with the brief of a party or amicus or upon filing a motion, response, petition, or answer in this Court, whichever first occurs.

COMMITTEE NOTE: Former 6th Cir. R. 25.

6 Cir. I.O.P. 26.1 [Reserved]

COMMITTEE NOTE: No corresponding 6 Cir I.O.P.

FRAP 27 Motions

(a) **In General.**

- (1) **Application for Relief.** An application for an order or other relief is made by motion unless these rules prescribe another form. A motion must be in writing unless the court permits otherwise.

(2) **Contents of a Motion.**

- (A) **Grounds and relief sought.** A motion must state with particularity the grounds for the motion, the relief sought, and the legal argument necessary to support it.

(B) **Accompanying documents.**

- (i) Any affidavit or other paper necessary to support a motion must be served and filed with the motion.
- (ii) An affidavit must contain only factual information, not legal argument.
- (iii) A motion seeking substantive relief must include a copy of the trial court's opinion or agency's decision as a separate exhibit.

(C) **Documents barred or not required.**

- (i) A separate brief supporting or responding to a motion must not be filed.
- (ii) A notice of motion is not required.