

## **RULE 2:4. Time For Appeal**

### **2:4-1. Time: From Judgments, Orders, Decisions, Actions and From Rules**

- **(a)** Appeals from final judgments of courts, final judgments or orders of judges sitting as statutory agents and final judgments of the Division of Workers' Compensation shall be taken within 45 days of their entry. However, appeals from final judgments terminating parental rights shall be taken within 21 days of their entry.
- **(b)** Appeals from final decisions or actions of state administrative agencies or officers, other than appeals from judgments of the Division of Workers' Compensation and other than those governed by R. 8:2 (tax matters) and by R. 4:74-8 (Wage Collection Section appeals), shall be taken within 45 days from the date of service of the decision or notice of the action taken.
- **(c)** Applications for leave to appeal from interlocutory orders, decisions or actions shall be made within the time provided by R. 2:5-6(a).

Note: Source-R.R. 1:3-1, 4:88-15(a), 4:88-15(b)(7); paragraph (b) amended November 27, 1974 to be effective April 1, 1975; paragraph (b) amended June 20, 1979 to be effective July 1, 1979; paragraphs (a) and (b) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended June 26, 2012 to be effective September 4, 2012; effective date of June 26, 2012 amendments changed to November 5, 2012 by order of August 20, 2012.

### **2:4-2. Time for Cross Appeals and Appeals by Respondents**

- **(a) As of Right.** Cross appeals from final judgments, orders, administrative decisions or actions and cross appeals from orders as to which leave to appeal has been granted may be taken by serving and filing a notice of cross appeal and, where required under R. 2:5-1(a), a Case Information Statement, within 15 days after the service of the notice of appeal or the entry of an order granting leave to appeal. A respondent on appeal may appeal against a non-appealing party by serving and filing a notice of appeal and, where required under R. 2:5-1(a), a Case Information Statement, within the time fixed for cross appeals.
- **(b) Where Leave Is Required.** Applications for leave to cross appeal from interlocutory orders and administrative decisions or actions as to which leave to appeal has not been granted shall be made within the time provided by R. 2:5-6(b).

Note: Paragraph (a) amended March 22, 1984 to be effective April 15, 1984; paragraph (a) amended November 1, 1985 to be effective January 2, 1986.

### **2:4-3. Tolling of Time for Appeal and Certification**

The running of the time for taking an appeal and for the service and filing of a notice of petition for certification shall be tolled:

- **(a)** By the death of an aggrieved party, or by the death, disbarment, resignation or suspension of the attorney of record for such party, but the time shall run anew from the date of death, disbarment, resignation or suspension; or
- **(b)** By the timely filing and service of an application for reconsideration made to the Appellate Division pursuant to R. 2:11-6 or, on an appeal to the Appellate Division from a state administrative agency or officer, to the agency pursuant to its rules and practice, but the remaining time shall again begin to run from the date of the entry of the Appellate Division order denying such application or the date of service of the decision or denial of such application by the agency; or
- **(c)** In criminal actions on an appeal to the Appellate Division by the timely filing and service of a motion to the trial court for judgment pursuant to R. 3:18-2, or for a new trial pursuant to R. 3:20, or in arrest of judgment pursuant to R. 3:21-9, or for rehearing

or to amend or make additional findings of fact pursuant to R. 1:7-4. The remaining time shall again begin to run from the date of the entry of an order denying or disposing of such a motion; or

- **(d)** In criminal actions by the insanity of the defendant, but the time shall run anew from the date of the removal of such disability; or
- **(e)** In civil actions on an appeal to the Appellate Division by the timely filing and service of a motion to the trial court for rehearing or to amend or make additional findings of fact pursuant to R. 1:7-4; or for judgment pursuant to R. 4:40-2; or for a new trial pursuant to R. 4:49-1; or for rehearing or reconsideration seeking to alter or amend the judgment or order pursuant to R. 4:49-2. The remaining time shall again begin to run from the date of the entry of an order disposing of such a motion.

**Note:** Source - R.R. 1:3-3(a) (c) (d) (e) (f) (g), 1:10-4(b); paragraph (e) amended November 5, 1986 to be effective January 1, 1987; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (c) amended June 29, 1990 to be effective September 4, 1990; paragraphs (c) and (e) amended July 27, 2006, to be effective September 1, 2006.

## **2:4-4. Extension of Time for Appeal and Review**

The time within which an appeal may be taken may not be extended except upon motion and in accordance with the following:

- **(a)** The appellate court, on a showing of good cause and the absence of prejudice, may extend the time fixed by R. 2:4-1(a) (final judgment), 2:4-1(b) (final state administrative decisions), and 2:12-3(a) (certification of final judgment of the Appellate Division) for a period not exceeding 30 days, but only if the notice of appeal or notice of petition for certification was in fact served and filed within the time as extended.
- **(b)** The appellate court, on a showing of good cause and the absence of prejudice, may:
  - **(1)** Extend the time fixed by R. 2:5-6(a) (interlocutory orders, decisions and actions) for a period not exceeding an additional 15 days.
  - **(2)** Grant leave to appeal as within time from an interlocutory order, decision or action, provided that the appeal was in fact taken within the time for appeals from final judgments, decisions or actions.
- **(c)** The appellate court may extend the time fixed by R. 2:4-2(a) (cross appeals and appeals by respondents as of right), 2:5-6(b) (cross appeals), 2:12-2(a) (motion for certification of appeal pending unheard in the Appellate Division) and 2:12-3(b) (cross petition for certification), for such period as it deems reasonable.

**Note:** Source-R.R. 1:27(B) (d)(e). Paragraph (b) amended July 7, 1971 to be effective September 13, 1971. Paragraph (a) amended July 29, 1977 without effective date and amendment rescinded December 16, 1977; paragraph (c) amended November 5, 1986 to be effective January 1, 1987; paragraphs (a) and (b) amended July 27, 2006 to be effective September 1, 2006.