

West Virginia

Rules of Civil Procedure

2025 Rules Update – Revised Deadlines

The below is a list of deadlines that have changed. If a deadline is not listed, the deadline was not altered by the 2025 Rules Update.

Amended Rule No.	Deadline	Summary of Existing Rule	Amended Rule Text
5.2(a)	Response due 10 days from filing of motion to unseal.	No equivalent in existing rules.	“(a) Confidential filings. Whenever a party files a pleading or other document that is confidential in part or in its entirety, the party shall identify, by cover letter or otherwise, in a conspicuous manner, the portion of the filing that is confidential. Any party or other person with standing may file a motion to unseal the case record or portion of the case record, setting forth good cause why the record should no longer be confidential. An opposing party may respond to the motion within ten days from the date of filing of the motion. ... ”
6(a)(1)	When computing time, always count intermediate weekends and legal holidays.	Under the existing rule, weekends and legal holidays are not counted if the total time described is fewer than 11 days.	“(a) Computing time. The following rules apply in computing any time period specified in these rules, in any local rule or court order, or in any statute that does not specify a method of computing time. <i>(1) Period stated in Days or a Longer Unit.</i> When a period of time is stated in days or a longer unit of time, exclude

			<p>the day of the event that triggers the period;</p> <p>(A) count every day, including intermediate Saturdays, Sundays and legal holidays; and</p> <p>(B) include the last day of the period but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.”</p>
6(d)(1)	14 days’ notice required before a hearing. Also note that the motion can be decided by the Court without a hearing after briefing is completed.	The existing rule requires that notice of a hearing be served 9 days before a hearing, if served by mail, and seven days before a hearing, if served by hand delivery or fax.	<p>“(d) Motions, notices of hearing and affidavits.</p> <p>(1) <i>In general.</i> Once the parties have completed filing memoranda and responses provided in subsection (d)(3), the circuit court shall either schedule argument or decide the motion based on the materials submitted. A written motion and notice of hearing shall be served at least 14 days before the time specified for the hearing, with the following exceptions:</p> <p>(A) When the motion may be heard ex parte;</p> <p>(B) When these rules set a different time;</p> <p>(C) When a court order sets a different time, which the court may do on its own or upon motion by a party showing good cause; or</p> <p>(D) When the Court sets a different schedule under Rule 16.”</p>
6(d)(2)	Supporting affidavits filed	The existing rule requires a supporting affidavit be filed	“(2) <i>Supporting affidavit.</i> Any affidavit supporting a

	with motion; opposing affidavits filed 7 days before hearing.	with the motion and any opposing affidavits be served with responses at least 4 days before the hearing, if served by mail, or at least 2 days before the hearing, if served by hand delivery or fax.	motion shall be served with the motion. Except as Rule 59(c) provides otherwise, any opposing affidavit shall be served at least 7 days before the hearing, unless the court permits service at a different time.”
6(d)(3)	Response to a motion is due 21 days after the motion is filed; Replies are due 7 days after the response is filed. Note that the motion can be decided by the trial judge without a hearing.	Responses must be served 4 days before a hearing, if served by mail, and 2 days, if served by fax or hand delivery. The existing rule does not provide for replies. Also, responses were only required if a motion hearing was set. That is no longer required.	“(3) <i>Response and reply memoranda.</i> Memoranda and other materials in response to motions shall be filed and served on opposing counsel and unrepresented parties within 21 days of service of the motion. Any reply memoranda shall be filed and served on opposing counsel and unrepresented parties within 7 days from the date of service of the memorandum in response to the motion. Surreply memoranda may not be filed except by leave of the court. These times for serving memoranda may be modified by the judicial officer to whom the motion is addressed.”
12(a)	Responsive pleading or motions to dismiss due 30 days after service of summons and complaint, or a counterclaim, crossclaim, or third-party complaint.	The existing rule requires an answer to a complaint within 20 days unless the defendant files a notice of bona fide defense or if the defendant is served through an agent or attorney in fact, in which case a defendant has 30 days after service to respond. Further, the existing rule requires responses to counterclaims, crossclaims,	“(a) Time to Serve a Responsive Pleading. (1) <i>In general.</i> Unless another time is specified by this rule or a statute, the time for serving a responsive pleading is as follows: (A) A defendant shall serve an answer within 30 days after being served with the summons and complaint. Every answer shall be accompanied by a completed civil case information

		and third-party claims within 20 days.	statement in the form prescribed by the Supreme Court of Appeals as required by Rule 3(b). (B) A party shall serve an answer to a counterclaim or crossclaim within 30 days after being served with the pleading that states the counterclaim or crossclaim. (C) A party shall serve a reply to an answer or third-party answer within 30 days after being served with an order to reply , unless the order specifies a different time.”
12(a)(2)	Responsive pleading due 14 days after court acts on Rule 12 motion or after service of more definite statement.	The existing rule requires a responsive pleading within 10 days.	“(2) <i>Effect of a motion.</i> Unless the court sets a different time, serving a motion under this rule alters these periods as follows: (A) if the court denies the motion or postpones its disposition until the trial, the responsive pleading shall be served within 14 days after notice of the court's action ; or (B) if the court grants a motion for a more definite statement, the responsive pleading shall be served within 14 days after the service of the more definite statement. ”
12(e)	14 days to file a more definite statement after court order.	The existing rule requires a party file a more definite statement within 10 days of being ordered to do so by the court.	“(e) Motion for More Definite Statement. A party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably

			prepare a response. The motion shall be made before filing a responsive pleading and shall point out the defects complained of and the details desired. If the court orders a more definite statement and the order is not obeyed within 14 days after notice of the order or within the time the court sets, the court may strike the pleading or issue any other appropriate order. "
12(f)	21 days to file motion to strike pleading if no responsive pleading is permitted.	The existing rule provides 20 days to file a motion to strike a pleading if no responsive pleading is permitted.	"(f) Motion to Strike. The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The Court may act: (1) on its own; or (2) on motion made by a party either before responding to the pleading or, if a response is not allowed, within 21 days after being served with the pleading. "
15(a)(1)	21 days after service of pleading or responsive pleading to amend as matter of course.	The existing rule permits a party to amend as of right within 20 days of service of the pleading if no responsive pleading is permitted.	"(a) Amendments before trial. (1) <i>Amending as a matter of course.</i> A party may amend its pleadings once as a matter of course within: (A) 21 days after serving it; or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under

			Rule 12(b), (e) or (f), whichever is earlier.”
15(a)(2)	14 additional days to respond to amended pleading.	The existing rule provides up to 10 additional days to file a response to an amended pleading.	“(3) <i>Time to Respond</i> . Unless the court orders otherwise, any required response to an amended pleading shall be made within the time remaining to respond to the original pleading or within 14 days after service of the amending pleading, whichever is later.”
16(b)(2)	Judge to enter scheduling order the earlier of 90 days after any defendant has been served or 60 days after any defendant appears.	No equivalent in existing rules.	“(b) Scheduling. ... (2) Time to issue. The judge shall issue the scheduling order as soon as practicable, but unless the judge finds good cause for delay, the judge shall issue it within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared. ”
26(a)(1)(C)	Initial disclosures due 30 days after filing of 26(f) report, unless excluded by Rule or by court order.	Not required under existing rules.	“(a) Required Disclosures. (1) <i>Initial Disclosure</i> (C) Time for initial disclosures—in general. A party shall make the initial disclosures at or within 30 days after the filing of the written report as required by Rule 26(f)(2), unless a different time is set by stipulation or court order, or unless a party objects during the conference that initial disclosures are not appropriate in this action and states the objection in the proposed discovery plan. In ruling on the objection, the

			court shall determine what disclosures, if any, are to be made and shall set the time for disclosure.”
26(a)(1)(D)	Initial disclosures due 30 days after service or joinder if served or joined after 26(f) conference.	Not required by existing rules.	“(D) Time for initial disclosures—for parties served or joined later. A party that is first served or otherwise joined after the Rule 26(f) conference shall make the initial disclosures within 30 days after being served or joined , unless a different time is set by stipulation or court order.”
26(a)(2)(D)(i)	Disclosure of expert testimony due 90 days before trial, except as provided in 26(a)(2)(D)(B).	Not required by existing rules.	“(a) Required Disclosures. (2) <i>Disclosure of expert testimony.</i> ... (D) <i>Time to disclose expert testimony.</i> A party shall make these disclosures at the times and in the sequence that the court orders. Absent a stipulation or a court order, the disclosures shall be made: (i) At least 90 days before the date set for trial[.]”
26(a)(2)(D)(ii)	Disclosure of rebuttal experts due 30 days after other party’s disclosure of experts.	Not required by existing rules.	“(ii) if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 26(a)(2)(B) or (C), within 30 days after the other party’s disclosure.”
26(a)(3)(B)	Pretrial disclosures due 30 days before trial; objections due 14 days after	Not required by existing rules.	“(3) <i>Pretrial disclosures.</i> (B) <i>Time for pretrial disclosures; objections.</i> Unless the court orders otherwise, these disclosures shall be made at least 30

	pretrial disclosures.		days before trial. Within 14 days after they are made, unless the court sets a different time, a party may serve and promptly file a list of the following objections: any objections to the use under Rule 32(a) of a deposition designated by another party under Rule 26(a)(3)(A)(ii); and any objection, together with the grounds for it, that may be made to admissibility of materials identified under Rule 26(a)(3)(A)(iii). An objection not so made—except for one under West Virginia Rule of Evidence 402 or 403—is waived unless excused by the court for good cause.”
26(d)(1)	Discovery requests cannot be served until after Rule 26(f) conference unless proceeding is exempt from initial disclosures or the rules provide otherwise.	Current rules permit serving discovery requests at any time after commencement of the action but gives parties 45 days to respond following service of summons and complaint.	“(d) Timing and Sequence of Discovery. (1) <i>Timing.</i> A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f) , except in a proceeding exempt from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order.”
26(d)(2)	Requests under Rule 34 may be served more than 21 days after the summons and complaint.	Current rules permit serving Rule 34 requests at any time after commencement of the action but gives parties 45 days to respond following service of summons and complaint.	“(d) Timing and Sequence of Discovery. ... (2) <i>Early Rule 34 requests.</i> (A) Time to deliver. More than 21 days after the summons and complaint are served on a party, a request

			<p>under Rule 34 may be delivered:</p> <p>(i) to that party by any other party, and</p> <p>(ii) by that party to any plaintiff or to any other party that has been served.”</p>
26(e)(2)	<p>Additions or changes to information related to experts disclosed under Rule 26(a)(2) due 30 days before trial.</p>	<p>Not required by existing rules.</p>	<p>“(e) Supplementing Disclosures and Responses.</p> <p>...</p> <p>(2) <i>Expert Witness</i>. For an expert whose report shall be disclosed under Rule 26(a)(2), the party’s duty to supplement extends both to information included in the report and to information given during the expert’s deposition. Any additions or changes to this information shall be disclosed at least 30 days before trial.”</p>
26(f)(2)	<p>Discovery conference report due 14 days after conference.</p>	<p>Not required by existing rules.</p>	<p>“(f) Conference of the Parties; Planning for Discovery.</p> <p>...</p> <p>(2) Conference Content; Parties’ Responsibilities. In conferring, the parties shall consider the nature and basis of their claims and defenses and the possibilities for promptly settling or resolving the case; make or arrange for the disclosures required by Rule 26(a)(1); discuss any issues about preserving discoverable information; and develop a proposed discovery plan. The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for</p>

			arranging the conference, for attempting in good faith to agree on the proposed discovery plan, and for submitting to the court within 14 days after the conference a written report outlining the plan. The court may order the parties or attorneys to attend the conference in person.”
27(a)(2)	Petition to take deposition to perpetuate testimony due 21 days before hearing on petition.	Petition to take deposition before action due 20 days before hearing date.	“(a) Before an Action is Filed. ... (2) <i>Notice and Service.</i> At least 21 days before the hearing date, or such other time as agreed by the parties or ordered by the court, the petitioner shall serve in the manner provided in Rule 4 for service of process each expected adverse party with a copy of the petition and a notice stating the time and place of the hearing. If that service cannot be made with reasonable diligence on an expected adverse party, the court may order service by publication or otherwise. The court shall appoint an attorney to represent persons not served in the manner provided in Rule 4 and to cross-examine the deponent if an unserved person is not otherwise represented. If any expected adverse party is a minor or is incompetent Rule 17(c) applies.”
32(a)(5)(A)	At least 14 days' notice	A party wishing to use a deposition against an opponent must file notice at	“(a) Using Depositions. ... (5) <i>Limitations on Use.</i>

	required for a deposition.	least 11 days before the deposition.	(A) Deposition taken on short notice. A deposition shall not be used against a party who, having received less than 14 days' notice of the deposition, promptly moved for a protective order under Rule 26(c)(1)(B) requesting that it not be taken or be taken at a different time or place—and this motion was still pending when the deposition was taken.”
32(d)(3)(C)	Objection to form of written recross question under Rule 31 due 7 days after service of question.	No equivalent in existing rules.	“(d) Waiver of Objections. ... (3) <i>To the taking of the deposition</i> ... (C) <i>Objection to a written question.</i> An objection to the form of a written question under Rule 31 is waived if not served in writing on the party submitting the question within the time for serving responsive questions or, if the question is a recross-question, within 7 days after being served with it. ”
34(b)(2)(A)	Responses to early requests for production under Rule 26(d)(2) due 30 days after Rule 26(f) conference.	No equivalent in existing rules.	“(2) Responses and Objections. (A) Time to respond. The party to whom the request is directed shall respond in writing within 30 days after being served or— if the request was delivered under Rule 26(d)(2)—within 30 days after the parties' first Rule 26(f) conference. A shorter or longer time may be stipulated to under Rule 29 or be ordered by the court.”

38(b)(1)	Demand for jury trial due 14 days after last pleading directed at issue.	Demands for jury trial are currently due 10 days after service of the last pleading directed to the issue.	“(b) Demand. On any issue triable of right by a jury, a party may demand a jury trial by: (1) serving the other parties with a written demand which may be included in a pleading— no later than 14 days after the last pleading directed to the issue is served. ”
38(c)	Counter demand for jury trial due 14 days after demand on specific issues.	Counter demand for jury trial on any other issue due 10 days after service of jury demand that limits trial to certain issues.	“(c) Specifying issues. In its demand, a party may specify the issues that it wishes to have tried by a jury; otherwise, it is considered to have demanded a jury trial on all the issues so triable. If the party has demanded a jury trial on only some issues, any other party may— within 14 days after being served with the demand or within a shorter time as ordered by the court , serve a demand for a jury trial on any other or all factual issues.”
50(b)	Renewed motion for judgment as a matter of law and alternative request for new trial due 28 days after entry of judgment or 28 days after the jury is discharged.	The existing rule requires a renewed motion for judgment or request for new trial within 10 days of entry of judgment or jury discharge.	“(b) Renewing the motion after trial; alternative motion for new trial. - If the court does not grant a motion for judgment as a matter of law made under Rule 50(a), the court is considered to have submitted the action to the jury subject to the court’s later deciding the legal questions raised by the motion. No later than 28 days after the entry of judgment—or if the motion addresses a jury issue not decided by a verdict, no later than 28 days after the jury

			<p>was discharged—the movant may file a renewed motion for judgment as a matter of law and may include an alternative or joint request for a new trial under Rule 59. In ruling on the renewed motion, the court may:</p> <p>(1) allow judgment on the verdict, if the jury returned a verdict; (2) order a new trial; or (3) direct the entry of judgment as a matter of law.”</p>
50(d)	Motion for a new trial due 28 days after entry of the judgment.	Motion for new trial due 10 days after entry of the judgment.	“(d) Time for a losing party’s new-trial motion. Any motion for a new trial under Rule 59 by a party against whom judgment as a matter of law is rendered shall be filed no later than 28 days after the entry of the judgment. ”
52(b)	Motion due 28 days after entry of judgment.	Motion to amend findings, or make additional findings, due 10 days after entry of judgment.	“(b) Amended or additional findings. On a party’s motion filed no later than 28 days after the entry of judgment, the court may amend its findings—or make additional findings—and may amend the judgment accordingly. The motion may accompany a motion for a new trial under Rule 59.”
53(b)	Objections regarding discovery commissioner due 14 days after order.	No equivalent in existing rules.	“(b) Discovery Commissioners may be appointed and should only be used in complex cases. A party may file objections to an order regarding the appointment, compensation, or powers of a discovery commissioner

			within 14 days of entry of such an order.”
53(e)(2)	Objections to discovery commissioner’s report due 7 days after service. Responses due 5 days after service. Reply due 5 days after service of objections.	No equivalent in existing rules.	“(e)(2) Objections. Any party aggrieved by the report shall file and serve objections within 7 days of service. If objections are filed, any other party may file and serve a response, including objections within 5 days after being served with the objections. Any other party may file and serve a reply within 5 days after being served with objections.”
54(d)(1)	Motion to review clerk’s bill of costs due 14 days after receipt.	Motion to review clerk’s bill of costs due 10 days after receipt of bill.	“(d) Costs. (1) Costs other than attorney fees. Except when express provision therefore is made either in a statute of this State or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs; but costs against the State, its officers, and agencies shall be imposed only to the extent permitted by law. The clerk shall tax the costs within 14 days after judgment is entered, and shall send a copy of the bill of costs to each party affected thereby. On motion by any party served within 14 days after receipt of the bill of costs, the action of the clerk may be reviewed by the court.”
54(d)(2)(B)(i)	Motion due no later than 14 days after	No equivalent in existing rules.	“(d)(2)(B)(i) Timing and contents of the motion. Unless a statute or a court order provides otherwise,

	entry of judgment.		the motion shall: (i) be filed no later than 14 days after the entry of judgment;... "
55(b)(2)	Service of application for default judgment due 7 days before hearing.	Application for default judgment served 3 days prior to hearing on application.	"(b) Entering a default judgment. ... (2) By the court. In all other cases, the party shall apply to the court for a default judgment. A default judgment shall be entered against a minor or incompetent person, only if represented by a general guardian, conservator, or other like fiduciary who has appeared. If the party against whom a default judgment is sought has appeared personally or by a representative, that party or, its representative, shall be served with written notice of the application at least 7 days before the hearing. ... "
56(a)	Parties do not need to wait 30 days to file a motion for summary judgment.	The existing rule requires parties wait 30 days after commencement of the action or after service of a motion for summary judgment by an adverse party.	"(a) Motion for Summary Judgment or Partial Summary Judgment. A party may move for summary judgment, identifying each claim or defense—or the part of each claim or defense—on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine issue as to any material fact and movant is entitled to judgment as a matter of law."
56(b)	Motion for summary judgment due	No equivalent in existing rules.	"(b) Time to file a motion. Unless a different time is set by court order, a party may

	any time until 30 days after the close of discovery.		file a motion for summary judgment at any time until 30 days after the close of all discovery.”
59(b)	Motion for new trial due 28 days after entry of judgment.	Motion for new trial due 10 days after entry of judgment.	“(b) Time to file a motion for a new trial. A motion for a new trial shall be filed no later than 28 days after the entry of judgment.”
59(d)	Court has 28 days to order new trial <i>sua sponte</i> .	The existing rules only give a court 10 days to order a new trial <i>sua sponte</i> .	“(d) New Trial on the Court's Initiative or for Reasons not in the Motion. No later than 28 days after the entry of judgment, the court, on its own, may order a new trial for any reason that would justify granting one on a party's motion. After giving the parties notice and an opportunity to be heard, the court may grant a timely motion for a new trial for a reason not stated in the motion. In either event, the court shall specify the reasons in its order.”
59(e)	Motion to alter or amend due 28 days after entry of judgment.	Motion to alter or amend judgment due 10 days after entry of judgment.	“(e) Motion to alter or amend a judgment. A motion to alter or amend a judgment shall be filed no later than 28 days after the entry of the judgment.”
62(a)	Automatic stay for 30 days after entry of judgment.	Automatic stay for 10 days after entry of judgment.	“(a) Automatic stay. Except as stated in this rule, execution on a judgment and proceedings to enforce it are stayed for 30 days after its entry, unless the court orders otherwise.”
64(b)(1)	Return of specific personal property due	Return of specific personal property due 20 days after issuance of order.	“(b) Specific kinds of remedies. The remedies available under this rule include the following, subject

	21 days after issuance of order.		to the qualifications: (1) an order for the seizure of specific personal property in an action to recover possession of such property shall be executed promptly and a return made thereon within 21 days after issuance of the order;...
65(b)(2)	TRO without notice expires 14 days after entry of order.	TRO without notice expires 10 days after entry of order.	“(b) Temporary restraining order. ... (2) Contents; expiration. Every temporary restraining order issued without notice shall state the date and hour it was issued; describe the injury and state why it was irreparable; state why the order was issued without notice; and be promptly filed in the clerk’s office and entered in the record. The order expires at the time after entry—not to exceed 14 days—that the court sets, unless before that time the court, for good cause extends it for a like period or the adverse party consents to a longer extension. The reasons for an extension shall be entered in the record.”
68(a)	At any time more than 14 days prior to trial an offer of judgment may be served. 14 days from service for acceptance of	The existing rule allows a party to serve an offer of judgment at any time more than 10 days before the trial begins and such offer of judgment may be accepted within 10 days of service of an offer of judgment.	“(a) Offer of judgment. At any time more than 14 days before the trial begins, a party defending against a claim may serve upon the adverse party an offer to allow judgment to be taken against the defending party for the money or property or to the effect and on the

	offer of judgment.		terms specified in the defending party's offer, with costs then accrued. If within 14 days after the service of the offer the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof and thereupon the court shall direct entry of the judgment by the clerk. "
68(d)	Service of offer of judgment due 14 days prior to hearing.	Offer of judgment regarding amount of extent of liability must be served 10 days prior to hearing.	"(d) Amount or extent of liability. When the liability of one party to another has been determined by verdict or order of judgment, but the amount or extent of the liability remains to be determined by further proceedings, the party adjudged liable may make an offer of judgment, which shall have the same effect as an offer made before trial if it is served within a reasonable time not less than 14 days prior to the commencement of hearings to determine the amount or extent of liability."
69(a)(1)	Service of answer to summons in suggestion proceeding due 21 days after service.	Service of answer to summons in suggestion proceeding due 20 days after service of summons.	"(a)(1) For payment of money. - Process to enforce a judgment for the payment of money shall be a writ of execution, a writ of suggestee execution and such other writs as are provided by law. The procedure on execution and other such final process, in proceedings supplementary

			to and in aid of a judgment, and in proceedings on and in aid of execution or such other final process shall be in accordance with the practice and procedure prescribed by the laws of the State existing at the time the remedy is sought, subject to the following qualifications: (1) A writ of execution shall be made returnable not less than 30 days nor more than 90 days after issuance, as directed by the person procuring issuance of the writ; and (2) an answer to a summons issued in a suggestion proceeding shall be served upon the plaintiff within 21 days after service of the summons ; and (3) a return on a writ of suggestee execution shall be made promptly on the expiration of one year after issuance of the writ."
69(a)(2)	Return on writ of possession due within 21 days of issuance.	Return on writ of possession due within 20 days of issuance.	"(a)(2) For possession of property. - When any judgment or order is for the delivery of possession of property, the party entitled to the benefit of such judgment or order may have a writ of possession upon application to the clerk, which shall be promptly executed and a return on such writ made within 21 days after issuance of the writ. "
80(e)(2)	Objections or amendments to transcript	Objections or amendments to transcript due 10 days after service.	"(e) Using statement of evidence of trial or hearing. ...

	due 14 days after service.		(2) Serving and objecting to a statement. The statement shall be served upon all parties within a reasonable time after the hearing or trial. All other parties may serve objections or amendments thereto within 14 days after service of the statement upon them."
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