



# COVID-19: Several States Toll Statutes of Limitations on Legal Actions

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A number of states have tolled the statutes of limitations on legal actions in response to COVID-19.

The **Iowa** Supreme Court announced a toll on statutes of limitations in a March 17 order regarding court procedures. According to a March 23 operations summary from the Iowa Judicial Branch: "The March 17th order is intended to toll the statute of limitations or similar deadline for commencing an action in district court by 48 days. Tolling means you add that amount of time to the statute of limitations. So, for example, if the statute would otherwise run on April 8, 2020, it now runs on May 26, 2020 (48 days later)." The Judicial Branch Operations Summary is available **here**.

([https://www.iowacourts.gov/static/media/cms/Update\\_3\\_877C55DCF277E.pdf](https://www.iowacourts.gov/static/media/cms/Update_3_877C55DCF277E.pdf))

In **Louisiana**, Proclamation Number **JBE 2020-30**

(<https://www.gov.louisiana.gov/assets/Proclamations/2020/30-JBE-2020-Public-Health-Emergency-COVID-19-additional-measures.pdf>) tolled the statutes of limitations "at least until

Monday, April 13, 2020." All other deadlines in all courts were also "suspended" to April 13.

On March 13, the U.S. District Court for the Middle District of **Louisiana** entered **Administrative Order 2020-1** (<https://www.lamd.uscourts.gov/sites/default/files/pdf/AO%202020-1.pdf>) under which "[p]rescriptive, preemptive and statute of limitation deadlines are hereby interrupted until April 13, 2020."

On March 13, the Supreme Judicial Court of **Massachusetts** issued Standing Order 2-20 which tolled all statutes of limitations from March 17 through April 21, 2020. “Unless otherwise ordered by a judge in a specific case, all deadlines set forth in statutes or court rules, standing orders, or guidelines that would otherwise expire before April 21, 2020, are extended to that date.” In addition, orders after an adversarial hearing before March 17, which are set to expire before April 21, 2020, “shall remain in effect until the matter is rescheduled and heard.” The standing order is available **here** (<https://www.mass.gov/superior-court-rules/superior-court-standing-order-3-20-protocol-governing-superior-court#iii-trials-hearings-and-other-matters-concerning-logistics-of-court-operations>).

On March 20, **New York** Gov. Andrew Cuomo tolled the statute of limitations for “any legal action, notice, motion or other process” from March 20, 2020 to April 19, 2020. Executive Order 202.8 is available **here**. ([https://mauricewutscher.com/wp-content/uploads/2020/03/EO-202.8-ocr\\_NY.pdf](https://mauricewutscher.com/wp-content/uploads/2020/03/EO-202.8-ocr_NY.pdf))

On March 16, the **Oklahoma** Supreme Court entered Order SCAD No. **2020-24** (<https://www.oscn.net/images/news/SCAD-2020-24.pdf>) which “extended” the statute of limitations in “any civil case” for 30 days from the date of the order. In addition, the order also suspended “all deadlines and procedures whether prescribed by statute, rule or order in any civil, juvenile or criminal case,” subject to constitutional restrictions, for 30 days from the date of the order and “applies to appellate rules and procedures for the Supreme Court, the Court of Criminal Appeals, and the Court of Civil Appeals.”

The U.S. District Court for the Northern District of **Texas** entered **Special Order No. 13-5** (<http://www.txnd.uscourts.gov/sites/default/files/documents/COVID19.pdf>) on March 13, under which “[a]ll deadlines are suspended and tolled for all purposes, including the statute of limitations, from today through May 1, 2020.”

On March 16, the Chief Justice of the Supreme Court of **Virginia** entered an order declaring a judicial emergency in the district and circuit courts, stating “all deadlines” are “hereby tolled and extended, pursuant to Va. Code § 17.1-330(D),” for a period of 21 days. “This order tolls and extends the time limit for filings related to appeals under Part 5 of the Rules of Court, including but not limited to the deadline for filing the notice of appeal under Rule 5:9 and all filing deadlines pertaining to transcripts and written statements of fact as set forth in Rule 5:11, and for filing the petition for appeal under Rule 5:17.

The tolling and extension referenced in the March 16 order applies to all filings related to appeals to the Court of Appeals that are filed in a circuit court. All deadlines in the Court of Appeals that run from the filing of the record in that court remain unaffected; however, parties remain free to seek extensions of time in the Court of Appeals.” The order is available **here**. ([http://www.vacourts.gov/news/items/covid\\_19.pdf](http://www.vacourts.gov/news/items/covid_19.pdf))

UPDATES:

On March 19, **Connecticut** Gov. Ned Lamont entered **Executive Order No. 7G** (<https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7G.pdf?la=en>) suspending “ all statutory ( 1) location or venue requirements; (2) time requirements, statutes of limitation or other limitations or deadlines relating to service of process, court proceedings or court filings; and (3) all time requirements or deadlines

related to the Supreme, Appellate and Superior courts or their judicial officials to issue notices, hold court, hear matters and/or render decisions. . ." In addition, EO No. 7G suspended "Non-Critical Court Operations." *Hat-tip to Russell London, Esq., London & London, Newington, CT.*

We are continuing to review orders, legislation, and proclamations and expect this list to grow. Please share with me any you find at **[dmaurice@mauricewutscher.com](mailto:dmaurice@mauricewutscher.com)** (**<mailto:dmaurice@mauricewutscher.com>**) and I'll it to the list.

For additional updates on the impact of COVID-19 on the financial services industry, click **here**. (<https://mauricewutscher.com/coronavirus-covid-19-resource-center/>)

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