



# STATE OF CALIFORNIA STATUTE OF LIMITATIONS (during COVID-19 pandemic)

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## **EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19**

On March 27, 2020, the California Governor issued an order giving the Judicial Council of California authority to adopt emergency rules in response to the COVID-19 pandemic. Under that order, the Judicial Council adopted Emergency Rule 9.

The initial version of Emergency Rule 9, issued April 6, 2020 tolled the statute of limitations for civil actions from April 6, 2020, until 90 days after the Governor lifts the state of emergency. The rule was later amended on May 29, 2020, to provide specific dates to end the tolling periods, thereby creating greater certainty for litigants.

Amended Emergency Rule 9 creates two tolling periods which depends on the length of the pertinent statute of limitation. Under Rule 9(a), statutes of limitations that exceed 180 days are tolled from April 6, 2020, until October 1, 2020. Under Rule 9(b), statutes of limitations of up to 180 days are tolled from April 6, 2020, until August 3, 2020.

## **TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE**

No changes have been made to the rules relating to the time limits to serve a summons and complaint or methods to serve a summons and complaint.

The Judicial Council did, however, enact Emergency Rule 11 which authorized electronic service of certain documents after a party appears in an action. Emergency Rule 11 was repealed on November 13, 2020, after the legislature codified amendments to the rules relating to electronic service enumerated in *California Code of Civil Procedure* section 1010.6. The changes to Section 1010.6 went into effect on September 18, 2020. Under *California Code of Civil Procedure* 1010.6, for cases filed after January 1, 2019, any party who is represented by counsel and has already appeared in an action must now accept electronic service of a document that may be served by mail, express mail, overnight delivery, or facsimile transmission. Before first serving a represented party electronically, the serving party must confirm by telephone or email the appropriate electronic service address for counsel being served. In addition, it requires a party represented by counsel, upon request of any party who

has appeared and provides an electronic service address, to electronically serve any notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission.

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