



**STATE OF MARYLAND
STATUTE OF
LIMITATIONS
(during COVID-19 pandemic)**

Prepared by

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of July 20, 2020, the tolling period in Maryland expired and was not extended. The following information explains Maryland's tolling period.

On March 5, 2020, Maryland Governor Lawrence J. Hogan, Jr. declared a state of emergency due to the outbreak of COVID-19. On March 13, 2020, an Administrative Order was issued by the Court of Appeals that limited operations in all Maryland courts, and then the Court of Appeals issued a subsequent Administrative Order on March 16, 2020 that closed all courts with limited exceptions.

On April 3, 2020, the Court of Appeals issued an Administrative Order on Emergency Tolling or Suspension of Statutes of Limitations and Statutory Rules Deadlines Related to the Initiation of Matters and Certain Statutory and Rules Deadlines in Pending Matters. Pursuant to Maryland Rule 16-1003(a)(7), the Court of Appeals tolled or suspended "all statutory and rules deadlines related to the initiation of matters required to be filed in a Maryland state court" by the number of days that the courts are closed due to the COVID-19 pandemic, effective March 16, 2020. On June 3, 2020, the Court of Appeals issued an administrative order wherein the Court of Appeals clarified its previous order and stated that the days the courts were closed "do not count against the time remaining for the initiation of that matter." The Order also added an additional (15) days to the tolling period upon reopening of the courts.

After being closed for one hundred twenty-six (126) days, the Courts reopened on July 20, 2020, and the tolling or suspension of statutes of limitations has not been further extended. The Court of Appeals most recently issued its Fourth Revised Administrative Order on Emergency Tolling or Suspension of Statutes of Limitations and Statutory Rules Deadlines Related to the Initiation of Matters and Certain Statutory and Rules Deadlines in Pending Matters on November 12, 2020 and stated that even though jury trials were being suspended, the statutes of limitations were no longer tolled or suspended. The Court of Appeals reiterated that statutes of limitations were only tolled or suspended between March 16, 2020 and July 20, 2020 (the days the courts were closed). The Court of Appeals included the following example in its Administrative Orders: "if two days remained for the filing of a new matter on March 15, 2020, then two days would have remained upon the reopening of the offices of the clerks of court to the public on July 20,

2020. With the additional fifteen days, seventeen days would be left for a timely filing, beginning July 20, 2020.”

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

Under Maryland Rule 2-507, service of a summons in a Circuit Court proceeding must be made within one hundred twenty (120) days of filing of the complaint or an unserved defendant may be dismissed for lack of jurisdiction, and a defendant in a District Court action may be dismissed for lack of jurisdiction if not served within one year of the last issuance of a summons pursuant to Maryland Rule 3-507. Additionally, an action is subject to dismissal for lack of prosecution one (1) year after the last docket entry.

During the COVID-19 pandemic, any deadlines pursuant to Maryland Rules 2-507 or 3-507 set to expire between March 16, 2020 and July 20, 2020 were tolled under the April 3, 2020 Administrative Order. Under the June 3, 2020 Administrative Order, the tolling period for any Maryland Rule 2-507 or 3-507 deadlines was extended an additional sixty (60) days following the reopening of the courts on July 20, 2020.

As far as special rules for methods of service, there have not been changes made relating to methods of service.

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