



STATE OF MASSACHUSETTS STATUTE OF LIMITATIONS (during COVID-19 pandemic)

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of June 30, 2020, the tolling period in Massachusetts expired and was not extended. The following information explains Massachusetts's tolling period.

In response to the COVID-19 pandemic, the Massachusetts Supreme Judicial Court, pursuant to its superintendence authority, issued a series of orders which tolled all civil statutes of limitation and all deadlines set forth in statutes or court rules, standing orders, or guidelines, from March 17, 2020 through June 30, 2020. Under the SJC's orders, the same number of days remaining on a statute of limitation as of March 17, 2020 now remain as of July 1, 2020 before the statute of limitation expires. For example, if fourteen (14) days would have remained as of March 17, 2020, then fourteen (14) days will continue to remain as of July 1, 2020 before the statute of limitation expires. An additional effect of the SJC's orders appears to be that a statute of limitation that would otherwise have expired after June 30, 2020 will now be extended by a further 106 days.

In an order issued on June 24, 2020, the SJC stated that all civil statutes of limitation and all deadlines set forth in statutes or court rules, standing orders or guidelines "will not be tolled any further unless there is a new surge in COVID-19 cases in the Commonwealth and the SJC determines that a new or extended period of tolling is needed."

As explained above, the SJC's orders, insofar as they tolled civil statutes of limitation, were effective only through June 30, 2020.

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

Under Rule 4(j) of the Massachusetts Rules of Civil Procedure, service of a summons and complaint must be made within ninety (90) days of filing the complaint. During the COVID-19 pandemic, if the ninety-day deadline was set to expire between March 17, 2020 and June 30, 2020 it would have been tolled under the SJC's orders issued on March 17, 2020, April 6, 2020, April 27, 2020 and May 26, 2020, respectively.

Under an order issued by the SJC on March 30, 2020, where a party is represented by an attorney whose email address has previously been provided on papers filed with the court

concerning the case, pleadings may be served by email on the attorney of record. If no email address has been provided by an attorney of record, the attorney is required to “promptly communicate” the email address to all other attorneys of record and self-represented parties. Service by email is completed upon hitting “send” or equivalent, unless the person making service has notice that the email was not successfully transmitted. Attorneys of record are required to cooperate in the exchange of pleadings by email to accomplish the purpose of the SJC’s March 30, 2020 order. Service of pleadings by email may not be made on a self-represented party unless the party consents in writing, including by email. The SJC’s order regarding service by email remains in effect until further order of the Court.

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