



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

Prepared by

Mark A. Solheim

Wendy M. Merritt

Larson • King, LLP

30 East Seventh Street, Suite 2800

Saint Paul, MN 55101

Tel: (651) 312-6500

Email: msolheim@larsonking.com

Email: wmerritt@larsonking.com

www.larsonking.com

EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of November 30, 2020, the tolling period in Minnesota remains extended. The following information explains Minnesota's tolling period.

On April 15, 2020, Governor Tim Walz signed into law HF 4556, which suspended all civil court filing deadlines, statutes of limitations, and other time periods prescribed by state law. Specifically, the legislation tolled statutory deadlines that govern district and appellate court proceedings until 60 days after the end of the peacetime emergency or February 15, 2021, whichever is earlier. 2020 Minn. Laws ch. 74, art. 1, sec. 16. The COVID-19 Peacetime Emergency declared on March 13, 2020, has been extended through December 14, 2020, and may be extended further. Emergency Exec. Order 20-97 (Nov. 12, 2020).

On April 17, 2020, the Minnesota Judicial Branch clarified that although the legislation tolls statutory deadlines, it does not toll deadlines imposed by court procedural rules, such as the Minnesota Rule of Civil Procedure or the Minnesota Rules of Criminal Procedure, including the speedy trial deadlines in Criminal Rules 6.06 and 11.09. The courts also clarified that in the event a timeline is included in both statute and court rule, substantive timelines are governed by statute and procedural timelines are governed by court rules. Further, the appellate courts are authorized to grant reasonable extensions of the deadlines established by court rule to initiate an appeal or a request for review, up to a maximum of 30 days. *Order Governing the Operations of the Minnesota Judicial Branch Under Emergency Executive Order Nos. 20-53, 20-56*, No. ADM20-8001 (May 15, 2020). This authority will be rescinded effective January 1, 2021. *Order Governing the Continuing Operations of the Minnesota Judicial Branch*, No. ADM20-8001 (Nov. 20, 2020).

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

Under the Minnesota Rules of Civil Procedure, service by publication is deemed complete 21 days after first publication. Effective May 18, 2020, for service by publication, the Minnesota Judicial Council approved that the content of the notice may be changed from "appear in court

on this date” to “contact court administration by this date.” Civil Transitional Case Strategies (ed. May 22, 2020).

Through January 31, 2021, unless required by court rule to file through an electronic case filing system, parties must continue to use U.S. mail, or in the district court, fax, for filings; may use a drop box designated by court administration for in-person filings, if available; and if use is authorized by court administration, may submit filings by e-mail. *Order Governing the Continuing Operations of the Minnesota Judicial Branch*, No. ADM20-8001 (Nov. 20, 2020).

This Compendium outline contains a brief overview of certain laws concerning various litigation and legal topics. The compendium provides a simple synopsis of current law and is not intended to explore lengthy analysis of legal issues. This compendium is provided for general information and educational purposes only. It does not solicit, establish, or continue an attorney-client relationship with any attorney or law firm identified as an author, editor, or contributor. The contents should not be construed as legal advice or opinion. While every effort has been made to be accurate, the contents should not be relied upon in any specific factual situation. These materials are not intended to provide legal advice or to cover all laws or regulations that may be applicable to a specific factual situation. If you have matters or questions to be resolved for which legal advice may be indicated, you are encouraged to contact a lawyer authorized to practice law in the state for which you are investigating and/or seeking legal advice.