



STATE OF NORTH CAROLINA STATUTE OF LIMITATIONS (during COVID-19 pandemic)

Prepared by
Sarah V. Fritsch
Poyner Spruill LLP
301 S. College Street, Suite 2900
Charlotte, NC 28202
Tel: (704)342-5328
Email: sfritsch@poynerspruill.com
www.poynerspruill.com

EXTENDED DEADLINES DURING THIS TIME OF COVID-19

The following information explains North Carolina's extension of filing and court-related deadlines in response to the public health threat posed by COVID-19.

On March 27, 2020, the North Carolina Supreme Court entered an order pursuant to Article IV, Section 13(2) of the Constitution of North Carolina, which provided that all deadlines imposed by the Rules of Appellate Procedure that fell between March 27, 2020 and April 30, 2020, inclusive of those dates, were extended for 60 days.

North Carolina Supreme Court Chief Justice Cheri Beasley entered a series of emergency orders extending time for filing and other acts due and periods of limitation in the trial courts pursuant to N.C.G.S. § 7A-39(b)(1). The most recent order addressing the general extensions in the trial courts was entered on May 21, 2020, and provided for the following:

Filings in civil cases that were due between March 16, 2020 and June 1, 2020, inclusive of those dates, were timely if filed before the close of business on June 1, 2020. Filings that were due pursuant to statute of limitation or statute of repose between March 16, 2020 and July 31, 2020, inclusive of those dates, were timely if filed before the close of business on July 31, 2020. Filings in criminal matters that were due between March 16, 2020 and July 31, 2020, inclusive of those dates, were timely if filed before the close of business on July 31, 2020.

Additionally, on May 30, 2020, Justice Beasley entered an order clarifying that notices of appeal due to be filed between March 13, 2020 and June 1, 2020, inclusive of those dates, were timely if filed by June 30, 2020.

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

Refer to the above explanations regarding extensions of time limits which do not specifically address service but outline all extensions granted for acts due.

On April 2, 2020, Justice Beasley entered an order containing Emergency Directive 6, which provided that service required under Rule 5 of the North Carolina Rules of Civil Procedure may be made electronically on a party or a party's attorney. This emergency directive expired on

September 30, 2020. However, on October 1, 2020, modifications to N.C.G.S. § 1A-1, 5(b) went into effect which provide for an electronic filing system and allowance of electronic service.

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