



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

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

The Supreme Court of Pennsylvania's Emergency Orders did not include an automatic tolling period for statutes of limitations. The following information explains Pennsylvania's tolling rules.

On March 16, 2020, the Pennsylvania Supreme Court declared a general statewide judicial emergency, Judicial Administration Docket Nos. 531 and 532. These orders suspended time calculations and time deadlines in trial courts and appellate courts for the purposes of time computation in court cases or other judicial business, through the end of the judicial emergency. This did not toll the statute of limitations for any claims which would have expired during the judicial emergency. These original March 16th Orders declared the judicial emergency through April 14, 2020, which the Court repeatedly extended until its May 27, 2020 Order which announced an end to the judicial emergency on June 1, 2020. This effectively extended deadlines for the filing of answers, replies, briefs, and motions, as well as for service of discovery requests and responses thereto by 78 days.

The Court further declared in a March 18, 2020 Order that all courts of Pennsylvania were closed pending further order of the Supreme Court except for essential functions, which the Court supplemented in a March 24, 2020 order, stating that an essential function of Courts of Common Pleas includes "Commencement of a civil action by *praecipe* for a writ of summons, for purposes of tolling a statute of limitations..." This Order provided that, should attorneys be unable to file a *praecipe* for writ of summons in the appropriate court of common pleas, they may file the same in the Superior Court district corresponding to the applicable court of common pleas. In effect, the statute of limitations for any claim that expired between the March 18th order and the end of the judicial emergency on June 1, 2020 was not be tolled unless a *praecipe* for writ of summons was filed in the Court of Common Pleas or Superior Court prior to the expiration of the limitations period.

As explained above, the duration of the March 16th Order was only effective until June 1, 2020.

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

Under the Pennsylvania Rules of Civil Procedure, service of original process within the state must be made within 30 days of the issuance of the writ of summons or the filing of the complaint. The Court's March 24th Order announced that all procedural rules related to the commencement of a civil action, including rules regarding service of original process, were suspended through the end of the judicial emergency. During the pandemic, if the 30-day deadline for original service was set to expire between March 16, 2020 and June 1, 2020, it would have been tolled under the Court's Emergency Orders.

As far as special rules for methods of service, each judicial district was at liberty to approve alternative methods of service.

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