



STATE OF SOUTH CAROLINA STATUTE OF LIMITATIONS

(during COVID-19 pandemic)

Prepared by:

Ryan C. Holt

Sweeny, Wingate and Barrow, P.A.

1515 Lady Street

Columbia, SC 29211

Tel: (803)- 227-3538

www.swblaw.com

EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

On April 3, 2020, the Supreme Court of South Carolina issued Order No. 2020-04-03-01 and amended said order on April 14 and April 22. The Order did not establish any duration for effectiveness, as it explicitly acknowledged that “even conservative estimates indicate the direct impact of this pandemic will continue for many months.”

The Court’s orders did not address extending the statute of limitations. Rather, the Judicial Branch opted to raise the issue with the leadership of the South Carolina General Assembly in section (c)(12). In that section, the Court recognized the existence of judicial authority to toll a statute of limitations in other situations, but acknowledged that it would be inappropriate to intervene as to what relief should be afforded a litigant that is unable to file a civil action due to the emergency.

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

Order No. 2020-04-03-01 also condoned service using an AIS (Attorney Information System) email address under section (c)(13) for anything other than a summons, complaint, subpoena, or any pleading or document that is required to be personally served under Rule 4 of the South Carolina Rules of Civil Procedure (SCRPC), or for any document subject to mandatory e-filing under Section 2 of the South Carolina Electronic Filing Policies and Guidelines. A copy of the sent email shall be enclosed with the proof of service, affidavit of service, or certificate of service for that document.

Additionally, all documents served by email must be sent in PDF or similar format unless otherwise agreed by the parties. Also, SCRPC Rule 6(e), which already adds five days to the response time when mailing, shall also apply. Also, lawyers must keep their AIS information current and accurate pursuant to SCACR Rule 410(g) and serve the pleading or paper by another form of service in Rule 5(b)(1), SCRPC along with evidence of the attempt upon learning that service by email was unsuccessful.

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.