



# THE DISTRICT OF COLUMBIA STATUTE OF LIMITATIONS (during COVID-19 pandemic)

**Prepared by**

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## **EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19**

On March 13, 2020, the District of Columbia Courts posted an advisory that there would be an upcoming announcement regarding how D.C. Courts' operations would be changed in light of the global pandemic known as "COVID-19". Less than a week later, on March 18, the Joint Committee on Judicial Administration issued an order invoking emergency authority under the D.C. Code to give D.C. Court of Appeals Chief Judge Anna Blackburne-Rigsby and D.C. Superior Court Chief Judge Robert E. Morin the authority to take steps necessary during the public health crisis known as "COVID-19" to toll deadlines and implement operation and procedural changes as needed to best meet the emergency needs of the community while minimizing exposure risk to the greatest extent possible.

Since March 18, 2020, both the District of Columbia Court of Appeals and the Superior Court have issued amended orders and addendums regarding modified court operations and rules during the public health crisis. The following information explains D.C.'s tolling period and other modifications at this time in both the Court of Appeals and the Superior Court. The orders and addendums can be found on the D.C. Courts website's page, "DC Courts' Pandemic Operations Information".

### ***D.C. Court of Appeals***

As of May 21, 2020, the D.C. Court of Appeals was no longer suspending or tolling filing deadlines. However, motions requesting extensions of time with respect to filing deadlines for motions, briefs, and other similar filings will be liberally granted consistent with the equities of the case.

### ***Superior Court of the District of Columbia***

Since the March 18, 2020 order, the D.C. Superior Court amended the order five more times (March 19, 2020; May 14, 2020; June 19, 2020; August 13, 2020; and November 5, 2020) in order to extend the tolling period. The Superior Court also issued addendums to the order for clarification purposes on March 31 (addressing the tolling of deadlines) and April 1, 2020 (clarify the status of expiration dates for deferred prosecution agreements, deferred sentencing agreements, and probationary terms in pending Criminal and Domestic Violence matters).

As of November 15, 2020, the tolling period in the District of Columbia was extended through January 15, 2021. Procedurally, this means that except as otherwise specified, all deadlines and time limits in statutes, court rules, and standing and other orders issued by the Superior Court that would otherwise expire during the period of this emergency, including statutes of limitations, are suspended, tolled, and extended during the period of the current judicial emergency. This suspension, tolling and extension will continue as specified in the Order **until at least January 15, 2021**. The Court will provide at least 60 days' notice before ending all suspension, tolling, and extension of deadlines.

For matters pending in the Civil Division, the exceptions to this tolling period are:

- (1) Deadlines applicable to parties represented by counsel in pending cases, ***except*** deadlines for service of process;
- (2) Discovery-related deadlines applicable to all parties, including parties not represented by counsel;
- (3) For motions filed on or after November 10, 2020, motions-related deadlines applicable to all parties, including parties not represented by counsel; and
- (4) Deadlines in orders issued after March 18, 2020.

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