



# STATE OF WISCONSIN STATUTE OF LIMITATIONS (during COVID-19 pandemic)

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

Wisconsin courts, all of which allow parties to file documents and start lawsuits electronically, have remained open for filings throughout the COVID-19 pandemic, and the State of Wisconsin has not extended statutes of limitations during this time. However, as discussed below, the Supreme Court of Wisconsin did order that certain deadlines would be tolled for a limited period of time.

On March 17, 2020, the Supreme Court of Wisconsin entered an order tolling for a period of 21 days: (1) all deadlines in all matters pending in the appellate courts of Wisconsin that would expire between March 19, 2020 and April 3, 2020 and (2) all deadlines for the filing of documents in the circuit courts under Wis. Stat. §§ 809.107, 809.30, and 809.32 that would expire between March 19, 2020 and April 3, 2020, subject to certain modifications. The tolling included, among other things, deadlines for briefs, motions, responses to motions, docketing statements, and statements on transcripts. The order expressly **excluded**: (1) deadlines for the filing of any documents in the circuit courts, including the filing of notices of appeal, and (2) deadlines for the filing of petitions for review in the Supreme Court pursuant to Wis. Stat. §§ 808.10 and 809.62.

By further order of the Court, the tolling period was subsequently modified to extend by 21 days all deadlines that would otherwise expire on or before May 22, 2020.

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

On April 13, 2020, recognizing “that under the ... restrictions imposed by COVID-19, individuals without access to eFiling cannot or should not take the steps litigants typically take to ensure that the Clerk of the Circuit Court or the Clerk of the Supreme Court and Court of Appeals receives and stamps their filings to establish the date on which the court received the document,” the Supreme Court of Wisconsin entered an order creating a “Temporary Mailbox Rule.” Under the rule, documents – except those required to confer jurisdiction on any Wisconsin court - that have been correctly addressed to the appropriate clerk of court and deposited in the U.S. mail or tendered to a commercial carrier, with proper postage and with a Statement of Mailing, will be

deemed to have been filed as of the date of the Statement of Mailing. This rule remains in effect at this time.

**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.**