

RESOURCES

COVID-19's Impact on Litigation Deadlines

Litigation, whether it is civil or criminal, is driven by deadlines. In other words, it tells a litigant and a litigant's attorney when some action, such as filing a lawsuit or a claim of lien on real property and serving discovery responses, must be taken. These deadlines are strictly enforced and have significant consequences if missed.

Given the far-reaching impact of COVID-19, litigants, potential litigants and attorneys must continue to be mindful of the deadlines because deadlines are addressed differently by state and by courts within each state. For example, the North Carolina State Courts remain open to accept filings, but deadlines that fall between March 16, 2020 and June 1, 2020 will be considered timely if filed or done before the close of business on June 1, 2020. However, North Carolina Appellate Courts and North Carolina Federal Courts have addressed deadlines differently.

Regardless, it is prudent to comply with the applicable statute of limitations or statute of repose periods. In some instances, an agreement to delay the statute of limitations, otherwise called a tolling agreement, may be appropriate.

The emergency measures being implemented by courts to address the impact of COVID-19 will continue to change as time goes on, so it is imperative to act now rather than to wait.

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