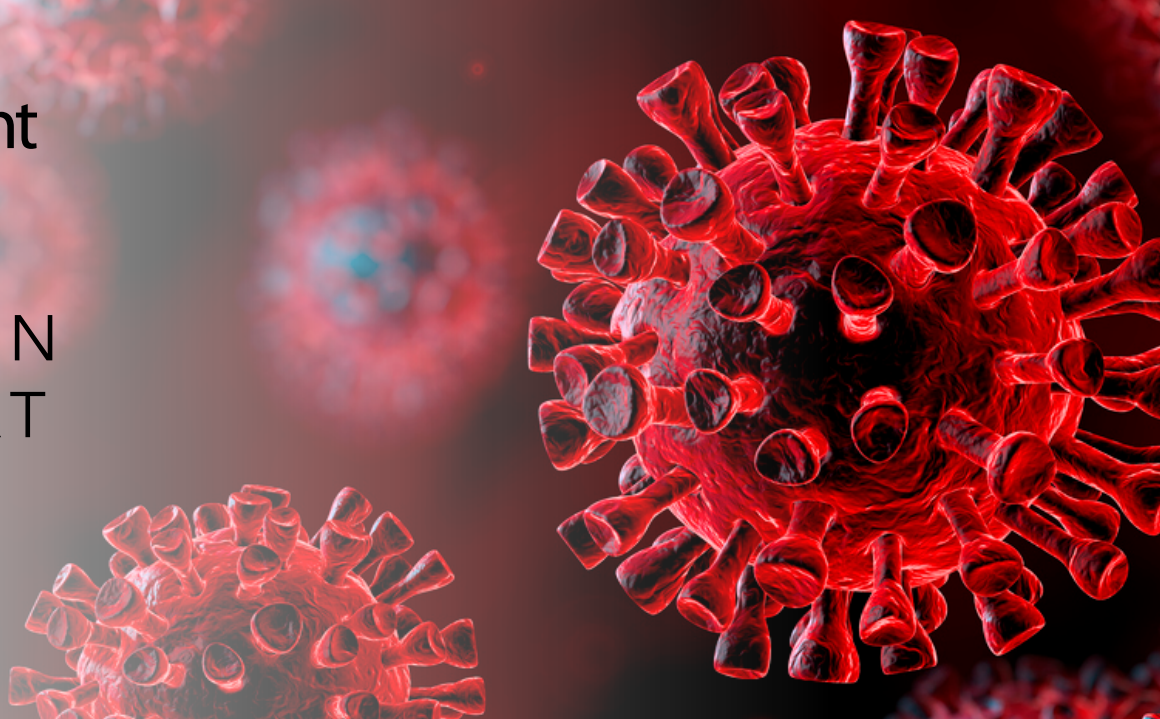


LITIGATION LAW ALERT



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Supreme Court of Ohio tolls civil deadlines during COVID-19 emergency period

In response to the COVID-19 pandemic, Ohio's legislative, executive and judicial branches are working together to clarify requirements for civil litigants and alleviate mounting pressure on Ohio's courts.

On Friday, March 27, 2020, Gov. Mike DeWine signed [House Bill 197](#) (HB 197), which provides emergency relief to Ohioans during the pandemic. The bill tolls numerous temporal deadlines set to expire between March 9, 2020 and July 30, 2020.

Specifically, Section 22(A)(1) of HB 197 tolls statutes of limitation in criminal, civil, and administrative actions. And Section 22(A)(2)-(10) tolls numerous other time limitations, including, but not limited to, "the time within which a party must be served," "[t]he time within which discovery or any aspect of discovery must be completed," and "[a]ny other criminal, civil, or administrative time limitation or deadline under the Revised Code."

The same day, the Supreme Court of Ohio issued an [order](#) (tolling order) tolling all deadlines established by the [Ohio Rules of Court](#), with limited exceptions. This unprecedented step was needed because the separation of powers prohibits the legislature from tolling deadlines promulgated by the judiciary.

Like HB 197, the Supreme Court's Tolling Order applies to all time requirements, defined as "the time for filing all pleadings, appeals, and all other filings; time limitations; deadlines; and other directives related to time, including non-constitutional jurisdictional deadlines" set to expire between March 9, 2020, and July 30, 2020. See Tolling Order, Para. (B) (2). Tolling is retroactive to March 9, 2020, and will last until the Governor's

announced emergency period ends or until July 30, 2020, whichever is sooner. See Tolling Order, Para. (A).

According to the [Tolling Order/Frequently Asked Questions](#) that the Supreme Court issued along with the order, “[t]he Court’s order still allows local courts to issue orders requiring filing in accordance with existing rules and setting a specific schedule which would supersede the rule-based tolling provisions of the Supreme Court’s order.” This is reflected in Paragraph (G) of the Tolling Order, which provides:

Notwithstanding the tolling of time requirements imposed by this order, the Court, local court, hearing panel, board, or commission, as applicable, may still require filing in accordance with existing rules and issue orders setting a specific schedule in a case or requiring parties to file documents by a specific due date if pertaining to a situation that requires immediate attention. A specific order in a case issued on or after March 9, 2020, shall supersede the tolling provisions of this order, unless otherwise noted in that specific order. All courts shall in every case strive to be in uniform conformance with the language and intention of this order, as well as complying with all directives from the Director of the Ohio Department of Health, until the specified expiration date.

In deciding whether a case will proceed or be continued, local courts must consider all relevant facts and circumstances, including “the urgency or time-sensitivity of an issue; the orders and recommendations of the Ohio Dept[artment] of Health and local health department, such as stay at-home orders; social distancing and the court’s ability to conform such as with the use of technology; and other reasons made known to the court.” See Tolling Order/Frequently Asked Questions.

Ohio courts are to remain open during the emergency period to address essential matters. The Supreme Court, however, recommends that only those with business before the local court or needing to file documents with the clerk be given access and that individuals exhibiting signs of illness be barred from the courthouse. See Tolling Order/Frequently Asked Questions.

Although the Supreme Court’s Tolling Order postpones all civil filing deadlines, nothing in the order prohibits parties from voluntarily filing pleadings, motions, or other documents during the emergency period “if the Court, local court, hearing panel, board, commission, or clerk is able to receive filings due to local accommodations and the matter is related to a situation that requires immediate attention.” See Tolling Order, Para. (F).

For more information, please contact Jim Curphey, [Sean Klammer](#) or any member of [Porter Wright’s Litigation practice group](#).