

## STATUTE OF LIMITATIONS NOT AUTOMATICALLY TOLLED IN PENNSYLVANIA DURING PANDEMIC

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Recent circumstances that are unique to the [COVID-19 emergency](#) has forced jurisdictions to adopt new rules and alter existing ones in order to adapt in light of limited court functions and, in some cases, complete court closures. Such consequences include attempts to toll the statutes of limitations for cases that were set to run during the state of emergency.

For insurers and their insureds who may be monitoring potential claims and anticipating the deadline for when they can be filed, this is an important issue. Thus, the answer of how the statute of limitations is being tolled depends on the state and the location of the court where the case is, or was, filed, as well as the type of claim being asserted in the suit.

In Pennsylvania, a civil action can be commenced by *praecipe* for writ of summons to toll the statute of limitations without filing a complaint.

On March 18, 2020, the [Supreme Court of Pennsylvania](#) issued an order suspending all non-essential operations in the [Courts of Common Pleas](#). On March 24, 2020, it issued a supplemental order clarifying that the commencement of a civil action by praecipe for a writ of summons to toll statutes of limitations is an essential function that was not suspended.

The supplemental order outlines procedures for filing *praecipies* for writ of summons to toll the statute of limitations with the [Superior Court](#) of Pennsylvania if a lawyer is unable to file in any Court of Common Pleas. A copy of the March 24, 2020, Pennsylvania Supreme Court Supplemental Order can be viewed [here](#).

Based on this order, the statute of limitations for any claim that expires during the COVID-19 pandemic should not be tolled unless a *praecipe* for a writ of summons was filed with the Court of Common Pleas or Superior Court before the applicable statute of limitations expired. If the statute of limitations expired between March 18, 2020, and March 24, 2020, the plaintiff may be able to make an argument that the statute should be tolled, but unless the plaintiff filed a *praecipe* for a writ of summons on March 25, 2020, the argument would likely fail.

Litchfield Cavo attorneys are continuously monitoring the complexities of COVID-19 and are ready to assist on all coronavirus-related legal matters. To discuss how this Supreme Court Order may impact your Pennsylvania claims contact [Justin Chapman](#), and please visit [LitchfieldCavo.com/COVID-19](https://LitchfieldCavo.com/COVID-19).

[Justin Chapman](#) focuses his practice on complex litigation with an array of claims involving executive professional liability, general liability, employer liability and coverage. He has experience defending claims involving construction, employment, architects and engineers, real estate professionals, and long-term care facilities among other professional and general liability matters.

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