

COVID-19 CLIENT ALERT

Governor DeWine Signs Into Law House Bill 197 Tolling Certain Time Limits in Civil, Criminal, and Administrative Actions and Proceedings

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On March 27, 2020, Ohio Governor Mike DeWine signed into law House Bill 197, which, along with provisions for child care, education, elections, government operations, health care, public retirement systems, and taxation, extended the time period for certain civil, criminal, and administrative actions. On Wednesday, March 25, 2020, the Ohio House of Representatives and the Ohio Senate unanimously approved House Bill 197, which Ohio Governor Mike DeWine stated, “will ensure continuity of government, extended mail-in voting for our primary, clarity for schools and students, relief to workers impacted by COVID-19, and measures to make sure we are prepared to help Ohioans get back to work when this pandemic subsides.”¹

Importantly, Section 22 of House Bill 197 provides, in part, the tolling of certain statutorily established time limits set to expire between March 9, 2020, and July 30, 2020:

- The time period for commencement of a civil action against a person under any provision of the Ohio Revised Code. HB 197 § 22(A)(1)(b).
- The time period for commencement of any administrative action or proceeding as provided under the Ohio Revised Code or the Ohio Administrative Code. HB 197 § 22(A)(1)(c)
- The time within which discovery or any aspect of discovery must be completed. HB 197 § 22(A)(7).
- The time within which a party must be served. HB 197 § 22(A)(8).

House Bill 197 also contains a catchall to toll any other criminal, civil, or administrative time limitation or deadline under the Revised Code. Section 22 is to be applied retroactively to March 9, 2020 and remains in effect until the Governor’s declaration of emergency ends or on July 30, 2020, whichever is sooner. HB 197 § 22(B)-(C). In his press briefing, Governor DeWine indicated that Section 22 was drafted to provide the courts with more flexibility.

¹ Governor DeWine Statement on Passage of House Bill 197 - <https://governor.ohio.gov/wps/portal/gov/governor/media/news-and-media/statement-on-passage-of-hb-197> (last visited March 30, 2020).

In response to Am. Sub. H.N. 197, the Ohio Supreme Court issued an order tolling certain time requirements as established by Supreme Court-promulgated rules, including the Ohio Rules of Civil Procedure, Appellate Procedure, and Ohio Rules of Evidence, among others. The Order is intended to align the time requirements promulgated by the Ohio Supreme Court with statutory time requirements tolled by Am. Sub. H.B. 197.

Importantly, the tolling effectively freezes time from March 9, 2020, until the expiration of the Order. For example, if a deadline were set to expire on March 19, 2020 (10 days after the effective date of the Order), then the new deadline is now 10 days after the tolling order is lifted. Notably; however, the Court, local court, hearing panel, board or commission may still require parties to submit filings in accordance with existing rules, and the Court, local court, hearing panel, board, and commission may issue orders setting a specific schedule 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 remains in effect and supersedes the tolling provisions of the Order unless otherwise noted in the specific order. [Chief Justice O'Connor's Order can be accessed here.](#)

Nothing in the Order precludes filings during the duration of the tolled times if the Court, local court, hearing panel, board, commission or clerk are able to receive filings due to local accommodations and the matter is related to a situation that requires immediate attention. Under the Order, Courts are instructed to reconsider any scheduling orders issued before March 9, 2020. [The Supreme Court's FAQ regarding its Order can be accessed here.](#)

What This Means for Ohio Business and Individuals

If you had a potential civil action to assert by or after March 9th under the existing statute of limitations, that time period may have been extended. But as that timing depends on the expiration of the Order, which could come at any time, now is the time to discuss any potential civil actions and whether you should bring your action now with your litigation attorney.

Likewise, there may be potential civil actions threatened against you during this time. Contact your litigation attorney to discuss whether the statute of limitations expired prior to the March 9th deadline in House Bill 197 or whether there is greater risk to your business now that the statute of limitations has been tolled.

Finally, now is the time to talk with your litigation attorneys regarding all cases presently pending in an Ohio state court, especially current scheduling orders and the impact of Ohio House Bill 197 and the Ohio Supreme Court Order on your existing deadlines.

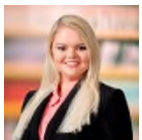
If you have any questions about the tolling of the time period for commencement of a civil action, or the extension of court deadlines, please call us.



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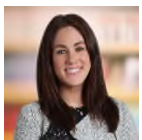
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