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Ohio's Emergency COVID-19 Response Bill (H.B. 197) and the Ohio Supreme Court order the tolling of statutes of limitations and other litigation deadlines

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H.B. 197, which was approved by the Ohio House and Senate on March 25, 2020, and signed by Governor DeWine on March 27, 2020, enacts a number of emergency measures for Ohioans coping with the fallout from the COVID-19 pandemic. A complete summary of H.B. 197 is available [here](#).

Particularly relevant to pending or contemplated litigation matters, the legislation includes a tolling of certain limitation periods and deadlines set to expire between March 9, 2020, and July 30, 2020:

- Statutes of limitation arising under any section in Chapter 2305, for civil causes of action accruing against a person
- Periods of limitation for any administrative action or proceeding provided in the Revised Code or the Administrative Code

H.B. 197 also tolls (1) the time within which discovery or any aspect of discovery must be completed, (2) the time which a party must be served and (3) any other criminal,

civil or administrative time limitation or deadline under the Revised Code.

The legislative extension applies retroactively to March 9, 2020 (the date of Executive Order 2020-01D, which declared the COVID-19 state of emergency), and will expire on July 30, 2020, or the date the period of emergency ends, whichever is sooner.

The full text of Section 22 of H.B. 197 is available [here](#).

In response to the passage of H.B. 197, the Ohio Supreme Court also entered an administrative order (the "Tolling Order), which provides all deadlines imposed by various rules promulgated by the Ohio Supreme Court (as opposed to the statutorily-established time requirements tolled by H.B. 197). Among other things, the Tolling Order:

- Allows any Ohio court, hearing panel, board or commission to waive any requirement imposed by rule for an "in-person appearance" or in-person service
- Tolls time requirements imposed by any rules, which were set to expire during the term of the order
- Clarifies that any order issued on or after March 9, 2020, shall supersede the tolling provisions of the Tolling Order, unless otherwise noted in the order.

Under both H.B. 197 and the Tolling Order, deadlines set to expire during the tolling period are effectively frozen. As explained by the Ohio Supreme Court, if a deadline were set to expire March 19 (10 days after the effective date), the deadline would now expire 10 days after the tolling period expires.

The Tolling Order is cited as 2020-Ohio-1166, and a copy is available [here](#).