

A **statute of limitations** (SOL) is a law passed by a legislative body to set the maximum time after an event within which legal proceedings may be initiated.

When the time specified in a statute of limitations passes, a claim might no longer be filed or, if filed, may be subject to **dismissal** if the defense against that claim is raised that **the claim is time-barred** as having been filed after the statutory limitations period. **When a statute of limitations expires** in a criminal case, the courts no longer have jurisdiction. **Most crimes that have statutes of limitations** are distinguished from serious crimes as these may be brought at any time.

Looking at the actual law will help you determine **when the statute of limitations begins to run, the events that delay or “toll” the limitations period**, and any other periods that can cut off the ability to sue.

For example, in some states, **the statute of limitations on medical malpractice claims is** two years, so that means you have two years to sue for medical malpractice.

Creditors can no longer sue to collect **a time-barred debt**, but that doesn't mean that the consumer doesn't owe the money. Making any payment towards a time-barred debt can restart the clock on the statute of limitations

Many jurisdictions toll or suspend the limitation period under certain circumstances such as if the aggrieved party (plaintiff) was a minor or filed a bankruptcy proceeding. In those instances, **the running of limitations is tolled, or paused**, until the condition ends. **Equitable tolling** may also be applied if an individual may intimidate a plaintiff into not reporting.

Excerpts:

Section 1367(d) states, **“The period of limitations . . . shall be tolled while the claim is pending and for a period of 30 days after it is dismissed unless State law provides for a longer tolling period.”**

The Court certified the question, “whether the tolling provision in §1367(d) suspends the limitations period for the state-law claim while the claim is pending and for thirty days after the claim is dismissed, or whether the tolling provision does not suspend the limitations period but merely provides 30 days beyond the dismissal for the plaintiff to refile.”

The District interpreted § 1367(d) as granting plaintiffs a grace in period in which to refile, meaning **that the limitations period was not tolled but continued to run** and Artis had 30 days to refile before her **claim was time-barred**.

A **grace period** is a period immediately after the deadline for an obligation during which a late fee, or other action that would have been taken as a result of failing to meet the deadline, is waived provided that the obligation is satisfied during the grace period. Grace periods can range from a number of minutes to a number of days or longer, and can apply in situations including arrival at a job, paying a bill, or meeting a government or legal requirement.

In law, a grace period is a time period during which a particular rule exceptionally does not apply, or only partially applies.

In the law of the United States, a **certified question** is a formal request by one court from another court, usually but not always in another jurisdiction, for an opinion on a **question** of law.

the constitutional limits of Congress's authority **to toll and extend States' statutes of limitations**.

We are frequently asked by clients to file suit in a case in which the statute of limitations expires in a matter of a day—even hours. **In some cases, we are asked to file in order to toll an impending statute of limitations and give the client more time to negotiate a settlement or take other action.**

Does filing a complaint toll the statute of limitations?

When should defenses raise statute of limitations?

How do you toll the statute of limitations?

The Tolling of the Statute of Limitations when A Case Has Been Previously Dismissed for Lack of Jurisdiction Or for Improper Venue

When an action is initially brought in a state or federal court and is dismissed for lack of proper venue or jurisdiction, it frequently becomes necessary to determine whether the applicable statute of limitations has been tolled, during

the pendency of the action. If a second action is instituted **after the "statute has run, the action will be considered time-barred** in the absence of a tolling doctrine. It is a general rule of law in the various states that, in the absence of a statute, **the reinstatement of a suit or action during the pendency of which the applicable statute of limitations has run is not permitted but is considered time-barred.'**

which an infringer failed to pay, as **unjust enrichment is extinguished by a statute of limitations after 10 years have elapsed;**

The right to recover reasonable royalty, which an infringer failed to pay, as unjust enrichment is extinguished by a statute of limitations after 10 years have elapsed; however, unjust enrichment can be recovered for any unjust enrichment occurring within the 10 years preceding the date of filing a lawsuit.