

Ohio House Bill 197 Summary

On March 27, 2020, Governor DeWine signed Ohio House Bill 197 which includes emergency provisions to help Ohio navigate the COVID-19 pandemic. Notably, the law includes several temporary procedures that impact those individuals involved in Ohio's court system with provisions intended to toll (or delay) various legal and administrative time limitations. In addition the Supreme Court of Ohio, also on March 27, 2020, issued an Administrative Order which closely follows the legislation. The enacted law and Supreme Court order can be found here:

- <https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2020/2020-Ohio-1166.pdf>
- <https://www.legislature.ohio.gov/legislation/legislation-documents?id=GA133-HB-197>

Statute of Limitations:

- A statute of limitations is a law which sets the maximum time after an event within which legal proceedings may be initiated. The criminal, civil and administrative statutes of limitations and other specified legal and administrative time limitations and deadlines that are set to expire between March 9, 2020, and July 30, 2020, are tolled.
- The law is retroactive to March 9, 2020 and specifies that it expires on the date the period of emergency ends or July 30, 2020, whichever is sooner.
 - For example, if a deadline were set to expire on March 19, 2020 (ten days after the effective date of the law/order), the deadline will now expire 10 days after the tolling order is lifted.

Discovery and Service:

- If you are currently involved in litigation, the time within which discovery or any aspect of discovery must be completed, and the time within which a party must be served, is tolled until the date the period of emergency ends or July 30, 2020, whichever is sooner.

Supreme Court Tolling Order:

- The 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.
- The Order tolls time requirements imposed by any rules (for example, the Ohio Rules of Civil Procedure) which were set to expire during the term of the Order.
- The Order goes on to clarify 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.

Mechanic's Liens:

- Mechanic's liens are not specifically addressed by the law or the Supreme Court's Order. However, HB 197 does have a catch-all provision that states any criminal, civil, or administrative time limitation or deadline under the Ohio Revised Code set to expire between March 9, 2020 and July 20, 2020 shall be tolled.
- While the encompassing nature of the Supreme Court's Order and HB 197 would seem to indicate this catch-all would include and therefore extend the deadlines involving liens, it is not clear that is the case. Accordingly, potential lien claimants should be diligent about monitoring upcoming lien deadlines and

move quickly when deciding on whether to record a lien, because there is a possibility liens will not be filed on time due to the epidemic's impact on staffing levels at the recorder's office. Further, given additional administrative and logistical constraints, additional time may be needed to properly research and prepare a lien filing.

HB | **HARPST** The attorneys at Harpst Becker are available for your
BECKER questions about COVID-19 and other legal concerns.

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