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OP-ED: As restrictions ease, time limitations on claims will begin to run

During the COVID-19 pandemic, time limitations (including statutes of limitation and various notice requirements) on most civil claims in Oregon have been paused. This means most claims that otherwise would have expired during the pandemic are still viable and can be brought. As numerous states, including Oregon, begin to lift COVID restrictions, business owners, managers and operators should be aware of the effect on the timing of claims they may hold (or, conversely, of claims that others may hold against them).

In June 2020, the Oregon Legislature, pursuant to House Bill 4212, Section 7, enacted a COVID-19 protection that effectively paused the expiration of most civil time limitations under certain circumstances. Specifically, the bill provided that if the expiration of time to commence an action or give notice of a claim falls within the governor's COVID-19 state of emergency (or any extension of the state of emergency), then the expiration of time is extended to 90 days beyond the date the state of emergency is no longer in effect. In practice, that would mean that if a claim (or notice of a claim) had to be commenced on, for example, Feb. 1, 2021, the bill would override that timing deadline. The new deadline would be 90 days following the expiration of the state of emergency, whenever that may be.

Because of the indefinite and prolonged na-



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ture of the pandemic (and the related emergency orders), most businesses haven't yet had to worry about expiring civil claims. But with restrictions starting to ease, business owners should consider whether they hold a claim that would have expired during the pandemic if not for the legislative pause.

The list of such claims is very broad, and not all of them are included here. Suffice it to say, the list covers most civil claims - including but not limited to claims for breach of contract, claims to recover balances due on an account, claims for personal injury or property damage, actions arising under lease or rental agreements, and actions for damages from construction or repair work.

If your business holds such a claim, it is important to be vigilant in learning the eventual expiration of the state of emergency because that date will, in turn, determine the claim filing deadline. It may be wise to consult with an attorney prospectively so that attorney may evaluate the timing issues and advise you with respect to when and how to bring the claim as the COVID-19 restrictions ease and, ultimately, the state of emergency is lifted. That attorney will

also be able to advise you on what documentation to retain for purpose of the claim. Since no one knows when the state of emergency will be lifted, it is important to prevent claim-related information from being deleted, destroyed or discarded in the interim.

Recently, Gov. Kate Brown extended Oregon's state of emergency through June 28, unless extended or terminated earlier. If past experience is any indication, this will likely be extended again. However, business owners should be aware of the effect the state of emergency has on claims they may hold, and consult an attorney in navigating those claims in conjunction with the eventual expiration of the COVID-related emergency orders.

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