



Alerts

In Unusual Ruling, Rhode Island Supreme Court Excuses Statute of Limitations Violation Because of COVID-Related Issues

April 5, 2022

Lawyers for the Profession

Rosa v. Wakefern Food Corp., 2022 R.I. LEXIS 25

Brief Summary

The Rhode Island Supreme Court held that it would excuse a statute of limitations violation because of the unique circumstances posed by the COVID-19 pandemic.

Complete Summary

The plaintiff appealed an April 2, 2021 judgment of the Kent County Superior Court which had dismissed her personal injury suit on statute of limitations grounds. Counsel for the plaintiff argued that as a result of the COVID-19 pandemic, he encountered a series of logistical and computer-related issues that caused him to electronically file the complaint a few days after the limitations deadline expired.

The court accepted the plaintiff's argument and vacated the judgment of the Superior Court. In so ruling, the court stated it did not base its decision on "abuse of discretion" or "excusable neglect" grounds, but rather "solely on our appreciation of the uniqueness of the particular attendant circumstances relative to this case that transpired in the midst of an unprecedented public health crisis."

Significance of Decision

This exceptional case highlights one court's willingness to forgive a statute of limitations violation given the unique circumstances of the COVID pandemic. However, most courts that have addressed late filing issues have not accepted COVID-related problems as an excuse.

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