

JAN 11, 2021 12:07 PM


Joy Turner, Clerk
Camden County, Georgia

IN THE SUPERIOR COURT OF CAMDEN COUNTY

STATE OF GEORGIA

CYNTHIA MIRANDA,)
)
Plaintiff,)
)
v.)
)
W.F. READDICK, LLC, TREVOR)
READDICK, READDICK)
CONSTRUCTION,)
)
Defendants.)

Civil Action No. 2020CV866

ORDER

This matter is before the Court on Defendants W.F. Readdick's and Readdick Construction's motion for judgment on the pleadings, which in substance is a motion to dismiss Plaintiff's Complaint as time barred by the applicable statute of limitations.¹ The Court will treat it as such.

This is a personal injury action arising from a motor vehicle accident that occurred on August 14, 2018. Thus, a two-year statute of limitation applies. Defendants argue Plaintiff's claims are time barred because the statute would have run on August 14, 2020, but the Complaint was not filed until October 7, 2020. Defendants take the position the Supreme Court's Judicial Emergency Order for Covid-19, as amended, suspending or tolling the limitations period in some actions

¹ See also, *Carson v. Brown*, 348 Ga.App. 689, 699 (2019)(when a defendant files a motion for judgment on the pleadings and does not introduce affidavits or other evidence in support it is the equivalent of a motion to dismiss for failure to state a claim).

does not affect this analysis since the limitations period in this case ran after the suspension was lifted. Defendants have misinterpreted the Supreme Court's Order, however.

The Supreme Court's March 14, 2020 Declaration of Statewide Judicial Emergency Order tolled all statutes of limitation as of the date of the Order. The Supreme Court's "Guidance on Tolling Statutes of Limitations" attached to said Order states, in pertinent part:

If the period of limitation for a particular cause of action commenced prior to March 14, 2020—that is, if the "clock" had started to run before the entry of the Chief Justice's order—the running of the period of limitation was suspended on March 14, and the running of the period will resume when the tolling provision of the March 14 declaration has expired or is otherwise terminated. ... whatever time remained in the period of limitation as of March 14 will still remain when the tolling provision of the March 14 declaration has expired or is otherwise terminated.


Pursuant to the Supreme Court's Fourth Order Extending Declaration of Statewide Emergency, the tolling provision expired and all deadlines were reimposed on litigants as of July 14, 2020. Paragraph II(A)(10) of the July 14, 2020 Order states:

The 122 days between March 14 and July 14, 2020, or any portion of that period in which a statute of limitation would have run, shall be excluded from the calculation of that statute of limitation.

In this case, the limitations period was tolled for 122 days and did not run until December 14, 2020. Thus, Plaintiff's Complaint was timely filed.

Accordingly, Defendants' motion is hereby **DENIED**.

It is so **ORDERED**, this 11th day of January, 2021.



STEPHEN G. SCARLETT, SR.
Chief Judge, Superior Courts
Brunswick Judicial Circuit