



ALERT

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## Supreme Court Rules Pending Federal Action Stops the Clock on State Limitation Periods

On January 22, 2018, the U.S. Supreme Court held in *Artis v. District of Columbia*, No. 16-640, that 28 U.S.C. § 1367(d) suspends the statutes of limitations on state law claims while those claims are pending in federal court.

Federal courts may exercise supplemental jurisdiction over state claims that are sufficiently related to federal claims filed in federal court. 28 U.S.C. § 1367(a). When federal courts dismiss all federal claims from federal cases, they sometimes also dismiss without prejudice any related state claim. In that situation, section 1367(d) provides that the limitations period on the state claim is "tolled while the claim is pending [in federal court] and for a period of 30 days after it is dismissed unless State law provides for a longer tolling period." *Id.* § 1367(d). Historically, courts disagreed about whether that provision suspended state limitations periods, or whether it simply afforded plaintiffs a grace period after a federal court dismissal to refile state claims in state court.

In a 5–4 opinion by Justice Ginsburg, the Court held that § 1367(d) is not a mere grace period, but instead stops the clock on state statutes of limitations while the state claims are pending in federal court. As a result, the plaintiff's state claims were timely, even though she waited 59 days after the federal court dismissal to refile those claims in state court and the limitations period otherwise would have expired months earlier.

Following this decision, the time limit for plaintiffs to refile state claims in state court will depend in part on how long they were pending in federal court. This development could create uncertainty in applying state limitations periods, and it will enable some plaintiffs who previously brought state claims in federal court to refile those claims in state court long after they were initially dismissed and long after they would otherwise be time-barred.

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