

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 17-9098

EMERGENCY ORDER ON STATUTES OF LIMITATIONS IN CIVIL CASES

ORDERED that:

1. Hurricane Harvey struck the Texas coast on August 25, 2017. Governor Abbott has declared a state of disaster in 54 counties.¹

2. Court proceedings not only in those counties but throughout Texas may be affected by the disaster because of closures of courts and clerks' offices and difficulties with access, travel, and communication by and among lawyers, parties, and others. Even though electronic filing is operational, access to computers and the Internet may be limited.

3. On August 28, 2017, pursuant to Section 22.0035(b)² of the Texas Government Code, the Supreme Court of Texas issued an Order in Misc. Dkt. No. 17-9091, and the Court of Criminal Appeals of Texas issued an Order in Misc. Dkt. No. 17-010, that all Texas courts consider disaster-caused delays as good cause for modifying or suspending all deadlines and procedures—whether prescribed by statute, rule, or order—in any case, civil or criminal.

¹ Those counties are: Aransas, Atascosa, Austin, Bastrop, Bee, Bexar, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, DeWitt, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Jackson, Jasper, Jefferson, Jim Wells, Karnes, Kerr, Kleberg, Lavaca, Lee, Leon, Liberty, Live Oak, Madison, Matagorda, Montgomery, Newton, Nueces, Polk, Refugio, San Jacinto, San Patricio, Tyler, Victoria, Walker, Waller, Washington, Wharton, Willacy, and Wilson.

² “Notwithstanding any other statute, the supreme court may modify or suspend procedures for the conduct of any court proceeding affected by a disaster during the pendency of a disaster declared by the governor. An order under this section may not extend for more than 30 days from the date the order was signed unless renewed by the supreme court.”

4. Inasmuch as statutes of limitations are not subject to a good-cause exception, the Supreme Court now further orders, again pursuant to Section 22.0035(b), that any applicable statute of limitations is suspended for any civil claim if the claimant shows that the disastrous conditions resulting from Hurricane Harvey prevented the timely filing of the claim despite the party's and counsel's diligent efforts. Any such suspension extends only to the date on which it becomes reasonably possible to file the claim despite the disastrous conditions, taking into account the circumstances.

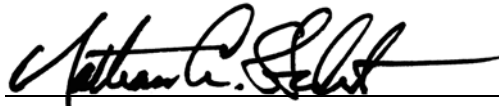
5. This Order expires September 28, 2017 unless extended by the Court.

6. The Clerk of the Supreme Court is directed to:

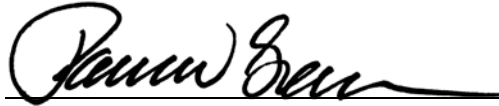
- a. post a copy of this Order on www.txcourts.gov;
- b. file a copy of this Order with the Secretary of State; and
- c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

7. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

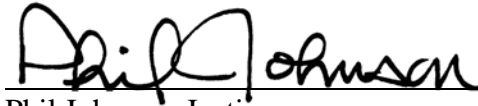
Dated: August 29, 2017



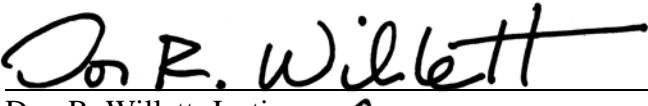
Nathan L. Hecht, Chief Justice



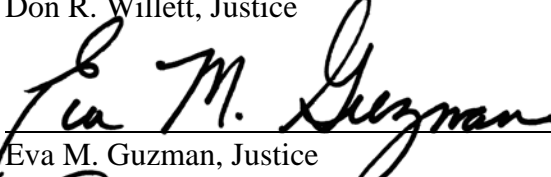
Paul W. Green, Justice



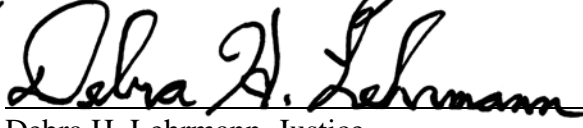
Phil Johnson, Justice



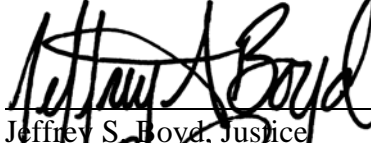
Don R. Willett, Justice



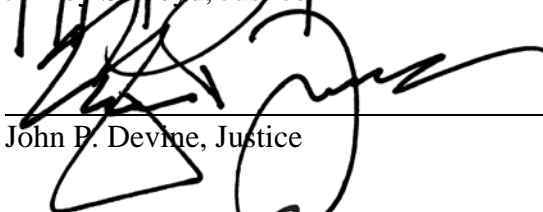
Eva M. Guzman, Justice



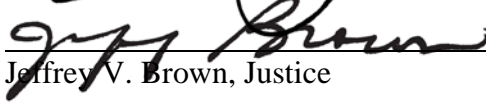
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice