

Filing of Cases in the Philadelphia Municipal Court to Toll the Statute of Limitation

This notice addresses how to commence a case in the Philadelphia Municipal Court so that your case is not jeopardized by the running of the applicable statute of limitation. The most common cases brought in the court involve an alleged breach of a contract and an action to recover damages for injuries to a person allegedly caused by the negligent act of another.

In a breach of contract action, the statute of limitation generally requires that a court action be commenced by no later than four years from the date of the alleged breach. In an action seeking damages as a result of an injury, the statute of limitation generally requires that a court action be commenced by no later than two years from the discovery of the injury. There are other types of actions and other statutes of limitation.

A complaint or statement of claim must be served on the person being sued in a timely fashion before the trial date. It is, however, the commencement of an action by filing a complaint or statement of claim that addresses the applicable statute of limitation and not the service of that complaint or statement of claim on the person being sued. Before making service of a complaint or statement of claim, those persons doing so should make sure that doing so is in accordance with all Orders of Mayor Kenney and Governor Wolf.

If you need to commence your action because of the applicable statute of limitation, please take the following steps:

1. **Electronic filers** – If you have already filed your case, please send an email to Steve Elliott (stephen.elliott@courts.phila.gov) and to Stella Keenan (stella.keenan@courts.phila.gov) and identify your case. It will then be accepted for filing. If you have not already filed your case, please file your case and contact Steve Elliott and Stella Keenan.

2. **Non-electronic filers who must file in person** – Contact Steve Elliott (stephen.elliott@courts.phila.gov) and to Stella Keenan (stella.keenan@courts.phila.gov) or leave a message at 215-686-7990. Leave your name, telephone number and email address and one of them will contact you to schedule a date and time for you to come to the court to file the case. When you speak with Mr. Elliott or Ms. Keenan, please be prepared to tell them the date on which the contract was allegedly breached or the date on which you discovered your injury.