

Equitable Tolling: “Estopping” the Clock from Running on Your Claims

“Generally speaking, a court does not have the discretion to extend a statute of limitations. A court can, however, consistent with its inherent equitable powers, preclude a defendant from asserting a statute of limitations defense where the defendant’s own intentional misconduct prevented the plaintiff from timely filing suit,” discusses Paige Bartholomew in Farrell Fritz’s *blog*.

“This equitable doctrine, known as equitable estoppel – or, “equitable tolling” – is consistent with the principle that a wrongdoer should not be able to benefit from his own wrong, and is often raised by a plaintiff in response to a statute of limitations defense. But, as recently illustrated by the Suffolk County Commercial Division in *Shoreham Hills, LLC v Sagaponack Dream House, LLC* ... its application is rare, and “estopping” a defendant from asserting a statute of limitations defense where it is otherwise appropriate is no simple feat.”

Read the article.