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Article published December 20, 2009

6 years probably too long to wait to file injury claim

Dear Dale: I was a passenger in a bus six years ago that was struck by a car. I went to the hospital and had some treatment at the time, but I'm still having problems with injuries that I think are related to the accident. I didn't settle my case or file a lawsuit. Can I do anything at this point to be compensated?

Answer: Different types of cases have different deadlines for filing lawsuits. Those deadlines, called statutes of limitation, vary depending on whether you're talking about actions dealing with car accidents, dog bites, contracts, or real estate.

Statutes of limitation are written into the law by the state legislature and are set up for some practical reasons. Without these deadlines, potential defendants would be left wondering forever if they're ever going to get sued, and they could be at a disadvantage if evidence that might prove crucial goes missing or stale. And the more time that passes, the less clear memories tend to be.

In some situations, the statute of limitations clock doesn't begin to tick for one reason or another. For instance, if a child is injured in a car accident or by a dog bite, the limitations period doesn't start to run until the minor turns 18. Or, if the injured person is of unsound mind, the statute of limitations clock stops until the disability no longer applies. (As an aside, the term "unsound mind" is not mine — it's the statutory language. What that means in a legal sense, as applied to this issue, isn't the focus of this column and would take up too much space to tackle here.)

People who have potential lawsuits have to pay attention to these deadlines. In general, once the statute of limitations expires, the claim is forever barred. This is true whether or not you knew such a rule existed. It may seem like a harsh result, but these rules are strictly enforced.

With that in mind, let's look at your situation. People who suffer injuries in a car accident case must file a lawsuit within two years of the date of the accident or they are barred forever from pursuing a claim.

If you were a minor at the time of the accident, you had — or have — until your 20th birthday to file a lawsuit. Or, if you fall into the category of having an unsound mind, you have two years to file suit from the point that disability no longer exists. (Again, keep in mind I'm not talking about "curing" a mental illness here.)

Barring one of those exceptions, it seems to me that you're not going to be able to pursue any claim for injury against any party who may have been responsible for your injuries.

Our office focuses extensively on personal injury cases. For the purposes of protecting your rights, we want to meet with people as soon after the accident as possible. Protecting the statute of limitations is part of the reason injured people should consult with an attorney early on. Once that limitations period runs, barring one of the limited exceptions I noted above, you're not going to be able to pursue a claim no matter how seriously you were hurt or how long the

treatment lasts.

Dale Emch practices law at the Charles E. Boyk Law Offices, LLC, in Toledo. In his column, he will discuss general legal principles and answer readers' questions. Neither Mr. Emch nor The Blade present or intend his column to be taken as legal advice. Readers seeking legal advice should consult with an attorney. Readers should send their questions to Mr. Emch at demch@charlesboyk-law.com or Dale Emch, 405 Madison Ave., Suite 1200, Toledo, OH 43604.

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