

## STATUTE OF LIMITATIONS INFORMATION

If you believe your injury is the result of the negligence of some party you have only two (2) years within which to file a lawsuit against the party you believe responsible for your injury. Should you fail to do so the statute of limitations will expire and under almost all circumstances you can not bring a successful lawsuit.

There is a shorter time period to file a personal injury claim against a public entity, such as the state, a city, a school or some other political subdivision. Such a claim must be filed pursuant to the claim statute within 180 days of the date of the accident. If such a claim is properly filed the statute of limitations for then filing the lawsuit is usually only one (1) year from the date of the accident.

There is also usually just a one (1) year statute of limitations if the claim arises out of a statutorily imposed duty or obligations.

Should your injury be covered under the Arizona Workers' Compensation Act and if you believe your injury is the result of the negligence of some party other than your employer, you have only one (1) year from the date of the accident within which to file a lawsuit against the party you believe responsible for your injury. (If your claim is for medical malpractice occurring in the State of Arizona, usually the statute of limitations begins to run from the time you knew or should have known of the alleged malpractice – but you should be sure to promptly contact an attorney who handles such matters to be sure that you have calculated the time correctly.) Should you fail to do so the claim will be assigned by operation of law to the workers' compensation carrier. During the second year, you are only allowed to bring the lawsuit if the claim is reassigned to you by the carrier. It is, however, under no legal obligation to reassign the claim to you. If it does agree to a reassign the claim to you, it will usually seek to restrict your right to recovery. After two (2) years from the date of the injury, the statute of limitations expires and under almost all circumstances you can not bring a successful lawsuit. Different rules apply if your employer was not insured by a workers' compensation insurance company and you will need to review this situation with me or another attorney.