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1. Download: Results List for: Brief Analysis: QuickDelivery_CaseRecommendations

Client/Matter: -None-



Brief Document: QuickDelivery_CaseRecommendations

Key Passage

6 discovery rule, the statute of limitations does not begin to run until the injured party discovers

7 or reasonably should have discovered, the cause of action. This principle has been upheld in

8 several Idaho cases, such as Harrigfeld v. Hancock, 140 Idaho 134, 90 P.3d 884 (2004) and Moon v. 9 Investment Co., 110 Idaho 7, 714 P.2d 93 (1986).

11 Applying the discovery rule, the statute of limitations would not begin to run until the

12 plaintiff discovered, or should have discovered, the bank's fraudulent activities. If the bank has 13 taken active steps to conceal the fraud, it is possible that the plaintiff did not realize the

Cases recommended for key passage (10)



Alston v. Hormel Foods Corp. 273 Neb. 422

Nebraska Supreme Court | 2007-04-20

Matching legal concepts:

Potential Plaintiff | Discover | Injury | Discovery Rule | Reasonable Diligence | Statute Of Limitations | Act Or Omission | Limitations Period | Wrongful Act | Exercise Of Reasonable Diligence | Initial Period

Outcome: Court erred in finding complaint filed in October 2003 was time barred by Neb. Rev. Stat. § 25-207; there was issue of material fact with respect to whether plaintiff was injured by a continuing tort occurring within the statutory limitations period, that was, between October 23, 1999, and the last date of plaintiff's employment in November 1999.

Relevant passage: When the discovery rule is applicable, the statute of limitations does not begin to run until the potential plaintiff discovers, or with reasonable diligence should have discovered, the injury. In those cases in which the discovery rule applies, the beneficence of the discovery rule is not bestowed on a potential plaintiff where the potential plaintiff in fact discovers, or in the exercise of reasonable diligence should have discovered, the injury within the initial period of limitations running from the wrongful act or omission. However, in a case where the injury is not obvious and is neither discovered nor discoverable within the limitations period running from the wrongful act or omission, the statute of limitations does not begin to run until the potential plaintiff discovers, or with reasonable diligence should have discovered, the injury.



Matching legal concepts:

Statute Of Limitations | Accrual Rule | Discovery Rule | Legal Malpractice | Negligent Act | Legal Malpractice Action | Legal Malpractice Claim | Damage

Outcome: Trial court erred in awarding summary judgment to a law firm in a client's 2008 legal malpractice action because the action was not barred by three-year statute of limitations, Mont. Code Ann. § 27-2-206; it was

reasonable for the client to rely on his attorney's advice until summary judgment was entered against him in an underlying action in 2007.

Relevant passage: Mont. Code Ann. § 27-2-206 does not begin to run until both the "discovery rule" and "accrual rule" are satisfied. The discovery rule begins the statute of limitations when the plaintiff discovers or should have discovered the negligent act. The statute of limitations does not begin to run under the accrual rule until all elements of the claim have occurred. Thus, the statute of limitations in a legal malpractice action does not begin to run until the negligent act was, or should have been, discovered, and all elements of the legal malpractice claim, including damages, have occurred.

💶 Harris v. O'Connor Truck Sales 153 F. Supp. 2d 584

Eastern Dist. Pa. | 2001-03-28

Motion type:

motion to dismiss | Partial

Matching legal concepts:

Discover | Statute Of Limitations | Type Of Case | Certain Types | Discovery Rule | Injury

Outcome: Defendant's motion to dismiss plaintiff's negligence claim was granted because plaintiff could not recover his economic losses under a negligence theory.

Relevant passage: The discovery rule states that, in certain types of cases, the statute of limitations does not begin to run until a plaintiff discovers, or reasonably should have discovered, his injuries.

McKenna v. Ortho Pharmaceutical Corp. 622 F.2d 657

3rd Circuit - Court of Appeals | 1980-03-18

Matching legal concepts:

Discover | Statute Of Limitations | Discovery Rule | Due Diligence | Negligence

Outcome: The Third Circuit Court of Appeals concluded that the Ohio Supreme Court would have applied the discovery rule to plaintiffs' negligence action in order to determine whether the statute of limitations applied to bar plaintiffs' action.

Relevant passage: According to the discovery rule approach, the statute of limitations does not begin to run until the plaintiff actually discovers, or with due diligence should have discovered, the negligence alleged.

A Shlien v. Bd. of Regents 263 Neb. 465

Nebraska Supreme Court | 2002-03-22

Matching legal concepts:

Potential Plaintiff | Discover | Injury | Discovery Rule | Reasonable Diligence | Statute Of Limitations | Act Or Omission | Limitations Period | Wrongful Act | Exercise Of Reasonable Diligence | Initial Period | Prior Ruling

Outcome: Trial court erred in concluding that student's negligence cause of action against university was time barred; genuine issues of material fact regarding when student should have discovered her injury remained,

precluding entry of summary judgment.

Relevant passage: When the discovery rule is applicable, the statute of limitations does not begin to run until the potential plaintiff discovers, or with reasonable diligence should have discovered, the injury. Although the Nebraska Supreme Court has not explicitly so stated, it is implicit in its prior rulings that in those cases in which the discovery rule applies, the beneficence of the discovery rule is not bestowed on a potential plaintiff where the potential plaintiff in fact discovers, or in the exercise of reasonable diligence should have discovered, the injury within the initial period of limitations running from the wrongful act or omission. However, in a case where the injury is not obvious and is neither discovered nor discoverable within the limitations period running from the wrongful act or omission, the statute of limitations does not begin to run until the potential plaintiff discovers, or with reasonable diligence should have discovered, the injury.

Centre of the Leville Co. v. Quinn 2016 R.I. Super. LEXIS 5

R.I. Super. Ct., Providence Cty. | 2016-01-14

Matching legal concepts:

Discover | Statute Of Limitations | Wrongful Conduct | Discovery Rule | Reasonable Diligence

Outcome: As a taxpayer bypassed the appeals procedure in R.I. Gen. Laws § 44-5-26, as it did not allege that the assessment was illegal, as R.I. Gen. Laws § 44-5-27 barred the taxpayer from seeking equitable relief, and as neither R.I. Gen. Laws § 44-5-23 nor R.I. Const. art. 1, § 2 created a private cause of action, a city was entitled to summary judgment.

Relevant passage: The heart of the discovery rule is that a statute of limitations does not begin to run until the plaintiff discovers, or with reasonable diligence should have discovered, the wrongful conduct of the defendant.

Supreme Bakery, Inc. v. Bagley 742 A.2d 1202

Rhode Island Supreme Court | 2000-01-10

Matching legal concepts:

Discover | Statute Of Limitations | Wrongful Conduct | Discovery Rule | Reasonable Diligence | Debtor

Outcome: Plaintiff's claim for fraudulent conveyance against defendants did not come within four-year limitations period and did not fall within reach of discovery exception since plaintiff could have readily discovered transfer.

Relevant passage: The heart of the discovery rule is that the statute of limitations does not begin to run until the plaintiff discovers, or with reasonable diligence should have discovered, the wrongful conduct of the debtor.

Elsey v. Hastings Mut. Ins. Co. 161 Mich. App. 484

Michigan Court of Appeals | 1987-05-07

Matching legal concepts:

Discover | Exercise Of Reasonable Diligence | Statute Of Limitations | Possible Cause | Discovery Rule

Outcome: When plaintiffs waited for more than two years after they became aware of damage to their home before they filed a claim with their casualty insurance carriers, the carriers correctly denied their claims as untimely.

Relevant passage: Under the discovery rule, the statute of limitations does not begin to run until the plaintiff discovers, or through the exercise of reasonable diligence should have discovered, that he has a possible cause of action.

📤 Brennan v. <u>Edward D. Jones & Co. 245 Mich. App. 156</u>

Michigan Court of Appeals | 2001-03-20

Matching legal concepts:

Discover | Exercise Of Reasonable Diligence | Statute Of Limitations | Possible Cause | Discovery Rule

Outcome: Discovery rule did not apply to commercial conversion cases because public policy favored finality in commercial transactions and favored protecting defendant from stale claims; thus, plaintiffs' claim was untimely and barred.

Relevant passage: Under the discovery rule, the statute of limitations does not begin to run until a plaintiff discovers, or through the exercise of reasonable diligence should have discovered, that he had a possible cause of action.



Gregory v. Stallings 167 Idaho 123

Idaho Supreme Court | 2020-07-15

Matching legal concepts:

Statute Of Limitations | Discovery Rule | Injury | Limitations Period | Medical Malpractice | Detection

Outcome: Real estate developer's breach-of-contract action against the codevelopers, stemming from the parties' oral agreement to develop real property, was barred by the four-year statute of limitations in Idaho Code Ann. § 5-217 because all of the possible accrual dates for the action rested outside the statute of limitations.

Relevant passage: A discovery rule in the context of a statute of limitations provides that a limitations period does not begin to run until the plaintiff discovers (or reasonably should have discovered) the injury giving rise to the claim and usually applies to injuries that are inherently difficult to detect, such as those resulting from medical malpractice. Idaho has taken a strict approach to determining whether a discovery rule applies to statutes of limitations expressed in statutes.

Practical Guidance recommendations for key passage (1)

Statute of Limitations

new jersey

Matching legal concepts:

Statute Of Limitations | Foreign Object | Discovery Rule | Statute Of Repose | Specified Circumstance | Ordinary Diligence | Class Of Cases | Garden State | Malpractice Case | Facts Presented

Relevant passage: The discovery rule provides that, under specified circumstances, the statute of limitations does not begin to run until a victim discovers or should have discovered that a wrong has been inflicted. Greczyn v. Colgate-Palmolive, 183 N.J. 5 (2005) (even statute of repose need not be construed rigidly). The discovery rule is applied in certain classes of cases, such as foreign object malpractice cases. Fernandi v. Strully, 35 N.J. 434 (1961) (statute of limitations did not begin to run immediately after surgery, but when plaintiff discovered

existence of foreign object within her). The test is generally "whether the facts presented would alert a reasonable person exercising ordinary diligence that he or she was injured due to the fault of another." Verghese v. Comcast of Garden State, 2012 N.J. Super. Unpub. LEXIS 1722, at *6 (Super. Ct. App. Div. July 18, 2012).

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