

1                                   **SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

2   **RULE 9**

3                   **A Service; when required.** Except as otherwise provided in these rules, every order;  
4 every pleading subsequent to the original complaint; every written motion other than one  
5 which may be heard ex parte; and every written request, notice, appearance, demand, offer of  
6 judgment, designation of record on appeal, and similar document shall be served upon each of  
7 the parties. No service need be made on parties in default for failure to appear except that  
8 pleadings asserting new or additional claims for relief against them shall be served upon them  
9 in the manner provided for service of summons in Rule 7.

10                   **B Service; how made.** Whenever under these rules service is required or permitted to  
11 be made upon a party, and that party is represented by an attorney, the service shall be made  
12 upon the attorney unless otherwise ordered by the court. Service upon the attorney or upon a  
13 party shall be made by delivering a copy to such attorney or party[,]; by mailing it to such  
14 attorney's or party's last known address; **by electronic service as provided in section H of this**  
15 **rule**; or, if the party is represented by an attorney, by [*telephonic*] facsimile communication  
16 [*device*] **technology** or **by [e-mail] electronic mail** as provided in sections F or G of this rule.  
17 Delivery of a copy within this rule means: handing it to the person to be served; or leaving it at  
18 such person's office with such person's clerk or person apparently in charge thereof; or, if  
19 there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or  
20 the person to be served has no office, leaving it at such person's dwelling house or usual place  
21 of abode with some person [*over*] 14 years of age **or older** then residing therein. A party who  
22 has appeared without providing an appropriate address for service may be served by filing a  
23 copy of the pleading or other documents with the court. Service by mail is complete upon  
24 mailing. Service of any notice or other document to bring a party into contempt may only be  
25 upon such party personally.

26                   **C Filing; proof of service.** Except as provided by section D of this rule, all [*papers*]

1 **documents** required to be served upon a party by section A of this rule shall be filed with the  
2 court within a reasonable time after service. Except as otherwise provided in Rule 7 and Rule 8,  
3 proof of service of all [*papers*] **documents** required or permitted to be served may be by  
4 written acknowledgment of service, by affidavit or declaration of the person making service, or  
5 by certificate of an attorney. Such proof of service may be made upon the [*papers*] **document**  
6 served or as a separate document attached [*to the papers*] thereto. [*Where*] **If** service is made  
7 by [*telephonic*] facsimile communication [*device*] **technology** or [*e-mail*] **electronic mail**, proof  
8 of service shall be made by affidavit or declaration of the person making service, or by  
9 certificate of an attorney or sheriff. [*Attached*] **If service is made by facsimile communication**  
10 **technology under section E of this rule, the person making service shall attach** to such  
11 affidavit, declaration, or certificate [*shall be the*] printed confirmation of receipt of the  
12 message generated by the [transmitting machine, if facsimile communication is used]  
13 **transmitting technology**. If service is made by [*e-mail*] **electronic mail** under section G of this  
14 rule, the person making service must certify that he or she received confirmation that the  
15 message was received, either by return [*e-mail*] **electronic mail**, automatically generated  
16 message, [*telephonic*] facsimile **communication technology**, or orally; **however, an**  
17 **automatically generated message indicating that the recipient is not in the office or is**  
18 **otherwise unavailable cannot support the required certification.**

19 **D When filing not required.** Notices of deposition, requests made pursuant to Rule 43,  
20 and answers and responses thereto shall not be filed with the court. This rule shall not  
21 preclude their use as exhibits or as evidence on a motion or at trial. Offers [*of compromise*] **to**  
22 **allow judgment** made pursuant to Rule 54 E shall not be filed with the court except as  
23 provided in Rule 54 E(3).

24 **E Filing with the court defined.** The filing of pleadings and other documents with the  
25 court as required by these rules shall be made by filing them with the clerk of the court or the  
26 person exercising the duties of that office. The clerk or the person exercising the duties of that

1 office shall endorse upon such pleading or document the time of day, the day of the month,  
2 the month, and the year. The clerk or person exercising the duties of that office is not required  
3 to receive for filing any document unless **a caption that includes** the name of the court[,]; **the**  
4 **register number of the action, if one has been assigned;** the title of the [*cause and the*]  
5 document[,]; the names of the parties[,]; and the attorney for the party requesting filing, if  
6 there be one, [*are*] **is** legibly [*endorsed*] **displayed** on the front of the document, nor unless the  
7 contents thereof are legible.

8 **F Service by [*telephonic*] facsimile communication [*device*] technology.** Whenever  
9 under these rules service is required or permitted to be made upon a party, and that party is  
10 represented by an attorney, the service may be made upon the attorney by means of a  
11 [*telephonic*] facsimile communication [*device*] **technology** if the attorney [*maintains such a*  
12 *device at the attorney's office and the device*] **has such technology available and said**  
13 **technology** is operating at the time service is made. Service in this manner shall be [*equivalent*  
14 *to service by mail for purposes of*] **subject to** Rule 10 C.

15 **G Service by [*e-mail*] electronic mail.** Service by [*e-mail*] **electronic mail** is prohibited  
16 unless attorneys agree in writing to [*e-mail*] **electronic mail** service. This agreement must  
17 provide the names and [*e-mail*] **electronic mail** addresses of all attorneys and the attorneys'  
18 designees, if any, to be served. **Any attorney who has consented to electronic mail service**  
19 **must notify the attorneys for other parties in writing of any changes to the attorney's**  
20 **electronic mail address**. Any attorney may withdraw his or her agreement at any time, upon  
21 proper notice via [*e-mail*] **electronic mail** and any one of the other methods authorized by this  
22 rule. [*Service*] **Subject to Rule 10 C, service** is effective under this method when the sender has  
23 received confirmation that the attachment has been received by the designated recipient.  
24 Confirmation of receipt does not include an automatically generated message that the  
25 recipient is out of the office or otherwise unavailable.

26 **H Service by electronic service. As used in this section, electronic service means using**

1 an electronic filing system provided by the Oregon Judicial Department. Service by electronic  
2 service is permitted as prescribed in rules adopted by the Chief Justice of the Oregon  
3 Supreme Court. Service by electronic service is prohibited unless the person being served  
4 agrees to electronic service as prescribed in applicable rules adopted consistently with this  
5 section.

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1 **documents** required to be served upon a party by section A of this rule shall be filed with the  
2 court within a reasonable time after service. Except as otherwise provided in Rule 7 and Rule 8,  
3 proof of service of all [*papers*] **documents** required or permitted to be served may be by  
4 written acknowledgment of service, by affidavit or declaration of the person making service, or  
5 by certificate of an attorney. Such proof of service may be made upon the [*papers*] **document**  
6 served or as a separate document attached [*to the papers*] **thereto**. [*Where*] **If** service is made  
7 by [*telephonic*] facsimile communication [*device*] or [*e-mail*] **electronic mail**, proof of service  
8 shall be made by affidavit or declaration of the person making service, or by certificate of an  
9 attorney or sheriff. [*Attached*] **If service is made by facsimile communication under section F**  
10 **of this rule, the person making service shall attach** to such affidavit, declaration, or certificate  
11 [*shall be the*] printed confirmation of receipt of the message generated by the [*transmitting*  
12 machine, if facsimile communication is used] **transmitting technology**. If service is made by  
13 [*e-mail*] **electronic mail** under section G of this rule, the person making service must certify  
14 that he or she received confirmation that the message was received, either by return [*e-mail*]  
15 **electronic mail**, automatically generated message, [*telephonic*] facsimile **communication**, or  
16 orally; **however, an automatically generated message indicating that the recipient is not in**  
17 **the office or is otherwise unavailable cannot support the required certification.**

18 **D When filing not required.** Notices of deposition, requests made pursuant to Rule 43,  
19 and answers and responses thereto shall not be filed with the court. This rule shall not  
20 preclude their use as exhibits or as evidence on a motion or at trial. Offers [*of compromise*] **to**  
21 **allow judgment** made pursuant to Rule 54 E shall not be filed with the court except as  
22 provided in Rule 54 E(3).

23 **E Filing with the court defined.** The filing of pleadings and other documents with the  
24 court as required by these rules shall be made by filing them with the clerk of the court or the  
25 person exercising the duties of that office. The clerk or the person exercising the duties of that  
26 office shall endorse upon such pleading or document the time of day, the day of the month,

1 the month, and the year. The clerk or person exercising the duties of that office is not required  
2 to receive for filing any document unless **a caption that includes** the name of the court[,]; **the**  
3 **register number of the action, if one has been assigned;** the title of the [*cause and the*]  
4 document[,]; **and** the names of the parties[, *and the attorney for the party requesting filing, if*  
5 *there be one,*] are legibly [*endorsed*] **displayed** on the front of the document, nor unless the  
6 contents thereof are legible. **Further, the clerk is not required to receive for filing any**  
7 **document that does not include the name, address, and telephone number of the party or**  
8 **the attorney for the party, if the party is represented.**

9 **F Service by [*telephonic*] facsimile communication [*device*].** Whenever under these  
10 rules service is required or permitted to be made upon a party, and that party is represented  
11 by an attorney, the service may be made upon the attorney by means of [*a telephonic*]  
12 facsimile communication [*device*] if the attorney [*maintains such a device at the attorney's*  
13 *office and the device*] **has such technology available and said technology** is operating at the  
14 time service is made. Service in this manner shall be [*equivalent to service by mail for purposes*  
15 *of*] **subject to** Rule 10 C. **Facsimile communication includes: a telephonic facsimile**  
16 **communication device; a facsimile server or other computerized system capable of receiving**  
17 **and storing incoming facsimile communications electronically and then routing them to users**  
18 **on paper or via electronic mail; or an internet facsimile service that allows users to send and**  
19 **receive facsimiles from their personal computers using an existing electronic mail account.**

20 **G Service by [*e-mail*] electronic mail.** Service by [*e-mail*] **electronic mail** is prohibited  
21 unless attorneys agree in writing to [*e-mail*] **electronic mail** service. This agreement must  
22 provide the names and [*e-mail*] **electronic mail** addresses of all attorneys and the attorneys'  
23 designees, if any, to be served. **Any attorney who has consented to electronic mail service**  
24 **must notify the attorneys for other parties in writing of any changes to the attorney's**  
25 **electronic mail address.** Any attorney may withdraw his or her agreement at any time, upon  
26 proper notice via [*e-mail*] **electronic mail** and any one of the other methods authorized by this

1 rule. [Service] **Subject to Rule 10 C, service** is effective under this method when the sender has  
2 received confirmation that the attachment has been received by the designated recipient.  
3 Confirmation of receipt does not include an automatically generated message that the  
4 recipient is out of the office or is otherwise unavailable.

5 **H Service by electronic service. As used in this section, electronic service means using**  
6 **an electronic filing system provided by the Oregon Judicial Department. Service by electronic**  
7 **service is permitted as prescribed in rules adopted by the Chief Justice of the Oregon**  
8 **Supreme Court. Service by electronic service is prohibited unless the person being served**  
9 **agrees to electronic service as prescribed in applicable rules adopted consistently with this**  
10 **section.**



1                                   **SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

2   **RULE 9**

3                   **A Service; when required.** Except as otherwise provided in these rules, every order;  
4 every pleading subsequent to the original complaint; every written motion other than one  
5 which may be heard ex parte; and every written request, notice, appearance, demand, offer of  
6 judgment, designation of record on appeal, and similar document shall be served upon each of  
7 the parties. No service need be made on parties in default for failure to appear except that  
8 pleadings asserting new or additional claims for relief against them shall be served upon them  
9 in the manner provided for service of summons in Rule 7.

10                   **B Service; how made.** Whenever under these rules service is required or permitted to  
11 be made upon a party, and that party is represented by an attorney, the service shall be made  
12 upon the attorney unless otherwise ordered by the court. Service upon the attorney or upon a  
13 party shall be made by delivering a copy to such attorney or party[,]; by mailing it to such  
14 attorney's or party's last known address; **by electronic service as provided in section H of this**  
15 **rule**; or, if the party is represented by an attorney, by [*telephonic*] facsimile communication  
16 [*device*] or **by** e-mail as provided in sections F or G of this rule. Delivery of a copy within this  
17 rule means: handing it to the person to be served; or leaving it at such person's office with  
18 such person's clerk or person apparently in charge thereof; or, if there is no one in charge,  
19 leaving [*it*] **the copy** in a conspicuous place therein; or, if the office is closed or the person to  
20 be served has no office, leaving [*it*] **the copy** at such person's dwelling house or usual place of  
21 abode with some person [*over*] 14 years of age **or older** then residing therein. A party who has  
22 appeared without providing an appropriate address for service may be served by filing a copy  
23 of the pleading or other document[s] with the court. Service by mail is complete upon mailing.  
24 Service of any notice or other document to bring a party into contempt may only be upon such  
25 party personally.

26                   **C Filing; proof of service.** Except as provided by section D of this rule, all [*papers*]

1 **documents** required to be served upon a party by section A of this rule shall be filed with the  
2 court within a reasonable time after service. Except as otherwise provided in Rule 7 and Rule 8,  
3 proof of service of all [*papers*] **documents** required or permitted to be served may be by  
4 written acknowledgment of service, by affidavit or declaration of the person making service, or  
5 by certificate of an attorney. Such proof of service may be made upon the [*papers*] **document**  
6 served or as a separate document attached [*to the papers*] **thereto**. [*Where*] **If** service is made  
7 by [*telephonic*] facsimile communication [*device*] or e-mail, proof of service shall be made by  
8 affidavit or declaration of the person making service, or by certificate of an attorney or sheriff.  
9 [*Attached*] **If service is made by facsimile communication under section F of this rule, the**  
10 **person making service shall attach** to such affidavit, declaration, or certificate [*shall be the*]  
11 printed confirmation of receipt of the message generated by the [*transmitting machine, if*  
12 facsimile communication is used] **transmitting technology**. If service is made by e-mail under  
13 section G of this rule, the person making service must certify that he or she received  
14 confirmation that the message was received, either by return e-mail, automatically generated  
15 message, [*telephonic*] facsimile **communication**, or orally; **however, an automatically**  
16 **generated message indicating that the recipient is not in the office or is otherwise**  
17 **unavailable cannot support the required certification.**

18 **D When filing not required.** Notices of deposition, requests made pursuant to Rule 43,  
19 and answers and responses thereto shall not be filed with the court. This rule shall not  
20 preclude their use as exhibits or as evidence on a motion or at trial. Offers [*of compromise*] **to**  
21 **allow judgment** made pursuant to Rule 54 E shall not be filed with the court except as  
22 provided in Rule 54 E(3).

23 **E Filing with the court defined.** The filing of pleadings and other documents with the  
24 court as required by these rules shall be made by filing them with the clerk of the court or the  
25 person exercising the duties of that office. The clerk or the person exercising the duties of that  
26 office shall endorse upon such pleading or document the time of day, the day of the month,

1 the month, and the year. The clerk or person exercising the duties of that office is not required  
2 to receive for filing any document unless **a caption that includes** the name of the court[,]; **the**  
3 **register number of the action, if one has been assigned;** the title of the [*cause and the*]  
4 document[,]; **and** the names of the parties[, *and the attorney for the party requesting filing, if*  
5 *there be one,*] are legibly [*endorsed*] **displayed** on the front of the document, nor unless the  
6 contents thereof are legible. **Further, the clerk is not required to receive for filing any**  
7 **document that does not include the name, address, and telephone number of the party or**  
8 **the attorney for the party, if the party is represented.**

9 **F Service by [*telephonic*] facsimile communication [*device*].** Whenever under these  
10 rules service is required or permitted to be made upon a party, and that party is represented  
11 by an attorney, the service may be made upon the attorney by means of [*a telephonic*]  
12 facsimile communication [*device*] if the attorney [*maintains such a device at the attorney's*  
13 *office and the device*] **has such technology available and said technology** is operating at the  
14 time service is made. Service in this manner shall be [*equivalent to service by mail for purposes*  
15 *of*] **subject to** Rule 10 C. **Facsimile communication includes: a telephonic facsimile**  
16 **communication device; a facsimile server or other computerized system capable of receiving**  
17 **and storing incoming facsimile communications electronically and then routing them to users**  
18 **on paper or via e-mail; or an internet facsimile service that allows users to send and receive**  
19 **facsimiles from their personal computers using an existing e-mail account.**

20 **G Service by e-mail.** Service by e-mail is prohibited unless attorneys agree in writing to  
21 e-mail service. This agreement must provide the names and e-mail addresses of all attorneys  
22 and the attorneys' designees, if any, to be served. **Any attorney who has consented to e-mail**  
23 **service must notify the attorneys for other parties in writing of any changes to the attorney's**  
24 **e-mail address.** Any attorney may withdraw his or her agreement at any time, upon proper  
25 notice via e-mail and any one of the other methods authorized by this rule. [*Service*] **Subject to**  
26 **Rule 10 C, service** is effective under this method when the sender has received confirmation

1 | that the attachment has been received by the designated recipient. Confirmation of receipt  
2 | does not include an automatically generated message that the recipient is out of the office or  
3 | is otherwise unavailable.

4 |         **H Service by electronic service. As used in this section, electronic service means using**  
5 | **an electronic filing system provided by the Oregon Judicial Department. Service by electronic**  
6 | **service is permitted as prescribed in rules adopted by the Chief Justice of the Oregon**  
7 | **Supreme Court. Service by electronic service is prohibited unless the person being served**  
8 | **agrees to electronic service as prescribed in applicable rules adopted consistently with this**  
9 | **section.**

1                                   **SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

2   **RULE 9**

3                   **A Service; when required.** Except as otherwise provided in these rules, every order;  
4 every pleading subsequent to the original complaint; every written motion other than one  
5 which may be heard ex parte; and every written request, notice, appearance, demand, offer of  
6 judgment, designation of record on appeal, and similar document shall be served upon each of  
7 the parties. No service need be made on parties in default for failure to appear except that  
8 pleadings asserting new or additional claims for relief against them shall be served upon them  
9 in the manner provided for service of summons in Rule 7.

10                   **B Service; how made.** Whenever under these rules service is required or permitted to  
11 be made upon a party, and that party is represented by an attorney, the service shall be made  
12 upon the attorney unless otherwise ordered by the court. Service upon the attorney or upon a  
13 party shall be made by delivering a copy to such attorney or party[,]; by mailing it to such  
14 attorney's or party's last known address; **by electronic service as provided in section H of this**  
15 **rule**; or, if the party is represented by an attorney, by [*telephonic*] facsimile communication  
16 [*device*] or **by** e-mail as provided in sections F or G of this rule. Delivery of a copy within this  
17 rule means: handing it to the person to be served; or leaving it at such person's office with  
18 such person's clerk or person apparently in charge thereof; or, if there is no one in charge,  
19 leaving [*it*] **the copy** in a conspicuous place therein; or, if the office is closed or the person to  
20 be served has no office, leaving [*it*] **the copy** at such person's dwelling house or usual place of  
21 abode with some person [*over*] 14 years of age **or older** then residing therein. A party who has  
22 appeared without providing an appropriate address for service may be served by filing a copy  
23 of the pleading or other document[s] with the court. Service by mail is complete upon mailing.  
24 Service of any notice or other document to bring a party into contempt may only be upon such  
25 party personally.

26                   **C Filing; proof of service.** Except as provided by section D of this rule, all [*papers*]

1 **documents** required to be served upon a party by section A of this rule shall be filed with the  
2 court within a reasonable time after service. Except as otherwise provided in Rule 7 and Rule 8,  
3 proof of service of all [*papers*] **documents** required or permitted to be served may be by  
4 written acknowledgment of service, by affidavit or declaration of the person making service, or  
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6 served or as a separate document attached [*to the papers*] **thereto**. [*Where*] **If** service is made  
7 by [*telephonic*] facsimile communication [*device*] or e-mail, proof of service shall be made by  
8 affidavit or declaration of the person making service, or by certificate of an attorney or sheriff.  
9 [*Attached*] **If service is made by facsimile communication under section F of this rule, the**  
10 **person making service shall attach** to such affidavit, declaration, or certificate [*shall be the*]  
11 printed confirmation of receipt of the message generated by the [transmitting machine, if  
12 facsimile communication is used] **transmitting technology**. If service is made by e-mail under  
13 section G of this rule, the person making service must certify that he or she received  
14 confirmation that the message was received, either by return e-mail, automatically generated  
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19 and answers and responses thereto shall not be filed with the court. This rule shall not  
20 preclude their use as exhibits or as evidence on a motion or at trial. Offers [*of compromise*] **to**  
21 **allow judgment** made pursuant to Rule 54 E shall not be filed with the court except as  
22 provided in Rule 54 E(3).

23 **E Filing with the court defined.** The filing of pleadings and other documents with the  
24 court as required by these rules shall be made by filing them with the clerk of the court or the  
25 person exercising the duties of that office. The clerk or the person exercising the duties of that  
26 office shall endorse upon such pleading or document the time of day, the day of the month,

1 | the month, and the year. The clerk or person exercising the duties of that office is not required  
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3 | **case number of the action, if one has been assigned;** the title of the [*cause and the*]  
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14 | time service is made. Service in this manner shall be [*equivalent to service by mail for purposes*  
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13 party shall be made by delivering a copy to such attorney or party[,]; by mailing it to such  
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5 by certificate of an attorney. Such proof of service may be made upon the [*papers*] **document**  
6 served or as a separate document attached [*to the papers*] **thereto**. [*Where*] **If** service is made  
7 by [*telephonic*] facsimile communication [*device*] or e-mail, proof of service shall be made by  
8 affidavit or declaration of the person making service, or by certificate of an attorney or sheriff.  
9 [*Attached*] **If service is made by facsimile communication under section F of this rule, the**  
10 **person making service shall attach** to such affidavit, declaration, or certificate [*shall be the*]  
11 printed confirmation of receipt of the message generated by the [*transmitting machine, if*]  
12 facsimile communication is used] **transmitting technology**. If service is made by e-mail under  
13 section G of this rule, the person making service must certify that he or she received  
14 confirmation that the message was received, either by return e-mail, automatically generated  
15 message, [*telephonic*] facsimile **communication**, or orally; **however, an automatically**  
16 **generated message indicating that the recipient is not in the office or is otherwise**  
17 **unavailable cannot support the required certification.**

18 **D When filing not required.** Notices of deposition, requests made pursuant to Rule 43,  
19 and answers and responses thereto shall not be filed with the court. This rule shall not  
20 preclude their use as exhibits or as evidence on a motion or at trial. Offers [*of compromise*] **to**  
21 **allow judgment** made pursuant to Rule 54 E shall not be filed with the court except as  
22 provided in Rule 54 E(3).

23 **E Filing with the court defined.** The filing of pleadings and other documents with the  
24 court as required by these rules shall be made by filing them with the clerk of the court or the  
25 person exercising the duties of that office. The clerk or the person exercising the duties of that  
26 office shall endorse upon such pleading or document the time of day, the day of the month,

1 the month, and the year. The clerk or person exercising the duties of that office is not required  
2 to receive for filing any document unless **a caption that includes** the name of the court[,]; **the**  
3 **case number of the action, if one has been assigned;** the title of the [*cause and the*]  
4 document[,]; **and** the names of the parties[, *and the attorney for the party requesting filing, if*  
5 *there be one,*] are legibly [*endorsed*] **displayed** on the front of the document, nor unless the  
6 contents [*thereof*] **of the document** are legible. **Further, the clerk is not required to receive for**  
7 **filing any document that does not include the name, address, and telephone number of the**  
8 **party or the attorney for the party, if the party is represented.**

9 **F Service by [*telephonic*] facsimile communication [*device*].** Whenever under these  
10 rules service is required or permitted to be made upon a party, and that party is represented  
11 by an attorney, the service may be made upon the attorney by means of [*a telephonic*]  
12 facsimile communication [*device*] if the attorney [*maintains such a device at the attorney's*  
13 *office and the device*] **has such technology available and said technology** is operating at the  
14 time service is made. Service in this manner shall be [*equivalent to service by mail for purposes*  
15 *of*] **subject to** Rule 10 C. **Facsimile communication includes: a telephonic facsimile**  
16 **communication device; a facsimile server or other computerized system capable of receiving**  
17 **and storing incoming facsimile communications electronically and then routing them to users**  
18 **on paper or via e-mail; or an internet facsimile service that allows users to send and receive**  
19 **facsimiles from their personal computers using an existing e-mail account.**

20 **G Service by e-mail.** Service by e-mail is prohibited unless attorneys agree in writing to  
21 e-mail service. This agreement must provide the names and e-mail addresses of all attorneys  
22 and the attorneys' designees, if any, to be served. **Any attorney who has consented to e-mail**  
23 **service must notify the other parties in writing of any changes to the attorney's e-mail**  
24 **address.** Any attorney may withdraw his or her agreement at any time, upon proper notice via  
25 e-mail and any one of the other methods authorized by this rule. [*Service*] **Subject to Rule 10 C,**  
26 **service** is effective under this method when the sender has received confirmation that the

1 attachment has been received by the designated recipient. Confirmation of receipt does not  
2 include an automatically generated message that the recipient is out of the office or is  
3 otherwise unavailable.

4 **H Service by electronic service. As used in this section, electronic service means using**  
5 **an electronic filing system provided by the Oregon Judicial Department. Electronic service is**  
6 **permitted only as prescribed in rules adopted by the Chief Justice of the Oregon Supreme**  
7 **Court.**



1 **documents** required to be served upon a party by section A of this rule shall be filed with the  
2 court within a reasonable time after service. Except as otherwise provided in Rule 7 and Rule 8,  
3 proof of service of all [*papers*] **documents** required or permitted to be served may be by  
4 written acknowledgment of service, by affidavit or declaration of the person making service, or  
5 by certificate of an attorney. [*Such proof*] **Proof** of service may be made upon the [*papers*]  
6 **document** served or as a separate document attached [*to the papers*] **thereto**. [*Where*] **If**  
7 service is made by [*telephonic*] facsimile communication [*device*] or **by** e-mail, proof of service  
8 shall be made by affidavit or **by** declaration of the person making service, or by certificate of an  
9 attorney or sheriff. [*Attached*] **If service is made by facsimile communication under section F**  
10 **of this rule, the person making service shall attach** to [*such*] **the** affidavit, declaration, or  
11 certificate [*shall be the*] printed confirmation of receipt of the message generated by the  
12 [*transmitting machine, if facsimile communication is used*] **transmitting technology**. If service  
13 is made by e-mail under section G of this rule, the person making service must certify that he  
14 or she received confirmation that the message was received, either by return e-mail,  
15 automatically generated message, [*telephonic*] facsimile **communication**, or orally; **however,**  
16 **an automatically generated message indicating that the recipient is out of the office or is**  
17 **otherwise unavailable cannot support the required certification.**

18 **D When filing not required.** Notices of deposition, requests made pursuant to  
19 Rule 43, and answers and responses thereto shall not be filed with the court. This rule shall not  
20 preclude their use as exhibits or as evidence on a motion or at trial. Offers [*of compromise*] **to**  
21 **allow judgment** made pursuant to Rule 54 E shall not be filed with the court except as  
22 provided in Rule 54 E(3).

23 **E Filing with the court defined.** The filing of pleadings and other documents with  
24 the court as required by these rules shall be made by filing them with the clerk of the court or  
25 the person exercising the duties of that office. The clerk or the person exercising the duties of  
26 that office shall endorse upon [*such*] **the** pleading or document the time of day, the day of the

1 month, the month, and the year. The clerk or person exercising the duties of that office is not  
2 required to receive for filing any document unless **a caption that includes** the name of the  
3 court[,]; **the case number of the action, if one has been assigned;** the title of the [*cause and*  
4 *the*] document[,]; **and** the names of the parties[, *and the attorney for the party requesting*  
5 *filing, if there be one,*] are legibly [*endorsed*] **displayed** on the front of the document, nor  
6 unless the contents [*thereof*] **of the document** are legible. **Further, the clerk is not required to**  
7 **receive for filing any document that does not include the name, address, and telephone**  
8 **number of the party or the attorney for the party, if the party is represented.**

9       **F       Service by [*telephonic*] facsimile communication [*device*].** Whenever under  
10 these rules service is required or permitted to be made upon a party, and that party is  
11 represented by an attorney, the service may be made upon the attorney by means of [*a*  
12 *telephonic*] facsimile communication [*device*] if the attorney [*maintains such a device at the*  
13 *attorney's office and the device*] **has such technology available and said technology** is  
14 operating at the time service is made. Service in this manner shall be [*equivalent to service by*  
15 *mail for purposes of*] **subject to** Rule 10 C. **Facsimile communication includes: a telephonic**  
16 **facsimile communication device; a facsimile server or other computerized system capable of**  
17 **receiving and storing incoming facsimile communications electronically and then routing**  
18 **them to users on paper or via e-mail; or an internet facsimile service that allows users to**  
19 **send and receive facsimiles from their personal computers using an existing e-mail account.**

20       **G       Service by e-mail.** Service by e-mail is prohibited unless attorneys agree in  
21 writing to e-mail service. This agreement must provide the names and e-mail addresses of all  
22 attorneys and the attorneys' designees, if any, to be served. **Any attorney who has consented**  
23 **to e-mail service must notify the other parties in writing of any changes to the attorney's e-**  
24 **mail address.** Any attorney may withdraw his or her agreement at any time, upon proper  
25 notice via e-mail and any one of the other methods authorized by this rule. [*Service*] **Subject to**  
26 **Rule 10 C, service** is effective under this method when the sender has received confirmation

1 that the attachment has been received by the designated recipient. Confirmation of receipt  
2 does not include an automatically generated message that the recipient is out of the office or  
3 is otherwise unavailable.

4 **H Service by electronic service. As used in this section, electronic service means**  
5 **using an electronic filing system provided by the Oregon Judicial Department and in the**  
6 **manner prescribed in rules adopted by the Chief Justice of the Oregon Supreme Court.**





1 **documents** required to be served upon a party by section A of this rule shall be filed with the  
2 court within a reasonable time after service. Except as otherwise provided in Rule 7 and Rule 8,  
3 proof of service of all [*papers*] **documents** required or permitted to be served may be by  
4 written acknowledgment of service, by affidavit or declaration of the person making service, or  
5 by certificate of an attorney. [*Such proof*] **Proof** of service may be made upon the [*papers*]  
6 **document** served or as a separate document attached [*to the papers*] **thereto**. [*Where*] **If**  
7 service is made by [*telephonic*] facsimile communication [*device*] or **by** e-mail, proof of service  
8 shall be made by affidavit or **by** declaration of the person making service, or by certificate of an  
9 attorney or sheriff. [*Attached*] **If service is made by facsimile communication under section F**  
10 **of this rule, the person making service shall attach** to [*such*] **the** affidavit, declaration, or  
11 certificate [*shall be the*] printed confirmation of receipt of the message generated by the  
12 [*transmitting machine, if facsimile communication is used*] **transmitting technology**. If service is  
13 made by e-mail under section G of this rule, the person making service must certify that he or  
14 she received confirmation that the message was received, either by return e-mail,  
15 automatically generated message, [*telephonic*] facsimile **communication**, or orally; **however,**  
16 **an automatically generated message indicating that the recipient is out of the office or is**  
17 **otherwise unavailable cannot support the required certification.**

18 **D When filing not required.** Notices of deposition, requests made pursuant to  
19 Rule 43, and answers and responses thereto shall not be filed with the court. This rule shall not  
20 preclude their use as exhibits or as evidence on a motion or at trial. Offers [*of compromise*] **to**  
21 **allow judgment** made pursuant to Rule 54 E shall not be filed with the court except as  
22 provided in Rule 54 E(3).

23 **E Filing with the court defined.** The filing of pleadings and other documents with  
24 the court as required by these rules shall be made by filing them with the clerk of the court or  
25 the person exercising the duties of that office. The clerk or the person exercising the duties of  
26 that office shall endorse upon [*such*] **the** pleading or document the time of day, the day of the

1 month, the month, and the year. The clerk or person exercising the duties of that office is not  
2 required to receive for filing any document unless **a caption that includes** the name of the  
3 court[,]; **the case number of the action, if one has been assigned;** the title of the [*cause and*  
4 *the*] document[,]; **and** the names of the parties[, *and the attorney for the party requesting*  
5 *filing, if there be one,*] are legibly [*endorsed*] **displayed** on the front of the document, nor  
6 unless the contents [*thereof*] **of the document** are legible. **Further, the clerk is not required to**  
7 **receive for filing any document that does not include the name, address, and telephone**  
8 **number of the party or the attorney for the party, if the party is represented.**

9       **F       Service by [*telephonic*] facsimile communication [*device*].** Whenever under  
10 these rules service is required or permitted to be made upon a party, and that party is  
11 represented by an attorney, the service may be made upon the attorney by means of [*a*  
12 *telephonic*] facsimile communication [*device*] if the attorney [*maintains such a device at the*  
13 *attorney's office and the device*] **has such technology available and said technology** is  
14 operating at the time service is made. Service in this manner shall be [*equivalent to service by*  
15 *mail for purposes of*] **subject to** Rule 10 C. **Facsimile communication includes: a telephonic**  
16 **facsimile communication device; a facsimile server or other computerized system capable of**  
17 **receiving and storing incoming facsimile communications electronically and then routing**  
18 **them to users on paper or via e-mail; or an internet facsimile service that allows users to**  
19 **send and receive facsimiles from their personal computers using an existing e-mail account.**

20       **G       Service by e-mail.** Service by e-mail is prohibited unless attorneys agree in  
21 writing to e-mail service. This agreement must provide the names and e-mail addresses of all  
22 attorneys and the attorneys' designees, if any, to be served. **Any attorney who has consented**  
23 **to e-mail service must notify the other parties in writing of any changes to the attorney's e-**  
24 **mail address.** Any attorney may withdraw his or her agreement at any time, upon proper  
25 notice via e-mail and any one of the other methods authorized by this rule. [*Service*] **Subject to**  
26 **Rule 10 C, service** is effective under this method when the sender has received confirmation

1 | that the attachment has been received by the designated recipient. Confirmation of receipt  
2 | does not include an automatically generated message **indicating** that the recipient is out of the  
3 | office or **is** otherwise unavailable.

4 |         **H         Service by electronic service. As used in these rules, “electronic service”**  
5 | **means using an electronic filing system provided by the Oregon Judicial Department and in**  
6 | **the manner prescribed in rules adopted by the Chief Justice of the Oregon Supreme Court.**

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