

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 that
5 may be heard ex parte; and every written request, notice, appearance, demand, offer to allow
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 that attorney or party; by mailing it to the attorney's
14 or party's last known address; **by e-mail as provided in section G of this rule**; by electronic
15 service as provided in section H of this rule; or, if the party is represented by an attorney, by
16 facsimile communication [*or by e-mail*] as provided in [*sections*] **section 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 the person's office with the person's clerk or person apparently in charge thereof; or, if there is
19 no one in charge, leaving the copy in a conspicuous place therein; or, if the office is closed or
20 the person to be served has no office, leaving the copy at the person's dwelling house or usual
21 place of abode with some person 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 **an extra** copy of the pleading or other document with the court. Service by mail is complete
24 upon mailing. Service of any notice or other document to bring a party into contempt may only
25 be upon that party personally.

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

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

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

20 **E Filing with the court defined.** The filing of pleadings and other documents with the
21 court as required by these rules shall be made by filing them with the clerk of the court or the
22 person exercising the duties of that office. The clerk or the person exercising the duties of that
23 office shall endorse upon the pleading or document the time of day, the day of the month, the
24 month, and the year. The clerk or person exercising the duties of that office is not required to
25 receive for filing any document unless a caption that includes the name of the court; the case
26 number of the action, if one has been assigned; the title of the document; and the names of the

1 parties are legibly displayed on the front of the document, nor unless the contents of the
2 document are legible. Further, the clerk is not required to receive for filing any document that
3 does not include the name, address, and telephone number of the party or the attorney for the
4 party, if the party is represented.

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

14 **G Service by e-mail.** *[Service by e-mail is prohibited unless attorneys agree in writing to*
15 *e-mail service.] Whenever under these rules service is required or permitted to be made upon*
16 *a party, unless the party or the party's attorney is exempted from service by e-mail by an*
17 *order of the court, the service may be made by means of e-mail. [This agreement] Any party*
18 *or any party's attorney must provide the [names] name and e-mail [addresses] address of [all*
19 *attorneys] that party or that attorney and [the attorneys' designees] that attorney's designee,*
20 *if any, [to be] on any document served by e-mail. Any party or attorney who has [consented*
21 *to] served or received any document by e-mail service must notify the other parties in writing*
22 *of any changes to [the] that party's or that attorney's e-mail address. [Any attorney may*
23 *withdraw his or her agreement at any time, upon proper notice via e-mail and any one of the*
24 *other methods authorized by this rule.] Subject to Rule 10 C, service is effective under this*
25 *method when the sender has received confirmation that the attachment has been received by*
26 *the designated recipient. Confirmation of receipt does not include an automatically generated*

1 | message that the recipient is out of the office or is otherwise unavailable.

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

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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 that
5 may be heard ex parte; and every written request, notice, appearance, demand, offer to allow
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 that attorney or party; by mailing it to the attorney's
14 or party's last known address; by electronic service as provided in section H of this rule; or, if
15 the party is represented by an attorney, by facsimile communication or by e-mail as provided in
16 sections F or G of this rule. Delivery of a copy within this rule means: handing it to the person to
17 be served; or leaving it at the person's office with the person's clerk or person apparently in
18 charge thereof; or, if there is no one in charge, leaving the copy in a conspicuous place therein;
19 or, if the office is closed or the person to be served has no office, leaving the copy at the
20 person's dwelling house or usual place of abode with some person 14 years of age or older then
21 residing therein. A party who has appeared without providing an appropriate address for
22 service may be served by filing [*a copy of*] the pleading or other document with the court.
23 Service by mail is complete upon mailing. Service of any notice or other document to bring a
24 party into contempt may only be upon that party personally.

25 **C Filing; proof of service.** Except as provided by section D of this rule, all documents
26 required to be served upon a party by section A of this rule shall be filed with the court within a

1 reasonable time after service. Except as otherwise provided in Rule 7 and Rule 8, proof of
2 service of all documents required or permitted to be served may be by written
3 acknowledgment of service, by affidavit or declaration of the person making service, or by
4 certificate of an attorney. Proof of service may be made upon the document served or as a
5 separate document attached thereto.

6 **C(1) Proof of service by facsimile communication.** If service is made by facsimile
7 communication [*or by e-mail,*] **under section F of this rule,** proof of service shall be made by
8 affidavit or by declaration of the person making service, or by certificate of an attorney [*or*
9 *sheriff*]. If service is made by facsimile communication [*under section F of this rule*], the person
10 making service shall attach to the affidavit, declaration, or certificate printed confirmation of
11 receipt of the message generated by the transmitting technology.

12 **C(2) Proof of service by e-mail.** If service is made by e-mail under section G of this rule,
13 [*the person making service must certify*] **proof of service shall be made by affidavit or by**
14 **declaration of the person making service, or by certificate of an attorney, stating** that he or
15 she received confirmation that the [*message*] **attachment** was received[, *either by return*
16 *e-mail, automatically generated message, facsimile communication, or orally; however, an*] **by**
17 **the designated recipient and specifying the method by which the sender received**
18 **confirmation.** **An** automatically generated message indicating that the recipient is out of the
19 office or is otherwise unavailable cannot support the required certification, **nor can an**
20 **automatically generated e-mail delivery status notification.** **Service by e-mail is effective at**
21 **the time of receipt of the attachment by the designated recipient, as confirmed by the**
22 **recipient either by a return e-mail, a response to a request for an e-mail read receipt, a**
23 **facsimile communication, or an oral communication.**

24 **C(3) Proof of service upon a party without a service address.** **Service upon a party who**
25 **has appeared without providing an appropriate address for service shall be by affidavit or by**
26 **declaration of the person filing the document, or by certificate of an attorney, that service by**

1 **filing as provided in section B of this rule is appropriate.**

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

6 **E Filing with the court defined.** The filing of pleadings and other documents with the
7 court as required by these rules shall be made by filing them with the clerk of the court or the
8 person exercising the duties of that office. The clerk or the person exercising the duties of that
9 office shall endorse upon the pleading or document the time of day, the day of the month, the
10 month, and the year. The clerk or person exercising the duties of that office is not required to
11 receive for filing any document unless a caption that includes the name of the court; the case
12 number of the action, if one has been assigned; the title of the document; and the names of the
13 parties are legibly displayed on the front of the document, nor unless the contents of the
14 document are legible. Further, the clerk is not required to receive for filing any document that
15 does not include the name, address, and telephone number of the party or the attorney for the
16 party, if the party is represented.

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

26 **G Service by e-mail.** *[Service by e-mail is prohibited unless attorneys agree in writing to*

1 | *e-mail service.*] **Whenever under these rules service is required or permitted to be made upon**
2 | **a party, unless the party or the party’s attorney is exempted from service by e-mail by an**
3 | **order of the court, the service may be made by means of e-mail.** *[This agreement]* **Any party**
4 | **or any party’s attorney** must provide the *[names]* **name** and e-mail *[addresses]* **address** of *[all*
5 | *attorneys]* **that party or that attorney** and *[the attorneys’ designees,]* **that attorney’s designee,**
6 | if any, *[to be]* **on any document** served **by e-mail.** Any **party or** attorney who has *[consented to]*
7 | **communicated by** e-mail **or by electronic** service must notify the other parties in writing of any
8 | changes to *[the]* **that party or that** attorney’s e-mail address. *[Any attorney may withdraw his*
9 | *or her agreement at any time, upon proper notice via e-mail and any one of the other methods*
10 | *authorized by this rule. Subject to Rule 10 C, service is effective under this method when the*
11 | *sender has received confirmation that the attachment has been received by the designated*
12 | *recipient. Confirmation of receipt does not include an automatically generated message that the*
13 | *recipient is out of the office or is otherwise unavailable.]* **Service in this manner shall be subject**
14 | **to Rule 10 B.**

15 | **H Service by electronic service.** As used in this section, electronic service means using
16 | an electronic filing system provided by the Oregon Judicial Department and in the manner
17 | prescribed in rules adopted by the Chief Justice of the Oregon Supreme Court.
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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 that
5 may be heard ex parte; and every written request, notice, appearance, demand, offer to allow
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 that attorney or party; by mailing it to the attorney's
14 or party's last known address **by e-mail as provided in section G of this rule**; by electronic
15 service as provided in section H of this rule; or, if the party is represented by an attorney, by
16 facsimile communication [*or by e-mail*] as provided in [*sections*] **section 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 the person's office with the person's clerk or person apparently in charge thereof; or, if there is
19 no one in charge, leaving the copy in a conspicuous place therein; or, if the office is closed or
20 the person to be served has no office, leaving the copy at the person's dwelling house or usual
21 place of abode with some person 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 document 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 that party personally.

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

1 required to be served upon a party by section A of this rule shall be filed with the court within a
2 reasonable time after service. Except as otherwise provided in Rule 7 and Rule 8, proof of
3 service of all documents required or permitted to be served may be by written
4 acknowledgment of service, by affidavit or declaration of the person making service, or by
5 certificate of an attorney. Proof of service may be made upon the document served or as a
6 separate document attached thereto.

7 **C(1) Proof of service by facsimile communication.** If service is made by facsimile
8 communication [*or by e-mail,*] **under section F of this rule,** proof of service shall be made by
9 affidavit or by declaration of the person making service, or by certificate of an attorney [*or*
10 *sheriff*]. If service is made by facsimile communication [*under section F of this rule*], the person
11 making service shall attach to the affidavit, declaration, or certificate printed confirmation of
12 receipt of the message generated by the transmitting technology.

13 **C(2) Proof of service by e-mail.** If service is made by e-mail under section G of this rule,
14 [*the person making service must certify*] **proof of service shall be made by affidavit or by**
15 **declaration of the person making service, or by certificate of an attorney, stating** that he or
16 she received confirmation that the message **and attachment** [*was*] **were** received[, *either by*
17 *return e-mail, automatically generated message, facsimile communication, or orally; however,*
18 *an*] **by the designated recipient and specifying the method by which the sender received**
19 **confirmation.** **An** automatically generated message indicating that the recipient is out of the
20 office or is otherwise unavailable cannot support the required certification, **nor can an**
21 **automatically generated e-mail delivery status notification.** **Service by e-mail is effective at**
22 **the time of receipt of the message and any attachment by the designated recipient.**

23 **C(3) Proof of service by electronic service.** If service is made by electronic service
24 **under section H of this rule, proof of service shall be made by affidavit or by declaration of**
25 **the person making service, or by certificate of an attorney specifying that service was**
26 **completed by electronic service and by one other form of service authorized by section B of**

1 this rule.

2 **C(4) Proof of service upon a party without a service address. Service upon a party who**
3 **has appeared without providing an appropriate address for service shall be by affidavit or by**
4 **declaration of the person filing the document, or by certificate of an attorney, that service by**
5 **filing as provided in section B of this rule is appropriate.**

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

10 **E Filing with the court defined.** The filing of pleadings and other documents with the
11 court as required by these rules shall be made by filing them with the clerk of the court or the
12 person exercising the duties of that office. The clerk or the person exercising the duties of that
13 office shall endorse upon the pleading or document the time of day, the day of the month, the
14 month, and the year. The clerk or person exercising the duties of that office is not required to
15 receive for filing any document unless a caption that includes the name of the court; the case
16 number of the action, if one has been assigned; the title of the document; and the names of the
17 parties are legibly displayed on the front of the document, nor unless the contents of the
18 document are legible. Further, the clerk is not required to receive for filing any document that
19 does not include the name, address, and telephone number of the party or the attorney for the
20 party, if the party is represented.

21 **F Service by facsimile communication.** Whenever under these rules service is required
22 or permitted to be made upon a party, and that party is represented by an attorney, the service
23 may be made upon the attorney by means of facsimile communication if the attorney has such
24 technology available and said technology is operating at the time service is made. Service in this
25 manner shall be subject to Rule 10 [C]B. Facsimile communication includes: a telephonic
26 facsimile communication device; a facsimile server or other computerized system capable of

1 receiving and storing incoming facsimile communications electronically and then routing them
2 to users on paper or via e-mail; or an internet facsimile service that allows users to send and
3 receive facsimiles from their personal computers using an existing e-mail account.

4 **G Service by e-mail.** *[Service by e-mail is prohibited unless attorneys agree in writing to*
5 *e-mail service.] Whenever under these rules service is required or permitted to be made upon*
6 *a party, unless the party or the party's attorney is exempted from service by e-mail by an*
7 *order of the court, the service may be made by means of e-mail.* *[This agreement] Any party*
8 *or any party's attorney* must provide the *[names] name* and e-mail *[addresses] address* of *[all*
9 *attorneys] that party or that attorney* and *[the attorneys' designees,] that attorney's designee,*
10 *if any, [to be] on any document* served *by e-mail*. Any *party or* attorney who has *[consented to]*
11 *communicated by* e-mail *or by electronic* service must notify the other parties in writing of any
12 changes to *[the] that party or that* attorney's e-mail address. *[Any attorney may withdraw his*
13 *or her agreement at any time, upon proper notice via e-mail and any one of the other methods*
14 *authorized by this rule. Subject to Rule 10 C, service is effective under this method when the*
15 *sender has received confirmation that the attachment has been received by the designated*
16 *recipient. Confirmation of receipt does not include an automatically generated message that the*
17 *recipient is out of the office or is otherwise unavailable.] Service in this manner shall be subject*
18 *to Rule 10 B.*

19 **H Service by electronic service.** As used in this section, electronic service means using
20 an electronic filing system provided by the Oregon Judicial Department and in the manner
21 prescribed in rules adopted by the Chief Justice of the Oregon Supreme Court. **Electronic**
22 **service is completed by contemporaneously serving the recipient by e-mail or any additional**
23 **form of service authorized by section B of this rule.**

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 that
5 may be heard ex parte; and every written request, notice, appearance, demand, offer to allow
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 that attorney or party; by mailing it to the attorney's
14 or party's last known address; **by e-mail as provided in section G of this rule**; by electronic
15 service as provided in section H of this rule; or, if the party is represented by an attorney, by
16 facsimile communication [*or by e-mail*] as provided in [*sections*] **section 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 the person's office with the person's clerk or person apparently in charge thereof; or, if there is
19 no one in charge, leaving the copy in a conspicuous place therein; or, if the office is closed or
20 the person to be served has no office, leaving the copy at the person's dwelling house or usual
21 place of abode with some person 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 document 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 that party personally.

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

1 required to be served upon a party by section A of this rule shall be filed with the court within a
2 reasonable time after service. Except as otherwise provided in Rule 7 and Rule 8, proof of
3 service of all documents required or permitted to be served may be by written
4 acknowledgment of service, by affidavit or declaration of the person making service, or by
5 certificate of an attorney. Proof of service may be made upon the document served or as a
6 separate document attached thereto.

7 **C(1) Proof of service by facsimile communication.** If service is made by facsimile
8 communication [*or by e-mail,*] **under section F of this rule,** proof of service shall be made by
9 affidavit or by declaration of the person making service, or by certificate of an attorney [*or*
10 *sheriff*]. If service is made by facsimile communication [*under section F of this rule*], the person
11 making service shall attach to the affidavit, declaration, or certificate printed confirmation of
12 receipt of the message generated by the transmitting technology.

13 **C(2) Proof of service by e-mail.** If service is made by e-mail under section G of this rule,
14 [*the person making service must certify*] **proof of service shall be made by affidavit or by**
15 **declaration of the person making service, or by certificate of an attorney, stating** that he or
16 she received confirmation that the message **and attachment** [*was*] **were** received[, *either by*
17 *return e-mail, automatically generated message, facsimile communication, or orally; however,*
18 *an*] **by the designated recipient and specifying the method by which the sender received**
19 **confirmation.** **An** automatically generated message indicating that the recipient is out of the
20 office or is otherwise unavailable cannot support the required certification, **nor can an**
21 **automatically generated e-mail delivery status notification.** **Service by e-mail is effective at**
22 **the time of receipt of the message and any attachment by the designated recipient.**

23 **C(3) Proof of service by electronic service.** If service is made by electronic service
24 **under section H of this rule, proof of service shall be made by affidavit or by declaration of**
25 **the person making service, or by certificate of an attorney, specifying that service was**
26 **completed by electronic service and by one other form of service authorized by section B of**

1 this rule.

2 **C(4) Proof of service upon a party without a service address. Service upon a party who**
3 **has appeared without providing an appropriate address for service shall be by affidavit or by**
4 **declaration of the person filing the document, or by certificate of an attorney, that service by**
5 **filing as provided in section B of this rule is appropriate.**

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

10 **E Filing with the court defined.** The filing of pleadings and other documents with the
11 court as required by these rules shall be made by filing them with the clerk of the court or the
12 person exercising the duties of that office. The clerk or the person exercising the duties of that
13 office shall endorse upon the pleading or document the time of day, the day of the month, the
14 month, and the year. The clerk or person exercising the duties of that office is not required to
15 receive for filing any document unless a caption that includes the name of the court; the case
16 number of the action, if one has been assigned; the title of the document; and the names of the
17 parties are legibly displayed on the front of the document, nor unless the contents of the
18 document are legible. Further, the clerk is not required to receive for filing any document that
19 does not include the name, address, and telephone number of the party or the attorney for the
20 party, if the party is represented.

21 **F Service by facsimile communication.** Whenever under these rules service is required
22 or permitted to be made upon a party, and that party is represented by an attorney, the service
23 may be made upon the attorney by means of facsimile communication if the attorney has such
24 technology available and said technology is operating at the time service is made. Service in this
25 manner shall be subject to Rule 10 [C]B. Facsimile communication includes: a telephonic
26 facsimile communication device; a facsimile server or other computerized system capable of

1 receiving and storing incoming facsimile communications electronically and then routing them
2 to users on paper or via e-mail; or an internet facsimile service that allows users to send and
3 receive facsimiles from their personal computers using an existing e-mail account.

4 **G Service by e-mail.** *[Service by e-mail is prohibited unless attorneys agree in writing to*
5 *e-mail service.] Whenever under these rules service is required or permitted to be made upon*
6 *a party, unless the party or the party's attorney is exempted from service by e-mail by an*
7 *order of the court, the service may be made by means of e-mail.* *[This agreement] Any party*
8 *or any party's attorney* must provide the *[names] name* and e-mail *[addresses] address* of *[all*
9 *attorneys] that party or that attorney* and *[the attorneys' designees,] that attorney's designee,*
10 *if any, [to be] on any document* served *by e-mail*. Any *party or* attorney who has *[consented to]*
11 *communicated by* e-mail *or by electronic* service must notify the other parties in writing of any
12 changes to *[the] that party or that* attorney's e-mail address. *[Any attorney may withdraw his*
13 *or her agreement at any time, upon proper notice via e-mail and any one of the other methods*
14 *authorized by this rule. Subject to Rule 10 C, service is effective under this method when the*
15 *sender has received confirmation that the attachment has been received by the designated*
16 *recipient. Confirmation of receipt does not include an automatically generated message that the*
17 *recipient is out of the office or is otherwise unavailable.] Service in this manner shall be subject*
18 *to Rule 10 B.*

19 **H Service by electronic service.** As used in this section, electronic service means using
20 an electronic filing system provided by the Oregon Judicial Department and in the manner
21 prescribed in rules adopted by the Chief Justice of the Oregon Supreme Court. **Electronic**
22 **service is completed by contemporaneously serving the recipient by e-mail or any additional**
23 **form of service authorized by section B of this rule.**

1 required to be served upon a party by section A of this rule shall be filed with the court within a
2 reasonable time after service. Except as otherwise provided in Rule 7 and Rule 8, proof of
3 service of all documents required or permitted to be served may be by written
4 acknowledgment of service, by affidavit or declaration of the person making service, or by
5 certificate of an attorney. Proof of service may be made upon the document served or as a
6 separate document attached thereto.

7 **C(1) Proof of service by facsimile communication.** If service is made by facsimile
8 communication [*or by e-mail,*] **under section F of this rule,** proof of service shall be made by
9 affidavit or by declaration of the person making service, or by certificate of an attorney [*or*
10 *sheriff*]. If service is made by facsimile communication [*under section F of this rule*], the person
11 making service shall attach to the affidavit, declaration, or certificate printed confirmation of
12 receipt of the message generated by the transmitting technology.

13 **C(2) Proof of service by e-mail.** If service is made by e-mail under section G of this rule,
14 [*the person making service must certify*] **proof of service shall be made by affidavit or by**
15 **declaration of the person making service, or by certificate of an attorney, stating** that he or
16 she received confirmation that the message **and attachment** [*was*] **were** received[, *either by*
17 *return e-mail, automatically generated message, facsimile communication, or orally; however,*
18 *an*] **by the designated recipient and specifying the method by which the sender received**
19 **confirmation.** **An** automatically generated message indicating that the recipient is out of the
20 office or is otherwise unavailable cannot support the required certification, **nor can an**
21 **automatically generated e-mail delivery status notification.** **Service by e-mail is effective at**
22 **the time of receipt of the message and any attachment by the designated recipient.**

23 **C(3) Proof of service by electronic service.** If service is made by electronic service
24 **under section H of this rule, proof of service shall be made by affidavit or by declaration of**
25 **the person making service, or by certificate of an attorney, specifying that service was**
26 **completed by electronic service.**

1 **C(4) Proof of service upon a party without a service address. Service upon a party who**
2 **has appeared without providing an appropriate address for service shall be by affidavit or by**
3 **declaration of the person filing the document, or by certificate of an attorney, that service by**
4 **filing as provided in section B of this rule is appropriate.**

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

9 **E Filing with the court defined.** The filing of pleadings and other documents with the
10 court as required by these rules shall be made by filing them with the clerk of the court or the
11 person exercising the duties of that office. The clerk or the person exercising the duties of that
12 office shall endorse upon the pleading or document the time of day, the day of the month, the
13 month, and the year. The clerk or person exercising the duties of that office is not required to
14 receive for filing any document unless a caption that includes the name of the court; the case
15 number of the action, if one has been assigned; the title of the document; and the names of the
16 parties are legibly displayed on the front of the document, nor unless the contents of the
17 document are legible. Further, the clerk is not required to receive for filing any document that
18 does not include the name, address, and telephone number of the party or the attorney for the
19 party, if the party is represented.

20 **F Service by facsimile communication.** Whenever under these rules service is required
21 or permitted to be made upon a party, and that party is represented by an attorney, the service
22 may be made upon the attorney by means of facsimile communication if the attorney has such
23 technology available and said technology is operating at the time service is made. Service in this
24 manner shall be subject to Rule 10 [C]**B**. Facsimile communication includes: a telephonic
25 facsimile communication device; a facsimile server or other computerized system capable of
26 receiving and storing incoming facsimile communications electronically and then routing them

1 to users on paper or via e-mail; or an internet facsimile service that allows users to send and
2 receive facsimiles from their personal computers using an existing e-mail account.

3 **G Service by e-mail.** *[Service by e-mail is prohibited unless attorneys agree in writing to*
4 *e-mail service.] Whenever under these rules service is required or permitted to be made upon*
5 *a party, unless the party or the party’s attorney is exempted from service by e-mail by an*
6 *order of the court, the service may be made by means of e-mail.* *[This agreement] Any party*
7 *or any party’s attorney* must provide the *[names] name* and e-mail *[addresses] address* of *[all*
8 *attorneys] that party or that attorney* and *[the attorneys’ designees,] that attorney’s designee,*
9 *if any, [to be] on any document* served *by e-mail.* Any *party or* attorney who has *[consented to]*
10 *communicated by* e-mail *or by electronic* service must notify the other parties in writing of any
11 changes to *[the] that party or that* attorney’s e-mail address. *[Any attorney may withdraw his*
12 *or her agreement at any time, upon proper notice via e-mail and any one of the other methods*
13 *authorized by this rule. Subject to Rule 10 C, service is effective under this method when the*
14 *sender has received confirmation that the attachment has been received by the designated*
15 *recipient. Confirmation of receipt does not include an automatically generated message that the*
16 *recipient is out of the office or is otherwise unavailable.] Service in this manner shall be subject*
17 *to Rule 10 B.*

18 **H Service by electronic service.** As used in this section, electronic service means using
19 an electronic filing system provided by the Oregon Judicial Department and in the manner
20 prescribed in rules adopted by the Chief Justice of the Oregon Supreme Court.
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1 required to be served upon a party by section A of this rule shall be filed with the court within a
2 reasonable time after service. Except as otherwise provided in Rule 7 and Rule 8, proof of
3 service of all documents required or permitted to be served may be by written
4 acknowledgment of service, by affidavit or declaration of the person making service, or by
5 certificate of an attorney. Proof of service may be made upon the document served or as a
6 separate document attached thereto.

7 **C(1) Proof of service by facsimile communication.** If service is made by facsimile
8 communication [*or by e-mail,*] **under section F of this rule,** proof of service shall be made by
9 affidavit or by declaration of the person making service, or by certificate of an attorney [*or*
10 *sheriff. If service is made by facsimile communication under section F of this rule,*] **and** the
11 person making service shall attach to the affidavit, declaration, or certificate printed
12 confirmation of receipt of the message generated by the transmitting technology.

13 **C(2) Proof of service by e-mail.** If service is made by e-mail under section G of this rule,
14 [*the person making service must certify*] **proof of service shall be made by affidavit or by**
15 **declaration of the person making service, or by certificate of an attorney, stating either that**
16 **the other party has consented to service by e-mail or** that he or she received confirmation that
17 the message **and attachment** [*was*] **were** received[, *either by return e-mail, automatically*
18 *generated message, facsimile communication, or orally; however, an*] **by the designated**
19 **recipient and specifying the method by which the sender received confirmation.** **An**
20 automatically generated message indicating that the recipient is out of the office or is
21 otherwise unavailable cannot support the required certification, **nor can an automatically**
22 **generated e-mail delivery status notification.** **Service by e-mail is effective at the time of**
23 **receipt of the message and any attachment by the designated recipient.**

24 **C(3) Proof of service by electronic service.** If service is made by electronic service
25 **under section H of this rule, proof of service shall be made by affidavit or by declaration of**
26 **the person making service, or by certificate of an attorney, specifying that service was**

1 completed by electronic service.

2 C(4) Proof of service upon a party without a service address. Service upon a party who
3 has appeared without providing an appropriate address for service shall be by affidavit or by
4 declaration of the person filing the document, or by certificate of an attorney, that service by
5 filing as provided in section B of this rule is appropriate.

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

10 **E Filing with the court defined.** The filing of pleadings and other documents with the
11 court as required by these rules shall be made by filing them with the clerk of the court or the
12 person exercising the duties of that office. The clerk or the person exercising the duties of that
13 office shall endorse upon the pleading or document the time of day, the day of the month, the
14 month, and the year. The clerk or person exercising the duties of that office is not required to
15 receive for filing any document unless a caption that includes the name of the court; the case
16 number of the action, if one has been assigned; the title of the document; and the names of the
17 parties are legibly displayed on the front of the document, nor unless the contents of the
18 document are legible. Further, the clerk is not required to receive for filing any document that
19 does not include the name, address, and telephone number of the party or the attorney for the
20 party, if the party is represented.

21 **F Service by facsimile communication.** Whenever under these rules service is required
22 or permitted to be made upon a party, and that party is represented by an attorney, the service
23 may be made upon the attorney by means of facsimile communication if the attorney has such
24 technology available and said technology is operating at the time service is made. Service in this
25 manner shall be subject to Rule 10 [C]B. Facsimile communication includes: a telephonic
26 facsimile communication device; a facsimile server or other computerized system capable of

1 receiving and storing incoming facsimile communications electronically and then routing them
2 to users on paper or via e-mail; or an internet facsimile service that allows users to send and
3 receive facsimiles from their personal computers using an existing e-mail account.

4 **G Service by e-mail.** *[Service by e-mail is prohibited unless attorneys agree in writing to*
5 *e-mail service.] Whenever under these rules service is required or permitted to be made upon*
6 *a party, unless the party or the party’s attorney is exempted from service by e-mail by an*
7 *order of the court, the service may be made by means of e-mail.* *[This agreement] Any party*
8 *or any party’s attorney* must provide the *[names] name* and e-mail *[addresses] address* of *[all*
9 *attorneys] that party or that attorney* and *[the attorneys’ designees,] that attorney’s designee,*
10 *if any, [to be] on any document* served *by e-mail.* Any **party or** attorney who has *[consented to]*
11 **communicated by** e-mail **or by electronic** service must notify the other parties in writing of any
12 changes to *[the] that party or that* attorney’s e-mail address. *[Any attorney may withdraw his*
13 *or her agreement at any time, upon proper notice via e-mail and any one of the other methods*
14 *authorized by this rule. Subject to Rule 10 C, service is effective under this method when the*
15 *sender has received confirmation that the attachment has been received by the designated*
16 *recipient. Confirmation of receipt does not include an automatically generated message that the*
17 *recipient is out of the office or is otherwise unavailable.] Service in this manner shall be subject*
18 **to Rule 10 B.**

19 **H Service by electronic service.** As used in this section, electronic service means using
20 an electronic filing system provided by the Oregon Judicial Department and in the manner
21 prescribed in rules adopted by the Chief Justice of the Oregon Supreme Court.
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1 **C Filing; proof of service.** Except as provided by section D of this rule, all documents
2 required to be served [upon] **on** a party by section A of this rule shall be filed with the court
3 within a reasonable time after service. Except as otherwise provided in Rule 7 and Rule 8, proof
4 of service of all documents required or permitted to be served may be by written
5 acknowledgment of service, by affidavit or declaration of the person making service, or by
6 certificate of an attorney. Proof of service may be made [upon] **on** the document served or as a
7 separate document attached thereto.

8 **C(1) Proof of service by facsimile communication.** If service is made by facsimile
9 communication [*or by e-mail,*] **under section F of this rule,** proof of service shall be made by
10 affidavit or by declaration of the person making service, or by certificate of an attorney [*or*
11 *sheriff. If service is made by facsimile communication under section F of this rule,*] **and** the
12 person making service shall attach to the affidavit, declaration, or certificate printed
13 confirmation of receipt of the message generated by the transmitting technology.

14 **C(2) Proof of service by e-mail.** If service is made by e-mail under section G of this rule,
15 [*the person making service must certify*] **proof of service shall be made by affidavit or by**
16 **declaration of the person making service, or by certificate of an attorney, stating either that**
17 **the other party has consented to service by e-mail or** that he or she received confirmation
18 that the message **and attachment** [*was*] **were** received[, *either by return e-mail, automatically*
19 *generated message, facsimile communication, or orally; however, an*] **by the designated**
20 **recipient and specifying the method by which the sender received confirmation. An**
21 automatically generated message indicating that the recipient is out of the office or is
22 otherwise unavailable cannot support the required certification, **nor can an automatically**
23 **generated e-mail delivery status notification. Service by e-mail is effective at the time of**
24 **receipt of the message and any attachment by the designated recipient.**

25 **C(3) Proof of service by electronic service.** If service is made by electronic service
26 **under section H of this rule, proof of service shall be made by affidavit or by declaration of**

1 the person making service, or by certificate of an attorney, specifying that service was
2 completed by electronic service.

3 C(4) Proof of service on a party without a service address. Service on a party who has
4 appeared without providing an appropriate address for service shall be by affidavit or by
5 declaration of the person filing the document, or by certificate of an attorney, that service by
6 filing as provided in section B of this rule is appropriate.

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

11 **E Filing with the court defined.** The filing of pleadings and other documents with the
12 court as required by these rules shall be made by filing them with the clerk of the court or the
13 person exercising the duties of that office. The clerk or the person exercising the duties of that
14 office shall endorse [upon] on the pleading or document the time of day, the day of the month,
15 the month, and the year. The clerk or person exercising the duties of that office is not required
16 to receive for filing any document unless a caption that includes the name of the court; the
17 case number of the action, if one has been assigned; the title of the document; and the names
18 of the parties are legibly displayed on the front of the document, nor unless the contents of
19 the document are legible. Further, the clerk is not required to receive for filing any document
20 that does not include the name, address, and telephone number of the party or the attorney
21 for the party, if the party is represented.

22 **F Service by facsimile communication.** Whenever under these rules service is required
23 or permitted to be made [upon] on a party, and that party is represented by an attorney, the
24 service may be made [upon] on the attorney by means of facsimile communication if the
25 attorney has such technology available and said technology is operating at the time service is
26 made. Service in this manner shall be subject to Rule 10 [C]**B**. Facsimile communication

1 includes: a telephonic facsimile communication device; a facsimile server or other
2 computerized system capable of receiving and storing incoming facsimile communications
3 electronically and then routing them to users on paper or via e-mail; or an internet facsimile
4 service that allows users to send and receive facsimiles from their personal computers using an
5 existing e-mail account.

6 **G Service by e-mail.** *[Service by e-mail is prohibited unless attorneys agree in writing to*
7 *e-mail service.] Whenever under these rules service is required or permitted to be made on a*
8 *party, unless the party or the party's attorney is exempted from service by e-mail by an order*
9 *of the court, the service may be made by means of e-mail. Service is complete under this rule*
10 *on confirmation of receipt of the email or, if the receiving party has consented to service by*
11 *email, on transmission of the email.* *[This agreement] **Any party or any party's attorney** must*
12 *provide the [names] **name** and e-mail [addresses] **address** of [all attorneys] **that party or that***
13 ***attorney** and [the attorneys' designees,] **that attorney's designee**, if any, [to be] **on any***
14 ***document** served **by e-mail**. Any **party or** attorney who has [consented to] **communicated by***
15 *e-mail **or by electronic** service must notify the other parties in writing of any changes to [the]*
16 ***that party or that** attorney's e-mail address. [Any attorney may withdraw his or her agreement*
17 *at any time, upon proper notice via e-mail and any one of the other methods authorized by this*
18 *rule. Subject to Rule 10 C, service is effective under this method when the sender has received*
19 *confirmation that the attachment has been received by the designated recipient. Confirmation*
20 *of receipt does not include an automatically generated message that the recipient is out of the*
21 *office or is otherwise unavailable.] **Service in this manner shall be subject to Rule 10 B.***

22 **H Service by electronic service.** As used in this section, electronic service means using
23 an electronic filing system provided by the Oregon Judicial Department and in the manner
24 prescribed in rules adopted by the Chief Justice of the Oregon Supreme Court.
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1 **SERVICE AND FILING OF PLEADINGS AND OTHER [PAPERS] DOCUMENTS**

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 that
5 may be heard ex parte; and every written request, notice, appearance, demand, offer to allow
6 judgment, designation of record on appeal, and similar document shall be served [upon] on
7 each of the parties. No service need be made on parties in default for failure to appear except
8 that pleadings asserting new or additional claims for relief against them shall be served [upon]
9 on them in the manner provided for service of summons in Rule 7.

10 **B Service; how made.** [Whenever] Except as otherwise provided in Rule 7 or Rule 8,
11 whenever under these rules service is required or permitted to be made [upon] on a party, and
12 that party is represented by an attorney, the service shall be made [upon] on the attorney
13 unless otherwise ordered by the court. Service [upon] on the attorney or [upon] on a party shall
14 be made by delivering a copy to that attorney or party; by mailing it to the attorney's or party's
15 last known address; by e-mail as provided in section G of this rule; by electronic service as
16 provided in section H of this rule; or, if the party is represented by an attorney, by facsimile
17 communication [or by e-mail] as provided in section F [or G] of this rule. Delivery of a copy
18 within this rule means: handing it to the person to be served; or leaving it at the person's office
19 with the [person's clerk or] person who is apparently in charge [thereof]; or, if there is no one in
20 charge, leaving the copy in a conspicuous place therein; or, if the office is closed or the person
21 to be served has no office, leaving the copy at the person's dwelling house or usual place of
22 abode with some person 14 years of age or older then residing therein. A party who has
23 appeared without providing an appropriate address for service may be served by filing [a copy
24 of] the pleading or other document with the court. Service by mail is complete [upon] on
25 mailing. Service of any notice or other document to bring a party into contempt may [only be
26 upon] be only on that party personally.

1 **C Filing; proof of service.**

2 **C(1) Generally.** Except as provided by section D of this rule, all documents required to
3 be served [*upon*] **on** a party by section A of this rule shall be filed with the court within a
4 reasonable time after service. Except as otherwise provided in Rule 7 and Rule 8, proof of
5 service of all documents required or permitted to be served may be by written
6 acknowledgment of service, by affidavit or declaration of the person making service, or by
7 certificate of an attorney. Proof of service may be made [*upon*] **on** the document served or as a
8 separate document attached thereto.

9 **C(2) Proof of service by facsimile communication.** If service is made by facsimile
10 communication [*or by e-mail,*] **under section F of this rule,** proof of service shall be made by
11 affidavit or by declaration of the person making service, or by certificate of an attorney [*or*
12 *sheriff. If service is made by facsimile communication under section F of this rule,*] **and** the
13 person making service shall attach to the affidavit, declaration, or certificate printed
14 confirmation of receipt of the message generated by the transmitting technology.

15 **C(3) Proof of service by e-mail.** If service is made by e-mail under section G of this rule,
16 [*the person making service must certify*] **proof of service shall be made by affidavit or by**
17 **declaration of the person making service, or by certificate of an attorney, stating either that**
18 **the other party has consented to service by e-mail or** that he or she received confirmation that
19 the message **and attachment** [*was*] **were** received[, *either by return e-mail, automatically*
20 *generated message, facsimile communication, or orally; however, an*] **by the designated**
21 **recipient and specifying the method by which the sender received confirmation. An**
22 automatically generated message indicating that the recipient is out of the office or is
23 otherwise unavailable cannot support the required certification, **nor can an automatically**
24 **generated e-mail delivery status notification.**

25 **C(4) Proof of service by electronic service.** If service is made by electronic service
26 **under section H of this rule, proof of service shall be made by affidavit or by declaration of**

1 the person making service, or by certificate of an attorney, specifying that service was
2 completed by electronic service.

3 C(5) Proof of service on a party without a service address. Service on a party who has
4 appeared without providing an appropriate address for service shall be by affidavit or by
5 declaration of the person filing the document, or by certificate of an attorney, that service by
6 filing as provided in section B of this rule is appropriate.

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

11 **E Filing with the court defined.** The filing of pleadings and other documents with the
12 court as required by these rules shall be made by filing them with the clerk of the court or the
13 person exercising the duties of that office. The clerk or the person exercising the duties of that
14 office shall endorse [*upon*] **on** the pleading or document the time of day, the day of the month,
15 the month, and the year. The clerk or person exercising the duties of that office is not required
16 to receive for filing any document unless a caption that includes the name of the court; the case
17 number of the action, if one has been assigned; the title of the document; and the names of the
18 parties are legibly displayed on the front of the document, nor unless the contents of the
19 document are legible. Further, the clerk is not required to receive for filing any document that
20 does not include the name, address, and telephone number of the party or the attorney for the
21 party, if the party is represented.

22 **F Service by facsimile communication.** Whenever under these rules service is required
23 or permitted to be made [*upon*] **on** a party, and that party is represented by an attorney, the
24 service may be made [*upon*] **on** the attorney by means of facsimile communication if the
25 attorney has such technology available and said technology is operating at the time service is
26 made. Service in this manner shall be subject to Rule 10 B. Facsimile communication includes: a

1 telephonic facsimile communication device; a facsimile server or other computerized system
2 capable of receiving and storing incoming facsimile communications electronically and then
3 routing them to users on paper or via e-mail; or an internet facsimile service that allows users
4 to send and receive facsimiles from their personal computers using an existing e-mail account.

5 **G Service by e-mail.** *[Service by e-mail is prohibited unless attorneys agree in writing to*
6 *e-mail service.] Whenever under these rules service is required or permitted to be made on a*
7 *party, unless the party or the party’s attorney is exempted from service by e-mail by an order*
8 *of the court, the service may be made by means of e-mail. Service is complete under this rule*
9 *on confirmation of receipt of the e-mail or, if the receiving party has consented to service by*
10 *e-mail, on transmission of the e-mail.* *[This agreement] Any party or any party’s attorney must*
11 *provide the [names] name and e-mail [addresses] address of [all attorneys] that party or that*
12 *attorney and [the attorneys’ designees,] that attorney’s designee, if any, [to be] on any*
13 *document served by e-mail. Any party or attorney who has [consented to] communicated by e-*
14 *mail or by electronic service must notify the other parties in writing of any changes to [the] that*
15 *party’s or that attorney’s e-mail address. [Any attorney may withdraw his or her agreement at*
16 *any time, upon proper notice via e-mail and any one of the other methods authorized by this*
17 *rule. Subject to Rule 10 B, service is effective under this method when the sender has received*
18 *confirmation that the attachment has been received by the designated recipient. Confirmation*
19 *of receipt does not include an automatically generated message indicating that the recipient is*
20 *out of the office or is otherwise unavailable.] Service in this manner shall be subject to Rule 10*

21 **B.**

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