

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

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

24 C Filing; proof of service. Except as provided by section D of this rule, all papers
25 required to be served upon a party by section A of this rule shall be filed with the court within a
26 reasonable time after service. Except as otherwise provided in Rule 7 and Rule 8, proof of

1 service of all papers required or permitted to be served may be by written acknowledgment of
2 service, by affidavit or declaration of the person making service, or by certificate of an attorney.
3 Such proof of service may be made upon the papers served or as a separate document attached to
4 the papers. Where service is made by telephonic facsimile communication device or e-mail,
5 proof of service shall be made by affidavit or declaration of the person making service, or by
6 certificate of an attorney or sheriff. Attached to such affidavit, declaration, or certificate shall be
7 the printed confirmation of receipt of the message generated by the transmitting machine, if
8 facsimile communication is used. If service is made by e-mail under section G of this rule, the
9 person making service must certify that he or she received confirmation that the message was
10 received, either by return e-mail, automatically generated message, telephonic facsimile, or
11 orally.

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

16 E Filing with the court defined. The filing of pleadings and other documents with the
17 court as required by these rules shall be made by filing them with the clerk of the court or the
18 person exercising the duties of that office. The clerk or the person exercising the duties of that
19 office shall endorse upon such pleading or document the time of day, the day of the month, the
20 month, and the year. The clerk or person exercising the duties of that office is not required to
21 receive for filing any document unless the name of the court, the title of the cause and the
22 document, the names of the parties, and the attorney for the party requesting filing, if there be
23 one, are legibly endorsed on the front of the document, nor unless the contents thereof are
24 legible.

25 F Service by telephonic facsimile communication device. Whenever under these rules
26 service is required or permitted to be made upon a party, and that party is represented by an

1 attorney, the service may be made upon the attorney by means of a telephonic facsimile
2 communication device if the attorney maintains such a device at the attorney's office and the
3 device is operating at the time service is made. Service in this manner shall be equivalent to
4 service by mail for purposes of Rule 10 C.

5 G Service by e-mail. Service by e-mail is prohibited unless attorneys agree in writing to
6 e-mail service. This agreement must provide the names and e-mail addresses of all attorneys and
7 the attorneys' designees, if any, to be served. Any attorney may withdraw his or her agreement at
8 any time, upon proper notice via e-mail and any one of the other methods authorized by this rule.
9 Service is effective under this method when the sender has received confirmation that the
10 attachment has been received by the designated recipient. Confirmation of receipt does not
11 include an automatically generated message that the recipient is out of the office or otherwise
12 unavailable.