

1 Rule 5. Service and filing of pleadings and other papers.

2 (a) Service: When required.

3 (a)(1) Except as otherwise provided in these rules or as otherwise directed by the  
4 court, every judgment, every order required by its terms to be served, every pleading  
5 subsequent to the original complaint, every paper relating to discovery, every written  
6 motion other than one heard ex parte, and every written notice, appearance, demand,  
7 offer of judgment, and similar paper shall be served upon each of the parties.

8 (a)(2) No service need be made on parties in default except that:

9 (a)(2)(A) a party in default shall be served as ordered by the court;

10 (a)(2)(B) a party in default for any reason other than for failure to appear shall be  
11 served with all pleadings and papers;

12 (a)(2)(C) a party in default for any reason shall be served with notice of any hearing  
13 necessary to determine the amount of damages to be entered against the defaulting  
14 party;

15 (a)(2)(D) a party in default for any reason shall be served with notice of entry of  
16 judgment under Rule 58A(d); and

17 (a)(2)(E) pleadings asserting new or additional claims for relief against a party in  
18 default for any reason shall be served in the manner provided for service of summons in  
19 Rule 4.

20 (a)(3) In an action begun by seizure of property, whether through arrest, attachment,  
21 garnishment or similar process, in which no person need be or is named as defendant,  
22 any service required to be made prior to the filing of an answer, claim or appearance  
23 shall be made upon the person having custody or possession of the property at the time  
24 of its seizure.

25 (b) Service: How made and by whom.

26 (b)(1) Whenever under these rules service is required or permitted to be made upon  
27 a party represented by an attorney, the service shall be made upon the attorney unless  
28 service upon the party is ordered by the court. [If an attorney has filed a Notice of](#)  
29 [Limited Appearance under Rule 75 and the papers being served relate to a matter](#)  
30 [within the scope of the Notice, service shall be made upon the attorney and the party.](#)

31 Service upon the attorney or upon a party shall be made by delivering a copy or by

32 mailing a copy to the last known address or, if no address is known, by leaving it with  
33 the clerk of the court.

34 (b)(1)(A) Delivery of a copy within this rule means: Handing it to the attorney or to  
35 the party; or leaving it at the person's office with a clerk or person in charge thereof; or,  
36 if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is  
37 closed or the person to be served has no office, leaving it at the person's dwelling  
38 house or usual place of abode with some person of suitable age and discretion then  
39 residing therein; or, if consented to in writing by the person to be served, delivering a  
40 copy by electronic or other means.

41 (b)(1)(B) Service by mail is complete upon mailing. If the paper served is notice of a  
42 hearing and if the hearing is scheduled 5 days or less from the date of service, service  
43 shall be by delivery or other method of actual notice. Service by electronic means is  
44 complete on transmission if transmission is completed during normal business hours at  
45 the place receiving the service; otherwise, service is complete on the next business day.

46 (b)(2) Unless otherwise directed by the court:

47 (b)(2)(A) an order signed by the court and required by its terms to be served or a  
48 judgment signed by the court shall be served by the party preparing it;

49 (b)(2)(B) every other pleading or paper required by this rule to be served shall be  
50 served by the party preparing it; and

51 (b)(2)(C) an order or judgment prepared by the court shall be served by the court.

52 (c) Service: Numerous defendants. In any action in which there is an unusually large  
53 number of defendants, the court, upon motion or of its own initiative, may order that  
54 service of the pleadings of the defendants and replies thereto need not be made as  
55 between the defendants and that any cross-claim, counterclaim, or matter constituting  
56 an avoidance or affirmative defense contained therein shall be deemed to be denied or  
57 avoided by all other parties and that the filing of any such pleading and service thereof  
58 upon the plaintiff constitutes due notice of it to the parties. A copy of every such order  
59 shall be served upon the parties in such manner and form as the court directs.

60 (d) Filing. All papers after the complaint required to be served upon a party shall be  
61 filed with the court either before or within a reasonable time after service. The papers  
62 shall be accompanied by a certificate of service showing the date and manner of service

63 completed by the person effecting service. Rule 26(i) governs the filing of papers related  
64 to discovery.

65 (e) Filing with the court defined. The filing of pleadings and other papers with the  
66 court as required by these rules shall be made by filing them with the clerk of the court,  
67 except that the judge may accept the papers, note thereon the filing date and forthwith  
68 transmit them to the office of the clerk.

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