

# Title 29

## SECTION 18.30

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### 18.30 Service and filing.

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(a) *Service on parties - (1) In general.* Unless these rules provide otherwise, all papers filed with OALJ or with the judge must be served on every party.

(2) *Service: how made - (i) Serving a party's representative.* If a party is represented, service under this section must be made on the representative. The judge also may order service on the party.

(ii) *Service in general.* A paper is served under this section by:

(A) Handing it to the person;

(B) Leaving it;

(1) At the person's office with a clerk or other person in charge or, if no one is in charge, in a conspicuous place in the office; or

(2) If the person has no office or the office is closed, at the person's dwelling or usual place of abode with someone of suitable age and discretion who resides there.

(C) Mailing it to the person's last known address - in which event service is complete upon mailing;

(D) Leaving it with the docket clerk if the person has no known address;

(E) Sending it by electronic means if the person consented in writing - in which event service is complete upon transmission, but is not effective if the serving party learns that it did not reach the person to be served; or

(F) Delivering it by any other means that the person consented to in writing - in which event service is complete when the person making service delivers it to the agency designated to make delivery.

(3) *Certificate of service.* A certificate of service is a signed written statement that the paper was served on all parties. The statement must include:

(i) The title of the document;

(ii) The name and address of each person or representative being served;

(iii) The name of the party filing the paper and the party's representative, if any;

(iv) The date of service; and

(v) How the paper was served.

(b) *Filing with Office of Administrative Law Judges - (1) Required filings.* Any paper that is required to be served must be filed within a reasonable time after service with a certificate of service. But disclosures under § 18.50(c) and the following discovery requests and responses must not be filed until they are used in the proceeding or the judge orders filing:

(i) Notices of deposition,

(ii) Depositions,

(iii) Interrogatories,

(iv) Requests for documents or tangible things or to permit entry onto land;

(v) Requests for admission, and

(vi) The notice (and the related copy of the subpoena) that must be served on the parties under rule 18.56(b)(1) before a “documents only” subpoena may be served on the person commended to produce the material.

(2) *Filing: when made - in general.* A paper is filed when received by the docket clerk or the judge during a hearing.

(3) *Filing how made.* A paper may be filed by mail, courier service, hand delivery, facsimile or electronic delivery.

(i) *Filing by facsimile - (A) When permitted.* A party may file by facsimile only as directed or permitted by the judge. If a party cannot obtain prior permission because the judge is unavailable, a party may file by facsimile up to 12 pages, including a statement of the circumstances precluding filing by delivery or mail. Based on the statement, the judge may later accept the document as properly filed at the time transmitted.

(B) *Cover sheet.* Filings by facsimile must include a cover sheet that identifies the sender, the total number of pages transmitted, and the matter's docket number and the document's title.

(C) *Retention of the original document.* The original signed document will not be substituted into the record unless required by law or the judge.

(ii) Any party filing a facsimile of a document must maintain the original document and transmission record until the case is final. A transmission record is a paper printed by the transmitting facsimile machine that states the telephone number of the receiving machine, the number of pages sent, the transmission time and an indication that no error in transmission occurred.

(iii) Upon a party's request or judge's order, the filing party must provide for review the original transmitted document from which the facsimile was produced.

(4) *Electronic filing, signing, or verification.* A judge may allow papers to be filed, signed, or verified by electronic means.