

Amendments to Rule 5

Rule 5 is amended as follows:

Rule 5. Serving and Filing Pleadings and Other Papers

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(b) Service: How Made.

(1) Serving an Attorney. If a party is represented by an attorney, service under this rule must be made on the attorney unless the court orders service on the party.

(2) Service in General. A paper is served under this rule by:

(A) handing it to the person;

(B) leaving it:

(i) 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

(ii) if the person has no office or the office is closed, at the person's house 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 clerk of the court if the person has no known address;

(E) sending it to a registered user by filing it with the court's electronic filing system or sending it by other electronic means that

the person consented to in writing – in either of which events service is complete upon filing or sending, but is not effective if the filer or sender learns that it did not reach the person to be served; or

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

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PRACTICE COMMENT: Registration for electronic case filing is not consent to service “by any other means” of delivery under subparagraph (b)(2)(~~G~~**F**).

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(As amended, eff. Jan. 1, 1982; Oct. 3, 1984, eff. Jan. 1, 1985; July 28, 1988, eff. Nov. 1, 1988; Oct. 3, 1990, eff. Jan. 1, 1991; Nov. 29, 1995, eff. Mar. 31, 1996; Nov. 14, 1997, eff. Jan. 1, 1998; May 27, 1998, eff. Sept. 1, 1998; Dec. 18, 2001, eff. Apr. 1, 2002; Sept. 30, 2003, eff. Jan. 1, 2004; Sept. 28, 2004, eff. Jan. 1, 2005; Nov. 29, 2005, eff. Jan. 1, 2006; Nov. 25, 2008, eff. Jan. 1, 2009; Nov. 25, 2009, eff. Jan. 1, 2010; Dec. 6, 2011, eff. Jan. 1, 2012; Dec. 4, 2012, eff. Jan. 1, 2013; May 20, 2014, eff. July 1, 2014; Dec. 22, 2014, eff. Jan. 28, 2015; June 5, 2015, eff. July 1, 2015; Sept. 21, 2016, eff. Oct. 3, 2016; Mar. 20, 2018, eff. Apr. 23, 2018; Oct. 1, 2020, eff. Dec. 1, 2020; Mar. 23, 2021, eff. May 3, 2021; **Dec. 14, 2021, eff. Jan. 14, 2022.**)