

1 **Rule 5. Service and filing of pleadings and other ~~papers~~ documents.**

2 **(a) When service is required.**

3 **(1) ~~Papers~~ Documents that must be served.** Unless otherwise permitted by statute,  
4 rule, or court order, ~~Except as otherwise provided in these rules or as otherwise~~  
5 ~~directed by the court,~~ the following papers every document filed with the court  
6 after the original complaint must be served by the party filing it on every party to  
7 the case. Ex parte motions may be filed without serving if permitted under Rule 7.:

8 ~~(A) a judgment;~~

9 ~~(B) an order that states it must be served;~~

10 ~~(C) a pleading after the original complaint;~~

11 ~~(D) a paper relating to disclosure or discovery;~~

12 ~~(E) a paper filed with the court other than a that may be heard ex parte; and~~

13 ~~(F) a written notice, appearance, demand, offer of judgment, or similar paper.~~

14 **(2) Serving parties in default.** No service is required on a party who is in default  
15 except that:

16 (A) a party in default must be served as ordered by the court;

17 (B) a party in default for any reason other than for failure to file and serve a  
18 responsive pleading or otherwise appear must be served as provided in paragraph

19 (a)(1);

20 (C) a party in default for any reason must be served with notice of any hearing to  
21 determine the amount of damages to be entered against the defaulting party;

22 (D) a party in default for any reason must be served with notice of entry of  
23 judgment ~~under as provided in~~ Rule ~~58A(g);~~ and

24 (E) a party in default for any reason must be served ~~under as provided in~~ Rule ~~4~~  
25 with pleadings asserting new or additional claims for relief against the party.

26 (3) **Service in actions begun by seizing property.** If an action is begun by seizing  
27 property and no person is or need be named as defendant, any service required before  
28 the filing of an answer, claim, or appearance must be made upon the person who had  
29 custody or possession of the property when it was seized.

30 **(b) How service is made.**

31 **(1) Whom to serve.** If a party is self-represented, service must be made upon the self-  
32 represented party. If a party is represented by an attorney, a ~~paper~~-document served  
33 under this rule must be served upon the attorney unless the court orders service upon  
34 the party. Service must be made upon the attorney and the party if:

35 (A) an attorney has filed a Notice of Limited Appearance ~~under as provided in~~  
36 Rule 75 and the ~~papers~~-documents being served relate to a matter within the scope  
37 of the Notice; or

38 (B) a final judgment has been entered in the action and more than 90 days has  
39 elapsed from the date a ~~paper~~-document was last served on the attorney.

40 **(2) When to serve.** If a hearing is scheduled ~~seven~~<sup>7</sup> days or less from the date of  
41 service, a party must serve a ~~paper~~-document related to the hearing by the method  
42 most likely to be promptly received. Otherwise, a ~~paper~~-document that is filed with  
43 the court must be served before or on the same day that it is filed.

44 **(3) Methods of service.** A ~~paper~~-document is served under this rule by:

45 (A) Electronic filing. ~~except~~-Except in the juvenile court, a ~~paper~~-document is  
46 served by submitting it for electronic filing, or the court submitting it to the  
47 electronic filing service provider, if the person being served has an electronic filing  
48 account;

49 (B) Email. If the party serving or being served a document does not have an  
50 electronic filing account, emailing it to:

51 (i) the most recent email address the person being served has provided by  
52 ~~the person~~ to the court ~~and other parties under~~ as provided in Rule 10 or  
53 Rule 76; or

54 (ii) ~~to~~ if service is to an attorney licensed in Utah, to the email address on  
55 the attorney's pleading, most recent filings and/or on file with the Utah State  
56 Bar; or

57 (iii) if service is to an attorney not licensed in ~~outside of~~ Utah, to the email  
58 address on the attorney's pleading, most recent filings and/or on file with  
59 the attorney licensing entity in the state where the attorney is licensed ~~in~~.

60 (C) Mail and other methods. If the party serving or being served with a  
61 paper document does not have an electronic filing account or email, a paper  
62 document may be served under this paragraph by:

63 (i) mailing it to the most recent address the person being served has provided  
64 to the court ~~under~~ as provided in Rule 10 or Rule 76, or, if none, the person's  
65 last known address;

66 ~~(D)~~ (ii) handing it to the person;

67 ~~(E)~~ (iii) leaving it at the person's office with a person in charge or, if no one is in  
68 charge, leaving it in a receptacle intended for receiving deliveries or in a  
69 conspicuous place;

70 ~~(F)~~ (iv) leaving it at the person's dwelling house or usual place of abode with a  
71 person of suitable age and discretion who resides there; or

72 ~~(G)~~ (v) any other method agreed to in writing by the parties.

73 (4) **When service is effective.** Service by mail or electronic means is complete upon  
74 sending.

75 (5) **Who serves.** Unless otherwise directed by the court or these rules:

76 (A) every ~~paper~~-document required to be served must be served by the party  
77 preparing it, including subsequently signed orders and judgments; and

78 (B) every ~~paper~~-document initially prepared by the court ~~must~~will be served by  
79 the court; ~~and~~.

80 (C) every document signed by the court that was initially prepared and filed by a  
81 self-represented party or attorney but not prepared by the court~~must will be~~  
82 served on the other parties by the party or attorney who prepared it; and.

83 (D) service under this rule does not alter the effectiveness of the document.

84 **(c) Serving numerous defendants.** If an action involves an unusually large number of  
85 defendants, the court, upon motion or its own initiative, may order that:

86 (1) a defendant's pleadings and replies to those pleadings~~them~~ do not need to be  
87 served on the other defendants;

88 (2) any cross-claim, counterclaim avoidance, or affirmative defense in a defendant's  
89 pleadings and replies to them are deemed denied or avoided by all other parties;

90 (3) filing a defendant's pleadings and serving them on the plaintiff constitutes notice  
91 of them to all other parties; and

92 (4) a copy of the order must be served ~~up~~on the parties.

93 **(d) Certificate of service.** No certificate of service is required when a ~~paper~~ document is  
94 served by filing it with through thean court's electronic filing system~~account under~~  
95 paragraph (b)(3)(A). When a ~~paper~~ document that is required to be served is served by  
96 email, mail, or other ~~means~~ methods of service:

97 (1) if the ~~paper~~ document is filed with the court, a certificate of service showing the  
98 date and ~~manner~~ method of service, including the email or mailing address used,  
99 unless safeguarded, must be filed with it or within a reasonable time after service;  
100 and

101 (2) if the ~~paper~~ document is not filed with the court, a certificate of service need not  
102 be filed unless filing is required by rule or court order. ~~A paper required by this rule~~  
103 ~~to be served, including electronically filed papers, must include a signed certificate~~  
104 ~~of service showing the name of the document served, the date and manner of service~~  
105 ~~and on whom it was served. Except in the juvenile court, this paragraph does not~~  
106 ~~apply to papers required to be served under paragraph (b)(5)(B) when service to all~~  
107 ~~parties is made under paragraph (b)(3)(A).~~

108 **(e) Filing.** Except as provided in Rule ~~7(i)~~ and Rule ~~26(f)~~, all ~~papers~~ documents after the  
109 complaint that are required to be served must be filed with the court. ~~Parties~~ Attorneys  
110 with an electronic filing account must file a ~~paper~~ document electronically. A self-  
111 represented party who is not an attorney ~~without an electronic filing account~~ may file a  
112 ~~paper~~ document ~~by delivering it to~~ with the court ~~clerk of the court or to a judge of the~~  
113 ~~court.~~ using any of the following methods:

114 (1) email;

115 (2) mail;

116 (3) the court's MyCase interface, where applicable; or

117 (4) in person.

118 Filing is complete upon the earliest of acceptance by the electronic filing system or by ;  
119 the court ~~clerk of court or the judge~~.

120 **(f) Filing an affidavit or declaration.** If a person files an affidavit or declaration, the filer  
121 may:

122 (1) electronically file the original affidavit with a notary acknowledgment as provided  
123 by Utah Code ~~S~~ section 46-1-16(7);

124 (2) electronically file a scanned image of the affidavit or declaration;

125 (3) electronically file the affidavit or declaration with a conformed signature; or

126 (4) if the filer does not have an electronic filing account, present the original affidavit  
127 or declaration to the court clerk ~~of the court~~, and the clerk will electronically file a  
128 scanned image and return the original to the filer.

129 The filer must keep an original affidavit or declaration of anyone other than the filer safe  
130 and available for inspection upon request until the action is concluded, including any  
131 appeal or until the time in which to appeal has expired.

132 Effective ~~May~~ November 1, 2024

133 **Advisory Committee Notes**

134 ~~Note adopted 201520—~~

135 Under paragraph (b)(3)(A), electronically filing a document has the effect of serving the  
136 document on ~~lawyers~~ parties who have an e-filing account. (~~Lawyers~~ Attorneys  
137 representing parties in the district court are required to have an account and  
138 electronically file documents. Code of Judicial Administration Rule 4-503.) The 2015  
139 amendment excepts from this provision documents electronically filed in juvenile court.

140 Although electronic filing in the juvenile court presents to the parties the documents that  
141 have been filed, the juvenile court e-filing application (CARE), unlike that in the district  
142 court, does not deliver an email alerting the party to that fact. The Board of Juvenile Court  
143 Judges and the Advisory Committee on the Rules of Juvenile Procedure believe this  
144 difference renders electronic filing alone insufficient notice of a document having been  
145 filed. So in the juvenile court, a party electronically filing a document must serve that  
146 document by one of the other permitted methods.