



Ohio Administrative Code

Rule 4906-2-05 Service of pleadings and other papers.

Effective: December 11, 2015

(A) Unless otherwise ordered by the board or the administrative law judge, all pleadings or papers filed with the board subsequent to the original filing or board entry initiating the proceeding shall be served upon all parties no later than the date of filing. Such pleadings or other papers shall contain a certificate of service. The certificate of service shall state the date and manner of service, identify the names of the persons served, and be signed by the attorney or the party who files the document. The certificate of service for a document served by mail or personal service also shall include the address of the person served. The certificate of service for a document served by fax also shall include the fax number of the person to whom the document was transmitted. The certificate of service for a document served by email also shall include the email address of the person to whom the document was sent.

(B) If an e-filing is accepted by the docketing division, an email notice of the filing will be sent by the docketing division's e-filing system to all persons who have electronically subscribed to the case. The email notice will constitute service of the document upon the recipient. Upon receiving notice that an e-filing has been accepted by the docketing division, the filer shall serve copies of the document in accordance with this rule upon all other parties to the case who are not served via the email notice. A person making an e-filing shall list in the certificate of service included with the e-filing the parties who will be served by email notice by the docketing division's e-filing system and the parties who will be served by traditional methods by the person making the filing. The certificate of service for an e-filed document shall include the following notice: The docketing division's e-filing system will electronically serve notice of the filing of this document on the following parties: (list the names of the parties referenced on the service list of the docket card who have electronically subscribed to the case). The docketing division shall serve all parties to a proceeding with copies of the staff report in a proceeding.

(C) If a party has entered an appearance through an attorney, service of pleadings or other papers shall be made upon the attorney instead of the party. If the party is represented by more than one attorney, service need only be made upon the "counsel of record" designated under rule 4906-2-26 of



the Administrative Code.

(D) Service upon an attorney or party may be personal, by mail, by fax, or by email. Personal, facsimile transmission, or electronic message service made after five-thirty p.m. shall be considered complete on the next business day.

(1) Personal service is complete by delivery of the copy to the attorney or to a responsible person at the office of the attorney. Personal service to a party not represented by an attorney is complete by delivery to the party or to a responsible person at the address provided by the party in its pleadings.

(2) Service by mail to an attorney or party is complete by mailing a copy to his or her last known address. If the attorney or party to be served has previously filed and served one or more pleadings or documents in the proceeding, the term "last known address" means the address set forth in the most recent pleading or document.

(3) Service of a document to an attorney or party by fax may be made only if the person to be served has consented to receive service of the document by fax. Service by fax is complete upon the sender receiving a confirmation generated by the sender's fax equipment that the fax has been sent. The sender shall retain the confirmation as proof of service until the case is completed.

(4) Service of a document by email to an attorney or party may be made only if the person to be served has consented to receive service of the document by email. Service by email is complete upon the sender receiving a confirmation generated by the sender's computer that the email has been sent. The sender shall retain the confirmation as proof of service until the case is completed.

(E) For purposes of this rule, the term "party" includes all persons who have filed notices or petitions to intervene that are pending at the time a pleading or document is to be served, provided that the person serving the pleading or document has been served with a copy of the notice or petition to intervene.

(F) The board or the administrative law judge may order in certain cases that pleadings or documents be served in a specific manner to expedite the exchange of information.