

Rule 5. Service

(a) Method. The petitioner shall serve a copy of a pleading (except the initial petition), motion, notice, or other document upon the respondent by mailing, electronic means, or delivery of such copy to counsel appearing for the District of Columbia, counsel for any other party, and any other person as ordered by the Court.

The respondent shall serve a copy of a pleading, motion, notice or other document upon the petitioner or any other party by mailing, electronic means, or delivery of such copy to the petitioner, any other party, or the attorney of record for petitioner or other party as provided in subsections (b) and (c) of this Rule.

Service by electronic means is complete on transmission; service by other consented means is complete when the person making service delivers the copy to the agency designated to make delivery. Service by electronic means is not effective if the party making service learns that the attempted service did not reach the person to be served.

(b) Attorney of record. Service upon any attorney of record shall be deemed service upon the party, but, where there is more than one attorney for a party, service shall be made only upon the party's attorney whose appearance was first entered of record, unless the first attorney of record, by writing served and filed, designates another attorney to receive service, in which event service shall be so made.

(c) No attorney of record. If a petitioner has no attorney of record, service shall be made upon the petitioner.

(d) Proof of service. Proof of service of papers required or permitted to be served (other than those for which a method of proof is prescribed elsewhere in these Rules or by statute) shall be filed before any action is to be taken thereon. The proof shall show the date and manner of service on the parties and may be by written acknowledgement thereof, by affidavit of the person making service or delivery, by certificate of a member of the Bar of this Court, or by other proof satisfactory to the Court. Failure to make such proof will not affect the validity thereof. The Court may at any time allow the proof to be amended or supplied, unless to do so would result in material prejudice to a party.

(e) Filing. All papers after the petition required to be served upon a party, other than motions, oppositions, proposed orders and points and authorities shall be filed with the Court either before service or within 5 days after service; however, the clerk shall not accept for filing deposition transcripts, interrogatories, requests for documents, requests for admission, and responses thereto except as set forth in the last sentence of this paragraph. The party serving such a discovery paper or noticing a deposition must, however, file with the Court a Certificate Regarding Discovery which shall indicate the title of the discovery paper served and the date on which it was served. The requesting party must retain the original discovery paper and must also retain personally, or make arrangements for the reporter to retain, in their original and unaltered form, any deposition transcripts which have been made at the party's request. Such discovery papers and deposition transcripts must be retained until the case is concluded in this Court, the time for noting an appeal or petitioning for a writ of certiorari has expired, and any such appeal or petition has been decided. Discovery papers and deposition transcripts may be filed, without leave of Court, if they are appended to a motion or opposition to which they are relevant and may otherwise be filed if so ordered by the Court *sua sponte* or pursuant to a motion.