

Rule 5 – Service and Filing Pleadings and Other Papers

OKLAHOMA NORTHERN DISTRICT COURT – REDLINE VERSION

~~LCvR5.1 Filing by Electronic Means.~~

~~Pursuant to Rule 5(d) (3) of the Federal Rules of Civil Procedure, the Clerk will accept papers filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes. Any paper filed by electronic means pursuant to these rules constitutes a written paper for the purposes of applying these rules and the Federal Rules of Civil Procedure. Papers filed by electronic means shall be governed by the Court's CM/ECF Administrative Guide of Policies and Procedures (Administrative Guide) and orders of the Court. Electronic case filing is mandatory except as specifically exempted in the Administrative Guide.~~

MOVED RULE TO NEW GENERAL RULE 2 – METHOD AND FORMAT OF FILING WITH COURT

~~LCvR5.2 Format of Papers Presented for Filing.~~

~~(a) All papers presented to the Clerk for filing by electronic means or in paper form shall be double spaced, if typewritten, using only one side of the paper and a paper size of 8 ½ inches wide by 11 inches long. All papers shall be clearly legible.~~

~~(b) Papers that are required by the Court to be retained or filed in paper form as set forth in the Administrative~~

~~Guide shall be stapled or otherwise semi-permanently fastened at the top of the page without the use of paper clips, binder clips, or rubber bands. If the document is too large to staple, it should be two-hole punched at the top and secured with metal prongs. Unless the court orders otherwise, all papers presented to the Clerk for filing in paper form shall consist of an original only. LCvR5.4 Fax Filing.~~

~~(a) Papers shall not be directly faxed to the Clerk unless authorized by the Court.~~

~~(b) Electronically faxed or scanned papers, including the signature page, may be presented in paper form to the Clerk for filing if they otherwise comply with the requirements stated in LCvR5.2.~~

MOVED RULE TO NEW GENERAL RULE 2 – METHOD AND FORMAT OF FILING WITH COURT

~~LCvR5.5 Change of Address; Proof of Service.~~

~~(a) All papers shall contain the name, mailing address, daytime telephone number, fax number, and e-mail address, if any, of the attorney or pro se litigant. If any of this information changes, the attorney or pro se litigant must notify the Court by filing the form provided by the Clerk and serving a copy on opposing counsel or pro se parties. Papers sent by the Court will be deemed delivered if sent to the last known address given to the Court. If applicable, the attorney or pro se litigant is further required to comply with Administrative Guide procedures regarding Change of Contact Information.~~

~~(b) Proof of service of any papers required to be served shall be made by the certificate of any attorney of record or pro se litigant, or if made by any other person, the affidavit of such person.~~

~~(c) Pursuant to Federal Rule of Civil Procedure 5(b)(2)(D), receipt of the Notice of Electronic Filing generated by the Court's Electronic Case Filing System shall constitute the equivalent of service of the paper identified in the notice on persons who have consented to electronic service and who have waived their right to service by personal service or first class mail.~~

MOVED (a) TO GENERAL RULE 2 AND ELIMINATED (b) COVERED UNDER FEDERAL RULE.

LCvR5-1 Social Security Cases - Electronic Service

(a) In General, The Court, the United States Attorney's Office and the Social Security Administration have agreed to participate in Electronic Service in social security cases under the terms provided in this rule. Electronic service applies only to complaints instituted by a plaintiff against the Commissioner of the Social Security Administration (1) when the only claim is one brought pursuant to 42 U.S.C. § 405(g) and (2) the Commissioner is the sole defendant. Electronic service does not apply to any other complaints.

(b) Plaintiff Procedures. A plaintiff who files a complaint satisfying the terms for electronic service, as provided in subsection (a) of this rule, and who wishes to use electronic service shall comply with the procedures available from the clerk's office or on our public web site.

ADDED LANGUAGE FROM GENERAL ORDER 17-10

LCvR5-2 Social Security Cases – Elimination of Formal Answer

This rule applies to all complaints in social security cases instituted by a plaintiff against the Commissioner in which the only claim that is being brought is pursuant to 42 U.S.C. § 405(g). No later than service of the summons and complaint, the plaintiff shall provide the U.S. Attorney and the Social Security Administration with the full name and last four digits of the social security number of the individual whose benefits application was denied. The procedure for providing this information is available from the clerk's office or on our public web site. This identifying information is necessary for the Commissioner to obtain and produce the certified administrative record. Within 91 days following service of the summons, complaint, and identifying information, the Commissioner shall file the certified administrative record in electronic format and serve it on the plaintiff. Taking such action shall serve as the Commissioner's Answer. No separate Answer need be filed.

ADDED LANGUAGE FROM GENERAL ORDER 16-09