

Proposed change to the local rules for the United States Bankruptcy Court for the Northern District of Indiana. Redline shows new material.

B-9013-4
Proof of Service

1 (a) In addition to identifying the pleading, motion or other paper served and
2 showing the date upon which service was made, every proof of service or certificate of
3 service shall state the name of every entity served and the address to which service was
4 directed, together with the manner in which service was made. Where service is made
5 through the court's ECF System, the manner of service and the address to which service
6 was directed may be provided by identifying the individuals so served and stating that
7 they were electronically served through the court's ECF System.

8 (b) (1) Proof of service by facsimile machine may be made by the person causing the
9 paper to be transmitted. Such proof of service shall indicate the telephone number to
10 which the paper was transmitted and the method of confirmation that the transmission
11 was received.

12 (2) Proof of service by email may be made by the person causing the paper to be
13 transmitted. Such proof of service shall indicate the email address to which the paper
14 was transmitted and the method of confirmation that the transmission was received.

15 (c) Proof of service of all papers required or permitted to be served may be made by
16 certificate of the person serving the same or by written acknowledgment of service,

17 unless some other method of proof is expressly required by these rules or by the Federal
18 Rules of Bankruptcy Procedure.

19 (d) The court may take no action with regard to any pleading, objection, motion or
20 other paper required to be served upon any other party, including motions initiating
21 contested matters, unless accompanied by a proper proof or certificate of service. Any
22 such pleading, objection, motion or paper may be stricken, sua sponte, following seven
23 (7) days notice.

Commentary

1 This rule does not authorize service by any particular manner. That is done by other
2 rules and orders of the court. The rule merely specifies how proof of that service is to be
3 made.

4 Paragraph (b)(2) is new and specifies how proof of service by email is to be made. It
5 is modeled on the original paragraph (b) which did the same thing for fax service. That
6 paragraph has been redesignated (b)(1) to accommodate the new provision.