

# Minnesota Rules of Civil Procedure

Revised Effective January 1, 1989

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## TEXT OF RULES

#### Rule 5. Service and Filing of Pleadings and Other Papers

##### 5.01 Service; When Required; Appearance

Except as otherwise provided in these rules, every order required by its terms to be served, every pleading subsequent to the original complaint unless the court otherwise orders because of numerous defendants, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, designation of record on appeal, and similar paper shall be served upon each of the parties. No service need be made on parties in default for failure to appear except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons in Rule 4. A party appears when that party serves or files any paper in the proceeding.

*[For text of 5.02 to 5.05, see M.S. 2010, Volume 15]*

##### 5.06 Filing Electronically

Where authorized by order of the Minnesota Supreme Court, papers may be filed electronically by following the procedures of such order and will be deemed filed in accordance with the provisions of that order.

(Added effective October 22, 2010.)

#### *Advisory Committee Comment - 2010 Amendment*

*Rule 5.06 is a new rule to provide for filing by electronic means, if authorized by an order of the Minnesota Supreme Court. This amendment is intended to facilitate a pilot project on electronic service and filing in one or two districts, but is designed to be a model for the implementation of electronic filing if the pilot project is made permanent and statewide. The rule makes filing by electronic means effective in accordance with the rule for the pilot project.*

#### Rule 11. Signing of Pleadings, Motions, and Other Papers; Representations to Court; Sanctions

##### 11.01 Signature

Every pleading, written motion, and other paper shall be signed by at least one attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's address and telephone number, if any, and attorney registration number if signed by an attorney. Except when

otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party. If authorized by order of the Minnesota Supreme Court, a paper filed, signed, or verified by electronic means in accordance with that order constitutes a signed paper for the purpose of applying these rules.

(Amended effective January 1, 1992; amended effective July 1, 2000; amended effective August 1, 2000; amended effective October 22, 2010.)

***Advisory Committee Comment - 2010 Amendment***

*Rule 11.01 is amended to add the last sentence. This amendment makes it clear that "signing" in accordance with a rule allowing for filing and service by electronic means where authorized by an order of the Minnesota Supreme Court is treated as a signature for the purpose of Rule 11 or other provision in the rules. This amendment is intended to facilitate a pilot project on electronic filing in one or two districts, but is designed to be a model for the implementation of electronic filing and service if the pilot project is made permanent and statewide.*

*[For text of 11.02 to 11.04, see M.S. 2010, Volume 15]*