

Supreme Court Clerk's Office - Erck, Sarah

From: John Schroeder <jschroeder@gjmlaw.com>
Sent: Friday, April 12, 2013 3:59 PM
To: (SUP) Clerk of Court Office
Cc: Patti Jensen; Mallory Samuelson
Subject: Comment on Supreme Court No. 20130104

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Dear Ms. Miller,

I read the notice of proposed amendments to the e-file and e-serve rules and wanted to bring one more issue to the Court's attention.

N.D.R.Civ.P. 58(b) requires a copy of a judgment to be served on the opposing party along with notice of entry. The Rule also prohibits the filing of the copy of the judgment. However, N.D.R.Ct. 3.5 states all documents "must be served electronically through the Odyssey® system." These provisions are entirely inconsistent because the copy of the judgment cannot be filed under Rule 58(b) and cannot therefore be served through Odyssey.

I would suggest an exception in Rule 3.5(e)(1) to the service through the filing system for serving notice of entry of judgment under Rule 58(b). I would suggest notice of entry of judgment be required to be served directly by e-mail.

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