

**Rule 104. Service of Pleadings and Other Papers; Filing**

**(a) Delivery of Copy of Complaint.** Every summons used in making service shall have attached thereto a copy of the complaint.

**(b) Filing of Documents and Proof of Service.** Pleadings subsequent to the complaint, written motions, and other documents required to be filed shall be filed with the clerk with a certificate of counsel or other proof that the documents have been served on all parties who have appeared and have not theretofore been found by the court to be in default for failure to plead.

**(c) Excusing Service.** For good cause shown on *ex parte* application, the court or any judge thereof may excuse the delivery or service of any complaint, pleading, or written motion or part thereof on any party, but the attorney filing it shall furnish the document promptly and without charge to any party requesting it.

**(d) Failure to Serve Documents.** Failure to deliver or serve documents as required by this rule does not in any way impair the jurisdiction of the court over the person of any party. If a party entitled to service of a document is not served and the failure of service is the fault of the filing party, the aggrieved party may obtain the document from the clerk, and the court shall order the offending party to reimburse the aggrieved party for the expense thereof.

Amended effective January 1, 1970; [amended Jan. 4, 2013, eff. immediately](#); [amended Dec. 29, 2017, eff. Jan. 1, 2018](#).

Committee Comments

This is former Rule 5 without change of substance.