

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

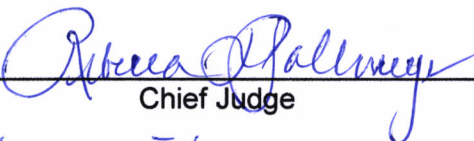
PROPOSAL TO AMEND THE LOCAL RULES

The full Court met in executive session on Thursday, January 30, 2020, and approved a proposal to amend Local Rule 5.5 of the Civil Rules of this Court as attached (additions marked thus, deletions marked ~~thus~~).

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COMMENT: By direction of the full Court and pursuant to 28 U.S.C. §207(b) regarding appropriate public notice and opportunity for comment, the Clerk is directed to: (a) cause notice of the proposal to amend Local Rule 5.5 to be published in the *Chicago Daily Law Bulletin*, (b) cause notice of the proposal and requests for comment to be posted on the web site for the United States District Court Northern District of Illinois, (c) cause notice of the proposal to be posted in the Courthouses at Chicago and Rockford, (d) indicate in such notice a final date for receipt of comments, which date shall be sixty days from the first date of publication in the *Law Bulletin*, (e) collect and distribute among the members of the Advisory Committee for Local Rules all comments received, and (f) following receipt of a copy of the report and recommendation of the advisory committee to distribute copies of the comments together with copies of the report and recommendation among the members of the Court for consideration at a regular meeting of the full Court.

ENTER:
FOR THE COURT



Chief Judge

Dated at Chicago, Illinois this 4th day of February, 2020.

LR 5.5 Proof of Service

(a) Service By an E-Filer. A certificate of service is not required for a document served by a registered E-Filer exclusively on one or more registered E-Filers who are listed on the docket of the proceeding. In all other instances, a certificate of service must be filed.

General. Proof of service of all papers required or permitted to be served shall, unless some other method is expressly required by these rules or the Federal Rules of Civil Procedure, be made in the following manner:

- (1)** if the person serving the papers is an attorney of record in the case, by certificate;
- (2)** if the person serving the papers is not an attorney of record in the case, by affidavit, or by written acknowledgment of service, or by any other proof satisfactory to the court;
- (3)** if the case is one for which the General Order on Electronic Case Filing applies, in the manner set forth in that General Order under the heading entitled "Service of Documents by Electronic Means".

(b) E-Filer Defined. An E-Filer is a person who is registered in this court according to the General Order on Electronic Filing.

Certificate of Service. Each document other than one filed *ex parte* shall be accompanied by a certificate of service indicating the date and manner of services and a statement that copies of documents required to be served by Fed.R.Civ.P. 5(a) have been served. Where the service was by FAX, the certificate shall be accompanied by a copy of the transaction statement produced by the FAX machine. Such transaction statement shall include the date and time of service, the telephone number to which the documents were transmitted, and an acknowledgment from the receiving FAX machine that the transmission was received or, in the event that the receiving FAX machine did not produce the acknowledgment to the transmitting FAX machine, an affidavit or, if by an attorney, a certificate setting forth the date and time of service and telephone number to which documents were transmitted.

(c) Certificate of Service. A certificate of service must be made by affidavit reflecting that service has been made of all documents required to be served by Fed.R.Civ.P. 5(a) in a manner authorized by Fed.R.Civ.P. 5(b) and (c). The certificate shall identify the person(s) served, the date and manner of service, and, if by FAX, a transaction statement confirming that the transmission was received.

Filing by FAX Not Permitted. Documents to be filed with the court may not be transmitted to the court by FAX. The only means of filing documents with the court by electronic means is in accordance with LR 5.2(a) and the General Order on Electronic Case Filing or other similar order.

(d) Ex Parte Motion. A motion for an *ex parte* order shall be accompanied by an affidavit showing good cause ~~therefor for withholding service~~ and stating whether or not a previous application for similar relief has been made.

Amended XXXX, 2020