





(C) a discovery paper required to be served on a party, unless the court orders otherwise;

(D) a written motion and any supporting brief, except one that may be heard ex parte;

(E) a written notice, appearance, demand, or offer of judgment, or any similar paper; and

(F) briefs, supporting appendices, and supporting affidavits.

Rule 5(d), M.R.Civ.P. requires that "any paper after the complaint that is required to be served - together with a certificate of service - must be filed within a reasonable time after service."

Proof of service shall be made by an affidavit of the party or the party's attorney making service, or by the certificate of the party's resident attorney making service or by an acknowledgment in writing from the party or attorney served, and such affidavit, certificate or acknowledgment shall be filed within 10 days after service. Failure to make proof of service does not affect the validity of the service.

If a party fails to file a certificate of service or proof of service for those documents specified in Rule 5(a)(1), M.R.Civ.P., the Court may not consider the document.

### **RULE 14 - MEDIATION**

A. When the Court orders mediation, each party shall have a person with ultimate settlement authority attend the mediation in person and participate in the mediation in good faith. If the person who has ultimate settlement authority is a party, then the party shall personally appear at the mediation.

B. During the mediation session, only the party and the party's attorney or the party appearing pro se and a person with ultimate settlement authority, who is not a party, may attend the mediation session. No member of a party's family or any other person may attend mediation unless all parties agree to the attendance of another person.

### **RULE 15 - FACSIMILE FILINGS**

The filing of papers with the Court as required by the Montana Rules of Civil Procedure and Montana Uniform District Court Rules shall be made by filing the papers with the Clerk of the District Court. Papers may be filed by facsimile, provided the original document is filed with the Clerk of the District Clerk within five business days of the receipt of the facsimile copy. If the original document is not filed with the Clerk of the District Clerk within five business days of the receipt of the facsimile copy, the filing will be treated as void.

### **RULE 16 - PROPOSED JURY INSTRUCTIONS**

At least 28 days before the date set for the final pretrial conference, counsel for the parties shall confer in good faith regarding each party's proposed jury instructions, to make certain that the parties do not file any duplicate instructions. The parties shall lodge and serve all original proposed jury instructions at least 21 days before the date set for the final pretrial conference. Objections to all proposed jury instructions shall be filed and served no later than 14 days before the date set for the final pretrial conference. Replies to all objections shall be filed and served no later than 7 days before the date set for the final pretrial conference. Counsel for the parties shall provide the Court with a courtesy hard copy of all proposed jury instructions. Counsel for the parties shall also provide the Court with an electronic courtesy copy (Microsoft Word 2007 compatible) of all proposed jury instructions via email or compact disc. The authority for each proposed jury instruction shall be attached on a separate page following each instruction and shall include full citations. The separate page following each instruction shall also indicate the party on whose behalf it is requested and be numbered consecutively. The page containing the actual proposed jury instruction shall not contain page numbers and shall not indicate the party on whose behalf it is requested. It is not necessary for the parties to propose general jury instructions from MPI 2d 1.00 through MPI 2d 1.25. The Court will prepare and propose those jury instructions.

**Effective July 1, 2012**

---

Holly Brown  
District Court Judge  
Department No. 1

---

Mike Salvagni  
District Court Judge  
Department No. 2

---

John C. Brown  
District Court Judge  
Department No. 3

~ Rule Section ~