

Rule 33. Service and Filing of Documents; Signature**Rule 33.01 Service; Where Required**

Written motions - other than those heard ex parte - written notices, and other similar documents must be served on each party.

(Amended effective July 1, 2015.)

Rule 33.02 Service; On Whom Made

Service required or permitted to be made on a represented party under these rules must be made on the attorney unless the court orders personal service on the party. Service on the attorney or party must be made in the manner provided in civil actions, as ordered by the court, or as required by these rules. Except where personal service is required by these rules, service may be made by electronic means as authorized or required by Rule 14 of the General Rules of Practice for the District Courts. Service by authorized electronic means through the E-Filing System as defined by Rule 14 of the General Rules of Practice for the District Courts is complete upon completion of the electronic transmission of the document(s) to the E-Filing System.

Any notices or copies required to be provided under these rules may also be provided electronically as authorized or required by Rule 14 of the Minnesota General Rules of Practice for the District Courts.

(Amended effective September 1, 2012; amended effective July 1, 2015.)

Rule 33.03 Notice of Orders

Upon entry of an order, the court administrator must promptly transmit a copy to each party and document the transmission. The court administrator may provide a copy by electronic means as authorized or required by Rule 14 of the Minnesota Rules of General Practice. The transmission of the order constitutes the notice of its entry. As long as the order transmitted indicates the date the order was entered, the order need not be accompanied by a separate notice of entry. Lack of notice of entry by the court administrator does not affect the time to appeal or relieve or authorize the court to relieve a party for failure to appeal within the time allowed, unless these rules direct otherwise.

(Amended effective September 1, 2012; amended effective July 1, 2015; amended effective October 1, 2016.)

Rule 33.04 Filing

(a) Search warrants and search warrant applications, affidavits, and inventories - including statements of unsuccessful execution - and documents required to be served must be filed with the court administrator. Documents must be filed as in civil actions, except that when documents are filed by facsimile transmission, a facsimile filing fee is not required.

(b) Search warrants and related documents need not be filed until after execution of the search or the expiration of ten days, unless this rule directs otherwise.

(c) The prosecutor may request that a complaint, indictment, application, arrest warrant, search warrant, supporting documents, and any order granting the request not be filed, or be filed under seal.

(d) An order must be issued granting the request in whole or in part if, from affidavits, written statement signed under penalty of perjury pursuant to Minnesota Statutes, section 358.116, sworn testimony, or other evidence, the court finds reasonable grounds exist to believe that: (1) in the case

of complaint, indictment, or arrest documents, making the document public may cause a potential arrestee to flee, hide, or otherwise prevent the execution of the warrant; or, (2) in the case of a search warrant application, making the document public may cause the search or a related search to be unsuccessful, create a substantial risk of injury to an innocent person, or severely hamper an ongoing investigation.

(e) The order must further direct that on execution and return of an arrest warrant, the filing required by paragraph (a) must be complied with immediately and the arrest warrant filed with the court must be made public. For a search warrant, following the commencement of any criminal proceeding utilizing evidence obtained in or as a result of the search, the supporting documents must be filed either immediately or at any other time as the court directs. If the search warrant was previously filed under seal, the documents and materials must be kept under seal until the court directs otherwise.

(f) Except as otherwise specified in these rules, documents may be filed electronically as authorized or required by Rule 14 of the General Rules of Practice for the District Courts. Notwithstanding Rule 14 of the Minnesota General Rules of Practice for the District Courts, documents prepared and presented to the court during a court proceeding, including but not limited to a signed guilty plea petition or signed waiver of counsel, are not required to be filed electronically.

(g) Any signature, other than those governed by Rule 1.06, that is required by these rules may be affixed electronically by any electronic means.

(Amended effective September 1, 2011; amended effective September 1, 2012; amended effective July 1, 2015.)

Rule 33.05 Electronic Transmission

Complaints, orders, summons, warrants, and supporting documents - including orders and warrants issued under Minnesota Statutes, chapter 626A - may be sent via electronic transmission. A complaint, order, summons, or warrant signed electronically or sent by electronic transmission is valid and enforceable.

(Amended effective September 1, 2011; amended effective September 1, 2012; amended effective July 1, 2015; amended effective October 1, 2016.)

Comment - Rule 33

Minn. R. Civ. P. 5.02 provides the method for service in civil actions.