

**27.11.4 LUBA Procedures/Rules – Service – Other Documents.** Delayed service of a certificate of compliance and a certificate of service to a party is a “technical violation” of LUBA’s rules that provides no basis for LUBA to strike the response brief associated with the certificates, absent a showing that the delayed service prejudiced a party’s substantial rights. *Conte v. City of Eugene*, 77 Or LUBA 547 (2018).

**27.11.4 LUBA Procedures/Rules – Service – Other Documents.** Filing a motion to stay with LUBA is accomplished either by delivery to the Board or by mailing it to the Board by first class mail; a copy of a motion sent as an e-mail attachment is not sufficient to file a motion. *Rogue Advocates v. Josephine County*, 71 Or LUBA 409 (2015).

**27.11.4 LUBA Procedures/Rules – Service – Other Documents.** Failure to contemporaneously serve a motion for attorney fees and cost bill on other parties as required by OAR 661-010-0075(2)(b) deprives those parties of the opportunity to respond to the motion, and prejudices their substantial rights. Because belated service and briefing on the motion would further delay reaching finality in the appeal, the movant’s failure of service is not a “technical violation” under OAR 661-010-0005, and LUBA will not consider the motion. *Swails v. Clackamas County*, 61 Or LUBA 503 (2010).

**27.11.4 LUBA Procedures/Rules – Service – Other Documents.** Service of the petition for review by parcel post rather than by first class mail is a violation of OAR 661-010-0075(2)(b)(B). However, unless the slower delivery attributed to parcel post interferes with the respondent’s ability to prepare the response brief, or otherwise prejudices other parties’ substantial rights, that violation does not provide a basis to dismiss the appeal. *Moreland v. City of Depoe Bay*, 48 Or LUBA 136 (2004).

**27.11.4 LUBA Procedures/Rules – Service – Other Documents.** Where LUBA provided timely notice of the date and time of oral argument to the county counsel and was not notified of any substitution of counsel, and the county’s new attorney did not make inquiries with LUBA or the county counsel regarding the scheduling of oral argument and did not appear at oral argument, LUBA will not schedule a second oral argument. *Dudek v. Umatilla County*, 40 Or LUBA 416 (2001).

**27.11.4 LUBA Procedures/Rules – Service – Other Documents.** Untimely service of the petition for review is not a basis to dismiss the appeal, absent prejudice to a party’s substantial rights. *Allen v. Grant County*, 39 Or LUBA 735 (2000).