

27.11.5 LUBA Procedures/Rules – Service – Failure to Comply. 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).

27.11.5 LUBA Procedures/Rules – Service – Failure to Comply. Where LUBA issues an order directing petitioner to file a supplemental certificate of service to establish that the notice of intent to appeal was served on the local government’s legal counsel, and petitioner fails to do so within the deadline specified in the order, petitioner’s appeal will be dismissed. *Althausen v. Clackamas County*, 55 Or LUBA 656 (2008).

27.11.5 LUBA Procedures/Rules – Service – Failure to Comply. Where a party commits multiple violations of LUBA’s rules regarding service, whether those violations are “technical violations” that shall not interfere with LUBA’s review under OAR 661-01-0005 depends on the cumulative effect of those violations on other parties’ substantial rights, rather than the individual effect of each violation. *Moreland v. City of Depoe Bay*, 48 Or LUBA 136 (2004).

27.11.5 LUBA Procedures/Rules – Service – Failure to Comply. 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).

27.11.5 LUBA Procedures/Rules – Service – Failure to Comply. Failure to (1) serve a party with a copy of a certificate of service filed with LUBA, or (2) include a certificate of filing in the service copy of a document filed with LUBA is, at most, a technical violation of OAR 661-10-075(2)(c)(A) or 661-10-075(2)(c)(C), respectively, and will not interfere with LUBA’s review unless parties’ substantial rights are prejudiced. *Gilson v. City of Portland*, 21 Or LUBA 598 (1991).

27.11.5 LUBA Procedures/Rules – Service – Failure to Comply. Failure to timely serve a copy of the notice of intent to appeal on other parties and to include proof of service of the notice of intent to appeal when the notice of intent to appeal is filed are technical violations of LUBA’s rules, which will result in dismissal only where a party’s substantial rights are prejudiced. *Tice v. Josephine County*, 21 Or LUBA 550 (1991).

27.11.5 LUBA Procedures/Rules – Service – Failure to Comply. Failure to timely serve a copy of the notice of intent to appeal on other parties is a technical violation of LUBA’s rules, which will result in dismissal only where a party’s substantial rights are prejudiced. *Rebmann v. Linn County*, 21 Or LUBA 542 (1991).

27.11.5 LUBA Procedures/Rules – Service – Failure to Comply. Under OAR 661-10-005, failure to serve the notice of intent to appeal on respondent within the time required by OAR 661-10-015(2) is a technical violation of LUBA’s rules which is not grounds for dismissal unless the substantial rights of parties are prejudiced. *Schellenberg v. Polk County*, 21 Or LUBA 507 (1991).

27.11.5 LUBA Procedures/Rules – Service – Failure to Comply. Respondent’s right to “the speediest practicable review” is not materially affected by service of the notice of intent to appeal eight days later than required by OAR 661-10-015(2). *Schellenberg v. Polk County*, 21 Or LUBA 507 (1991).

27.11.5 LUBA Procedures/Rules – Service – Failure to Comply. Failure to timely serve a cost bill or petition for attorney fees is a technical violation of LUBA’s rules, and a motion to strike such a cost bill or petition for attorney fees will be granted only if the moving party’s substantial rights are prejudiced by the untimely service. *Knapp v. City of Jacksonville*, 20 Or LUBA 535 (1991).

27.11.5 LUBA Procedures/Rules – Service – Failure to Comply. A two week delay in LUBA’s resolution of a cost bill or petition for attorney fees’ due to the prevailing party’s failure to comply with LUBA’s requirements for service of such documents on other parties, does not constitute prejudice to the other parties’ substantial right to the “speediest practicable review.” *Knapp v. City of Jacksonville*, 20 Or LUBA 535 (1991).