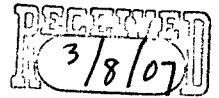


07-CV-A



UNITEL  
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New York, NY 10004  
(212) 889-3000

2-26-07

Secretary  
Committee on Rules of Practice and Procedure  
Administrative Office of the United States Courts  
Washington, D.C. 20544

Re: Recommendations for change of Rule 45 –F.Rules Civil Procedure with respect to personal service of subpoenas

Dear Secretary:

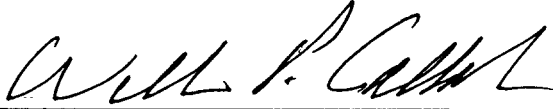
I respectfully write to urge a change in the requirements of Rule 45 with respect to personal service of all civil subpoenas to be in accord with substituted service of a summons in Rule 4. I am the president of Unitel and an attorney duly admitted to practice in New York. I am a former Federal Prosecutor with the U.S. Department of Justice.

We are an investigative consulting company and we work almost exclusively for law firms engaged in Intellectual Property litigation practice. Much of our assignments we receive from our law firm clients involve service of Federal Summons & Complaints and Subpoenas for Documents/Depositions. With respect to service of a Summons under Rule 4, there is a great deal of latitude in that Rule for substituted service on individuals and corporations such as Rule 4 (d) Waiver of Service; Duty to Save Costs of Service; Request to Waive. Thus, when an individual is hard to serve there are several remedies available under Rule 4 that are not available under Rule 45.

This is not so under Rule 45, where the Rule, states: "... service ... shall be made by delivering a copy thereof to such person and tendering the fees ...". In our day to day work in the field, we must adhere to the personal service restrictions and in this day and age, such service becomes fairly impractical and futile most of the time. We must resort to all types of tricks and subterfuge since in most cases, the individual has already been served with the Summons and is thus alerted to any further legal documents. People will not open their doors anymore, go to great lengths to evade service, and it is professionally distasteful to have to resort to chicanery and tricks to effect service, not to mention the time and expense and even danger to our servers.

There is no reasonable reason in my view to continue this *personal service* requirement when the avenues supplied by Rule 4 more than suffice with alternate methods for service of a Summons. In my view, there is little difference over the Summons stage of litigation versus the Subpoena stage and I respectfully argue it's time to change Rule – 45(b) (1) to comport with Rule 4.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William P. Callahan". The signature is fluid and cursive, with a horizontal line underneath the name.

William P. Callahan, Esq