



Comment to proposed FRBP 7004(e)
Bradley R. Tamm \s) to: rules_comments
Please respond to btamm

08/24/2012 02:59 PM

It is proposed to shorten the time for service from 14 days to 7 days.

Where service can be effected by mail, the shortened time is sufficient as service is deemed effected on mailing.

However, where the only address for the individual is a PO box (as are many rural or business addresses), the service must be effected by hand delivery. That then typically requires sending Summons & Complaint to a process server at the remote location, then the process server must locate the individual and carry out service.

10 days under the old rule was tough; and the 14 days that came into effect a couple of years ago gave some relief. However, if it is now shortened to 7 days, I expect we will have many situations where the service ends up by being stale dated, or the summons will have to be reissued multiple times.

If the committee's concern is to give more time for the defendant to respond, I suggest changing the time to respond under Rule 7012(a) from 30 days to 45 days or so (or apply the governments 35 day period to answer to everyone.)

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