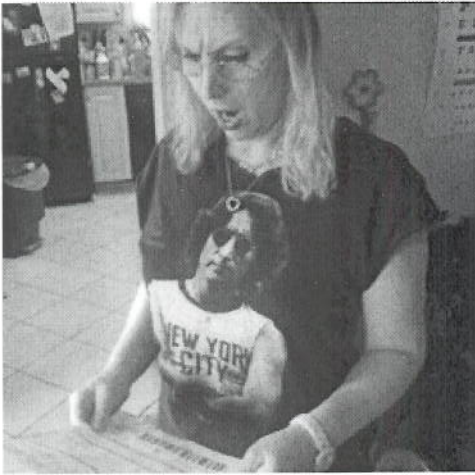


12-CV-A



1. Signatures

12 out of 5,000

Petitioning

1. Secretary of the Committee on Rules of Practice and Procedure (Peter G. McCabe)



2.

Created By

Russell Alexander
Brentwood, NY

[About this Petition](#) [Petition Letter](#) [Petition Updates](#)

Why This Is Important

Hundreds of thousands of people have woken up to find there is a judgement against them for a lawsuit they never even knew about. In many states, all that is required is for a process server to swear they delivered the summons (including left it stuck to a door). But in reality the summons was never delivered - it was dumped, giving rise to the term "gutter service".

Digital photography is cheap and easy to use. At the very least, there should be a photo of the summons affixed to the door (window, whatever) with the address clearly visible. In cases where that isn't possible due to no address being posted, then an additional shot of the house - preferably also showing the summons - should be required.

Does this sound like an unusual situation? The truth is, it can happen to anyone, for any reason. It can happen to YOU. Just Google "summons gutter service" to see how prevalent it is.

Specifically, I propose a change to the Federal Rules of Civil Procedure, Rule 4, paragraph (e), which currently states:

(e) Serving an Individual Within a Judicial District of the United States. Unless federal law provides otherwise, an individual—other than a minor, an incompetent person, or a person whose waiver has been filed—may be served in a judicial district of the United States by:

- (1) following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; or
- (2) doing any of the following:
 - (A) delivering a copy of the summons and of the complaint to the individual personally;
 - (B) leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or
 - (C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process.

I propose changing subsection (1) to include the following: "and providing photographic evidence of service if state or local law permits the summons to be left unattended at the individual's dwelling or usual place of abode".

The petition will be submitted to Peter G. McCabe, the Secretary of the Committee on Rules of Practice and Procedure, Administrative Office of the United States Courts.

Why People Are Signing



• Neil Alexander
13 days ago

There have been enough predatory lawyers making money off "legal" victimization. Enough class action suits where the affected citizens get five or ten dollars each while the lawyers make millions. Enough individual lawsuits where the lawyers know and don't care that process service was never made. If this is the only way these people can make money then they need to be reeducated. I hear prisons offer employment counseling.

Recent Signatures

- LAURA GUNIEWICZ (East Northport, NY)
13 days ago
- Neil Alexander (Flushing, NY)
13 days ago
- Sandi Kiefer (Nyack, NY)
14 days ago
- mary kelly (Homer, NY)
14 days ago
- Eric Altarac (Brentwood, NY)
14 days ago
- matt nappo (shoreham, NY)
15 days ago
- clayton palmiter (hicksville, NY)
15 days ago

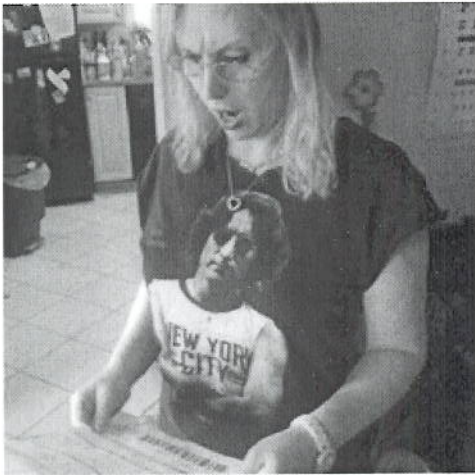
- [Keith Gutschwahr](#) (Bay Shore, NY)
15 days ago
- [Dianee Alexander](#) (Brentwood, NY)
18 days ago
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19 days ago

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1. Signatures

12 out of 5,000

Petitioning

1. Secretary of the Committee on Rules of Practice and Procedure (Peter G. McCabe)



2.

Created By

Russell Alexander
Brentwood, NY

[About this Petition](#) [Petition Letter](#) [Petition Updates](#)

Show photographic proof of delivery of a summons

Dear Mr. McCabe,

I just signed the following petition concerning: End Process Servers "Gutter Service" by requiring photographic proof of delivery of a summons.

Hundreds of thousands of people have woken up to find there is a judgement against them for a lawsuit they never even knew about. In many states, all that is required is for a process server to swear they delivered the summons - including left it affixed to a door. But often, it was never actually served, merely dumped. It happens so often there is a term for it - "gutter service".

Digital photography is cheap and easy to use. At the very least, there should be a photo of the summons affixed to the door (window, whatever) with the address clearly visible. In cases where that isn't possible due to no address being posted, then an additional shot of the house - preferably also showing the summons - should be required.

Specifically, I request a change to the Federal Rules of Civil Procedure, Rule 4, paragraph (e), which currently states:

(e) Serving an Individual Within a Judicial District of the United States. Unless federal law provides otherwise, an individual—other than a minor, an incompetent person, or a person whose waiver has been filed—may be served in a judicial district of the United States by:

(1) following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; or

I propose changing subsection (1) to include the following: "and providing photographic evidence of service if state or local law permits the summons to be left unattended at the individual's dwelling or usual place of abode".

The petition will be submitted to the Secretary of the Committee on Rules of Practice and Procedure, Administrative Office of the United States Courts.

Sincerely,

[Your name]

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