

I Failed to Notice

By Reg P. Wydeven

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While channel surfing the other night, I came across the movie ‘Pineapple Express.’ The film stars James Franco as a pot dealer and Seth Rogen as his process server buddy. As a process server, it’s Rogen’s job to give notice of a lawsuit or court hearing to another person.

Depending upon what type of lawsuit is involved, there are several different methods and very specific time limits by which the other party must be served. If the other party is not served properly, the court does not have ‘jurisdiction’ over this person so the case cannot be heard.

Most types of notices must be served personally, meaning the party must be physically handed the notice of the lawsuit. While attempting to serve a drug lord, Seth Rogen’s character in the movie observes him killing a competitor. As witnesses to the crime, Rogen and Franco spend the rest of the flick on the run, and hilarity ensues.

While my buddies, Keith and Jake, of Service Intelligence, enjoyed ‘Pineapple Express,’ they claim real life process serving is not nearly as exciting. As process servers, they explain that most of their job is spent in the office researching the probable whereabouts of their quarry. The rest of the time is typically boring, as they sit and wait for their target.

Because properly serving a party is so critical, finding an effective process server is vital. Keith and Jake pride themselves on always finding their man, or woman for that matter. Not that it’s always easy, however.

Many parties to lawsuits know the notice will be coming. Accordingly, they will sneak around town, use the back entrance to work and refuse to answer their door. Keith and Jake are persistent, though, and know all the tricks. I would love to share some of their secret tactics, but they don’t want to tip their hand to future targets.

For litigants not lucky enough to work with Keith or Jake, they can serve notice of the legal action by publication if they fail to properly serve a party with a process server or the sheriff. The notice must be served in the newspaper published in the town of the last known address of the party. It must appear once a week for three weeks. Because this slows things down, meeting deadlines for the lawsuit can be jeopardized.

Just ask Ellanora Baidoo. In 2009, Baidoo married Victor Sena Blood-Dzraku in a civil ceremony. Their marriage soon started to deteriorate when Blood-Dzraku broke his promise to have a traditional Ghanaian wedding ceremony later. Baidoo filed for divorce in New York, but was unable to serve her husband, even after hiring a private detective.

So Baidoo and her attorney, Andrew Spinnell, went to court and made an unusual request: to serve Blood-Dzraku via Facebook. She explained her plight and said that she only communicated with her husband by phone or Facebook. Manhattan Supreme Court Justice Matthew Cooper granted Baidoo’s request and indicated she must send him a private Facebook message once a week for three consecutive weeks or until “acknowledged” by him.

As a husband, I admire Blood-Dzraku’s tenacity in ducking process servers. Plus, I find it disheartening that the dissolution of the sanctity of marriage can be initiated by a Facebook post. I’m guessing he’ll ‘dislike’ the post.

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