

N.Y. Process Server Pleads Guilty To Fraud For Failing To Properly Notify Defendants



William Singler, owner of Long Island-based American Legal Process (“ALP”), has pled guilty to a felony for failing to provide proper legal notification to thousands of New Yorkers facing primarily debt-related lawsuits. According to N.Y. Attorney General Andrew Cuomo, Singler’s fraud caused many to default and have costly judgments entered against them without the chance to respond or defend themselves in court.

Singler pleaded guilty to one count of Scheme to Defraud in the First Degree, a class E felony. He is expected to be sentenced on March 24. A lawsuit filed by Cuomo against ALP and Singler earlier this year seeking damages, penalties and injunctive relief remains pending.

According to Cuomo: ALP was hired primarily by lawyers representing plaintiffs in debt collection lawsuits to serve court papers on defendants. However, Singler admitted that ALP process servers, with his knowledge, failed to properly serve the court papers on defendants named in the lawsuits. Further, Singler stated that even though he knew that many of the process servers had failed to properly serve the court papers in accordance with state law, he submitted false affidavits of service stating, under oath, that the court papers had indeed been served.

According to the criminal and civil complaints, ALP’s conduct included:

- Instances in which ALP process servers claim to have made process-serving attempts in more than one place at the exact same time. In one particular case, a process server claimed to have been at four different addresses at precisely the same moment
- Instances in which an ALP process server claimed to have made process-serving attempts that would have required the process server to drive more than 10,000 miles in a single day
- Instances in which ALP process servers claim to have served individuals with the summons and complaint before they had even received those documents from Singler and ALP

Additionally, Cuomo is seeking have an estimated 100,000 default judgments against consumers who were not legally served by ALP thrown out. His office has filed suit against 35 law firms and two debt collectors that relied on ALP to notify consumers that they faced debt-related lawsuits. In addition to seeking to vacate all of the default judgments where the sole evidence that the defendant received notice of the suit is an ALP affidavit, the lawsuit asks the court to:

- Order the law firms and debt collectors to inform the New York State Unified Court System of each action in which they used ALP to serve legal process and in which a default judgment was granted
- Notify all the parties in those actions of the existence of this lawsuit and their right to be heard
- Notify the court of the amount of any default judgments taken in any of the relevant actions, as well as whether the debtor paid any amount to satisfy the default judgment.

Additionally, where a default judgment is ultimately vacated, the lawsuit asks the court to direct that proper restitution be made to any debtor who made payment on an improperly obtained default judgment.