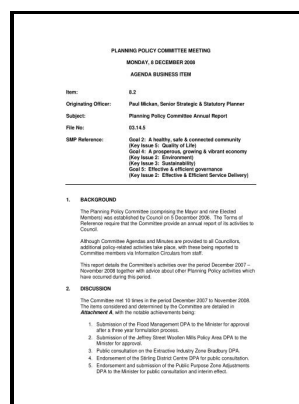


# Effective committee service

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Notes: Includes bibliographical references

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For examples of Federal and State statutes expressly authorizing such service, see 8 U. Paragraph 1 is explicit that a timely waiver of service of a summons does not prejudice the right of a defendant to object by means of a motion authorized by Rule 12 b 2 to the absence of jurisdiction over the defendant's person, or to assert other defenses that may be available.

### Structure, Committees, and Meetings

Relief may be justified, for example, if the applicable statute of limitations would bar the refiled action, or if the defendant is evading service or conceals a defect in attempted service.

### Structure, Committees, and Meetings

These legislative changes are embodied in Section 10 of S. The costs that may be imposed on the defendant could include, for example, the cost of the time of a process server required to make contact with a defendant residing in a guarded apartment house or residential development. In this spirit Judiciary Committee staff consulted with representatives of this Department, the Judicial Conference, and others who had voiced concern about the proposed amendments.

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By waiving service, a defendant is not called upon to respond to the complaint until 60 days from the date the notice was sent to it—90 days if the notice was sent to a foreign country—rather than within the 20 day period from date of service specified in.

### Effective and Efficient Service Delivery Mechanisms and Models

Given the substantial increase in the number of international transactions and events that are the subject of litigation in federal courts, it is appropriate to infer a general legislative authority to effect service on defendants in a foreign country.

### Structure, Committees, and Meetings

No material change in the rule is effected. Wonderful things can happen when a board is well structured and when its meetings are well orchestrated. The problem would arise when a plaintiff files the complaint within the applicable statute of limitation period but does not effect service within 120 days.

### **Effective Committee Service**

In such cases, the court may direct a special method of service not explicitly authorized by international agreement if not prohibited by the agreement. Paragraph 3 extends the time for answer if, before being served with process, the defendant waives formal service. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

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