

In reference to the rule change stated below.

The process server is not in compliance with this provision if its electronic record was made before the time of attempted or effected service. There shall be a rebuttable presumption that the process server was not in compliance with this provision if its electronic record is made more than five minutes after the time of attempted or effected service.

I am writing to formally express my concerns regarding the recent implementation of [specific rule, which, in my professional judgment, significantly compromises the safety of Process Servers. This rule, as currently enforced, fails to account for the practical and often hazardous realities of our work. It is evident that the rule was introduced without a thorough evaluation of its impact on worker safety. Numerous Process Servers, who are intimately familiar with the on-the-ground risks, have raised serious concerns about the dangers posed by this regulation. It is deeply concerning that these safety risks were not adequately addressed prior to the rule's implementation. Based on extensive discussions with colleagues, it is my belief that a vast majority—likely exceeding 90%—of Process Servers would be willing to attest to the dangers of this rule, should they be asked to provide a formal Affidavit or Affirmation. Each of us can readily cite numerous examples where the enforcement of this rule has directly jeopardized our safety. Such a widespread consensus among those affected should prompt an immediate reevaluation of the rule's viability. I am also concerned by the apparent lack of collaboration in the development of this rule. It is difficult to understand why the DWCP would implement such a significant policy change without engaging in a constructive dialogue with the Process Servers who must adhere to it. A collaborative approach, wherein the experiences and insights of Process Servers are fully considered, would likely result in a more balanced and safer outcome for all parties involved.

There have been numerous cases where individuals were knowingly put in dangerous situations, leading to litigation. These cases typically fall under personal injury, or workplace safety law. Here are a few notable examples:

1. **Ford Pinto Case (Grimshaw v. Ford Motor Company, 1981)**: Ford was sued after it was revealed that the company knew about the design flaw in the Pinto's gas tank, which made the car prone to exploding in rear-end collisions. Ford had decided it was cheaper to pay for lawsuits than to fix the problem. The case resulted in significant damages awarded to the plaintiffs and is a landmark in product liability law.
2. **Asbestos Litigation**: Numerous companies were sued after it was discovered that they had knowingly exposed workers and consumers to asbestos, a dangerous carcinogen. These cases have led to massive settlements and the creation of trust funds to compensate victims.
3. **McDonald's Hot Coffee Case (Liebeck v. McDonald's Restaurants, 1994)**: In this case, McDonald's was sued after a customer, Stella Liebeck, suffered third-degree burns from spilling extremely hot coffee on herself. Evidence showed that McDonald's was aware of the risk of serving coffee at such high temperatures but chose to continue

the practice. The case resulted in a significant jury award and sparked public debate about tort reform.

4. **Silkwood v. Kerr-McGee Corp. (1979)**: This case involved Karen Silkwood, a whistleblower and employee at a Kerr-McGee plutonium plant, who was contaminated with plutonium. It was argued that Kerr-McGee had knowingly put its workers in danger by not following safety protocols. After Silkwood's mysterious death, her family sued the company, resulting in a landmark settlement.

5. **West Fertilizer Company Explosion (2013)**: This incident involved a massive explosion at a fertilizer plant in West, Texas, which killed 15 people and injured hundreds. It was later revealed that the company had stored large amounts of ammonium nitrate, a highly explosive material, without proper safety measures. Victims and their families filed lawsuits against the company for negligence.

These cases illustrate how litigation can arise when individuals knowingly place others in dangerous situations, leading to injury or death and was aware of the risks and chose to ignore them. Here are additional cases where individuals were knowingly put in dangerous situations.

6. **The Johns-Manville Asbestos Case**: Johns-Manville Corporation, a major manufacturer of asbestos-containing products, was sued by thousands of workers who developed asbestosis, lung cancer, and mesothelioma due to asbestos exposure. Internal documents revealed that the company knew about the dangers of asbestos but continued to expose workers and consumers. This case led to significant settlements and the establishment of the Manville Trust to compensate victims.

7. **The Love Canal Incident**: In the late 1970s, residents of the Love Canal neighborhood in Niagara Falls, New York, discovered that their homes were built on a toxic waste dump. The chemical company Hooker Chemical (now Occidental Petroleum) had buried hazardous waste in the area and later sold the land to the local school board. Despite knowing the risks, the company failed to warn residents. The resulting health issues led to extensive litigation and eventually to the creation of the federal Superfund program to clean up toxic sites.

8. **BP Deepwater Horizon Oil Spill (2010)**: The Deepwater Horizon oil spill in the Gulf of Mexico resulted from an explosion on a BP-operated oil rig, leading to the largest marine oil spill in history. Investigations revealed that BP and its contractors had cut corners on safety procedures, knowingly putting workers and the environment at risk. The resulting litigation included thousands of lawsuits from affected businesses, individuals, and governments, resulting in billions of dollars in settlements and fines.

9. **PG&E and the Hinkley Groundwater Contamination (1993)**: This case, famously depicted in the film *Erin Brockovich*, involved Pacific Gas and Electric Company (PG&E) contaminating the groundwater in Hinkley, California, with hexavalent chromium, a toxic chemical. PG&E was aware of the contamination but failed to inform

residents, leading to widespread health issues. The company eventually settled with the affected residents for \$333 million, one of the largest settlements of its kind.

10. ****Enron Scandal (2001)****: While primarily known as a financial scandal, the Enron case also involved dangerous situations for employees and investors. Enron executives knowingly engaged in fraudulent practices that led to the company's collapse, causing significant financial harm to employees who lost their jobs and life savings. Numerous lawsuits followed, including claims for breach of fiduciary duty and securities fraud, leading to criminal convictions and civil settlements.

11. ****The Rana Plaza Factory Collapse (2013)****: In Bangladesh, the Rana Plaza building, which housed several garment factories, collapsed, killing over 1,100 workers. It was later revealed that the building had been constructed with substandard materials and was structurally unsound. Despite visible cracks in the building, factory owners had forced workers to enter the building, leading to the disaster. Lawsuits were filed against the building owner and international brands that sourced products from the factories, leading to compensation for victims' families.

12. ****TWA Flight 800****: This 1996 plane crash was the result of a fuel tank explosion that killed all 230 passengers aboard. Investigations revealed that the airline and the manufacturer, Boeing, were aware of the risk of fuel tank explosions but had not taken adequate steps to prevent them. The families of the victims filed lawsuits against TWA and Boeing, resulting in settlements.

These cases underscore the legal and ethical responsibilities to protect individuals from known dangers.

Regards
Anthony