

**TOWN OF VIENNA, VIRGINIA
ADMINISTRATIVE REGULATIONS**

Subject: ACCEPTANCE OF LAWSUITS, SUBPOENAS & OTHER LEGAL ACTIONS	Regulation No: 1.9	Effective Date: February 24, 2012
	Supersedes: November 8, 1996	

I. PURPOSE

The purpose of this regulation is to establish the procedures to be followed when the Town is served with lawsuits, subpoenas, and other legal actions.

II. ACCEPTANCE OF SERVICE OF PROCESS OF LAWSUITS NAMING THE TOWN

When a suit names the Town of Vienna as a defendant, service on the Town can only be accepted by the Mayor, Town Manager or Town Attorney (e.g., John Doe v. Town of Vienna). If none of these individuals are available, receipt is to be refused and the process server is to be directed to locate the appropriate named defendant. If an individual employee is named in the suit either separately or along with the Town of Vienna, the named individual should accept service for him- or herself, but not for the Town of Vienna. The Town Attorney must be notified immediately. When necessary, the Administrative Services Director shall be provided copies in order to place the Town's insurance carrier on notice.

III. ACCEPTANCE OF SUBPOENAS NAMING THE TOWN OR OFFICIALS

Subpoenas may be served for the appearance of an individual or for records and may name an individual, a Town department, or the Town.

Besides the individual or head of department named in the subpoena, the Town Manager, and Town Clerk are also authorized to accept service. If none of these individuals are available, receipt is to be refused and the process server is to be directed to locate the appropriate person. The Town Attorney is to be notified of the attempt to serve the subpoena.

The individual who accepts service of the subpoena is responsible for immediately informing the Town Attorney of its receipt. In addition, the Town Attorney is to be provided with a copy of the subpoena.

IV. ACCEPTANCE OF OTHER LEGAL ACTIONS AFFECTING THE TOWN

In addition to the individual or head of department named in the action, the Town Manager, Town Clerk and Director of Administrative Services are also authorized to accept service. If none of these individuals are available, receipt is to be refused and the process server is to be directed to locate the appropriate person. The Town Attorney is to be notified of the attempt to serve the legal action.

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The individual who accepts service of any legal action is responsible for immediately informing the appropriate individual of its receipt (e.g., provide payroll clerk with copy of garnishment). In addition, a copy is to be provided to the person named so that the appropriate action and response can be taken.

V. APPLICABLE DOCUMENTS

None

<i>Signature of Town Manager:</i>	<i>Date:</i>
	2/24/2012