

PREPARING FOR THE INEVITABLE

How to respond to potential law suits and prepare for your day in court.

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ABSTRACT

Because of the marked human response to blast effects and inherent defects present in many modern structures the real possibility of being named as a defendant in a law suit faces most blasters. Until recently even frivolous law suits involved a great deal of expense since legal costs were inevitably incurred whilst waiting for your day in court, which typically occurred some 2-4 years after the alleged damage took place.

Recently Rule 11 of the Rules of Civil Procedure was enacted which allows a defendant a means to get out of a law suit, provided that it can be documented that the suit is frivolous. Successful use of Rule 11 requires that the defendant can fully document his blasting procedures. This paper will describe the use of Rule 11 and the various ground vibration standards that can be utilized in the defense of an alleged damage claim.