

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 07-cv-02319-CMA-BNB

ALLEN BERGERUD,

Plaintiff,

v.

JOSEPH FORTUNATO, D.O.,  
KATHY RITTENHOUSE, N.P., and  
BRIAN WEBSTER, P.A.,

Defendants.

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**ORDER**

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This matter arises on the plaintiff's **Motion to Compel Discovery of Doctor Pohlman's Address** [Doc. #40, filed 10/19/2009] (the "Motion"). The Motion is DENIED.

The plaintiff served on defendant Fortunato interrogatories which sought in part the names and addresses of the medical personnel who participated in the plaintiff's treatment at the Sterling Correctional Facility. In response, Dr. Fortunato identified Dr. Pohlman as one of the medical providers. Dr. Fortunato also stated that he is "unaware of Dr. Pohlman's current address." The plaintiff requests an order directing the defendants to provide the address of Dr. Pohlman.

The defendants state that Dr. Pohlman was a private orthopedic specialist with whom defendant Fortunato conferred in March 2006 to discuss the plaintiff's pelvic injury and that Dr.

Fortunato does not know Dr. Pohlman's address.<sup>1</sup> In addition, the Litigation Coordinator and Health Services Administrator at the Sterling Correctional Facility informed defense counsel that Dr. Pohlman is retired and has moved out of the State of Colorado, and the facility does not have an address for him.

The defendants cannot be compelled to provide information they do not possess.

IT IS ORDERED that the Motion is DENIED.

Dated November 10, 2009.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge

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<sup>1</sup>The defendants state that there are no medical records from Dr. Pohlman in the plaintiff's medical file or anywhere else.