

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03262-RBJ-KLM

MICHAEL SEAN EDMOND,
Plaintiff,

v.

BROADMOOR HOTEL, INC., and
DANA BARTON, Director of Recruitment,

Defendants.

ORDER DISCHARGING ORDER TO SHOW CAUSE

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on the **Order to Show Cause** [#16] issued on April 8, 2014. The Order was based on the fact that Defendant Dana Barton (“Barton”) has not been served with the Summons and Complaint in this action and, therefore, is not currently a proper party. Plaintiff filed this civil action on December 2, 2013 [#1]. On January 6, 2014, the United States Marshal was directed to serve a copy of the Summons and Complaint on all Defendants in the above-captioned matter. [#11]. On January 11, 2014, the Summons was returned unexecuted for Defendant Barton with a notation that Defendant Broadmoor Hotel, Inc. does not accept process for individuals but, rather, only accepts process for companies with which it is contracted. [#12] at 2. No forwarding address was provided. The Court therefore ordered that Plaintiff show cause why the Court should not recommend that the case against Defendant Barton be dismissed pursuant to Fed. R. Civ. P. 4(m) & 41(b). Plaintiff timely filed a Response [#16] to the

Order. In the Response, he provides a new address at which Defendant Barton may be served. Accordingly,

IT IS HEREBY **ORDERED** that the Order to Show Cause [#15] issued on April 8, 2014 is **DISCHARGED**.

IT IS FURTHER **ORDERED** that, if appropriate, the Clerk shall attempt to obtain a waiver of service pursuant to Fed. R. Civ. P. 4(d) from Defendant Barton at the following address: **Dana Barton, Citizen's Service Center, Dept.: Pikes Peak Workforce Center, 1675 Garden of the Gods Road, Colorado Springs, Colorado 80907**. If unable to do so, the United States Marshal shall serve a copy of the Complaint [#1], Summons, and this Order on Defendant Dana Barton at the above address. All costs of service shall be advanced by the United States.

IT IS FURTHER **ORDERED** that Defendant Dana Barton or her counsel shall respond to the Complaint [#1] as provided for in the Federal Rules of Civil Procedure after service of process on her.

Dated: April 30, 2014

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kristen L. Mix".

Kristen L. Mix
United States Magistrate Judge