

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Richard P. Matsch**

Civil Action No. 14-cv-02680-RPM

SHANE WITTLE, individually and derivatively on behalf of
MARLEY COFFEE LLC,

Plaintiffs,

v.

ROHAN MARLEY,
CEDELLA MARLEY,
JAMMIN' JAVA CORPORATION,
HOPE ROAD MERCHANDISING, LLC,
FIFTY-SIX HOPE ROAD MUSIC LIMITED,
MARLEY COFFEE ESTATE LIMITED,

Defendants.

**ORDER FOR SUBSTITUTED SERVICE ON DEFENDANT MARLEY COFFEE
ESTATE LIMITED**

Plaintiff Shane Wittle seeks an order for substituted service on Defendant Marley Coffee Estate Limited (“Marley Coffee”) pursuant to Colorado Rule of Civil Procedure 4(f). Marley Coffee is a Jamaican limited liability company. According to Plaintiff, Balram Vaswani is Marley Coffee’s CEO and managing member and operates the company out of his condominium at 1555 Blake Street, Unit 704, in Denver, Colorado.

Consistent with Colorado Rule of Civil Procedure 4(e), Plaintiff attempted to serve Marley Coffee with process in this civil action by serving it upon Vaswani. Plaintiff has submitted an affidavit of non-service from Timothy Cunningham, who states that he attempted to serve Vaswani at his condominium building on multiple occasions but building

security would not allow Cunningham up to Vaswani's unit. [Doc. 11, Ex. B.] Cunningham further states that he staked out the condominium building in an attempt to serve Vaswani as he was coming or going from the building. [Id.] That approach was also unsuccessful.

The Court is satisfied that Plaintiff has used due diligence to attempt personal service under Rule 4(e) and that further attempts to personally serve Defendant Marley Coffee would be to no avail. The Court believes that Plaintiff's proposed manner of substituted service is appropriate under the circumstances and reasonably calculated to give actual notice to Defendant Marley Coffee. It is therefore

ORDERED that Plaintiff may effect service upon Defendant Marley Coffee by sending via Registered United States Mail a copy of the Complaint and Jury Demand, along with the Civil Cover Sheet, Summons, and this Order of Substituted Service to Balram Vaswani at 1555 Blake Street, Unit 704, Denver, CO 80202; and by serving the materials upon building security in the lobby of Vaswani's condominium building for delivery to Vaswani at Unit 704.

Dated: November 17, 2014.

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch
Senior Judge