

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00534-MJW

JOHN W. PEROTTI,

Plaintiff,

v.

UNITED STATES OF AMERICA,
WARDEN CHARLIE DANIELS,
DR. DAVID ALLRED,
R.N. M. ANDREIS,
AW JOHNSON,
HSA COLLINS,
ESTATE OF BRAD CINK, and
R.N. SERBY,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that the plaintiff's Notice of Substitution of Party and Request for Address of Estate of Defendant Cink (**Docket No. 32**) is **granted in part and denied in part** as follows. The motion is granted to the extent that as ordered below, the Estate of Brad Cink shall be substituted for defendant P.A. Brad Cink. The motion is denied, however, with respect to the plaintiff's request for the Estate's address. The United States represents in its Response (Docket No. 34) to plaintiff's Motion to Compel Discovery (31) that it does not have an address or contact information for the Estate.

It is further **ORDERED** that the plaintiff's Motion to Compel Discovery (**Docket No. 31**) is **granted in part and denied in part** as follows. In the subject motion (Docket No. 31), plaintiff seeks an order from the court compelling the U.S. Attorney to provide the addresses of the named defendants in order to effectuate service. However, as the docket reflects, defendants Charles Daniels, Dr. David Allred, Stacy Collins, and Kristina Serby have waived service. (Docket No. 34). Therefore, the subject motion (Docket No. 31) is denied as moot with respect to the addresses for those four defendants. Service was not waived for defendant Bard Cink, deceased (or his estate), and defendant former employees Mark Andreis and Kevin Johnson. The United States has agreed to provide the U.S. Marshal Service with the last known personal addresses on record of former Bureau of Prisons employees Andres and Johnson. Thus the subject motion (Docket No. 31) is granted with respect to the addresses for those two defendants as directed in the last ordered paragraph below. Finally, with regard to deceased defendant Cink, as noted above, the United States represents in its Response (Docket No. 34) that it does not have

an address or contact information for the Estate. Therefore, the subject motion (Docket No. 31) is denied with respect to the request for the Estate's address.

It is further **ORDERED** that the Clerk shall substitute the Estate of Brad Cink for defendant P.A. Brad Cink.

It is further **ORDERED** that counsel for defendant United States shall forthwith provide the U.S. Marshal Service with the last known addresses of defendants Mark Andreis and Kevin Johnson. Such addresses, if filed, shall be filed under Level 2 restriction. Counsel for defendant United States shall file a certificate with the court stating when such addresses have been provided to the U.S. Marshal Service.

Date: November 4, 2015
