

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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LOREN L. LEISER, SR.,

Plaintiff,

v.

ORDER

11-cv-328-slc

JEANNIE ANN VOEKS, R.N.,  
DR. BRIAN J. BOHLMANN,  
DR. KENNETH ADLER,  
DR. BRUCE GERLINGER,  
DR. BRAUNSTEIN, DR. JOAN M. HANNULA,  
REED RICHARDSON, former SCI Security Chief,  
BRADLEY HOMPE, former SCI Warden,  
JAMES GREER, JOHN/JANE DOES(S)“SPECIAL  
NEEDS COMMITTEE” MEMBERS and  
JOHN/JANE DOES(S) “COMMITTEE”  
APPROVING SURGICAL PROCEDURES,

Defendants.

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In an order entered on July 22, 2011, this court granted plaintiff's request to proceed on his Eighth Amendment claims that defendants failed to provide him with adequate medical treatment. The Attorney General's office has accepted service of plaintiff's complaint on behalf all of the defendants except defendants Bohlmann, Gerlinger, Braunstein and the John and Jane Doe defendants. Therefore, the clerk of court has prepared Marshals Service and summons forms for Bohlmann, Gerlinger and Braunstein and is forwarding copies of the complaint and completed forms to the United States Marshal for service.

In completing the Marshals Service forms, the clerk has not provided forwarding addresses for the defendants because this information is unknown. It will be up to the marshal to make a reasonable effort to locate defendants Bohlmann, Gerlinger and Braunstein by contacting the defendants' employers or conducting an Internet search of public records for the defendant's current addresses or both. *See Sellers v. United States*, 902 F.2d 598, 602 (7th Cir.

1990) (once defendant is identified, marshal to make reasonable effort to obtain current address). Reasonable efforts do not require the marshal to be a private investigator for civil litigants or to use software available only to law enforcement officers to discover addresses for defendants whose whereabouts are not discoverable through public records.

Also, for plaintiff's information, in *Sellers*, the court of appeals recognized the security concerns that arise when prisoners have access to the personal addresses of former or current prison employees. *Sellers*, 902 F.2d at 602. For this reason prison employees often take steps to insure that their personal addresses are not available in public records accessible through the Internet. If the marshal is successful in obtaining the defendants' personal addresses, he is to maintain that address in confidence rather than reveal it on the marshals service forms, because the forms are filed in the court's public file and mailed to the plaintiff after service is effected.

Finally, pursuant to an informal service agreement between the Wisconsin Department of Justice and this court, the Department has agreed to accept electronic service of documents on behalf of the defendants it represents. This means that for the remainder of this lawsuit, plaintiff does not have to send a paper copy of each document he files with the court to the Department or defendants Voeks, Adler, Hannula, Richardson, Hompe and Greer. The Department will access the document through the court's electronic filing system.

However, because the Department is not representing defendants Bohlmann, Gerlinger and Braunstein, plaintiff will still be required to send counsel for these defendants paper copies of each document he files with the court. In addition, once the identities of the John and Jane Doe defendants have been ascertained, the Department will decide whether to accept service on behalf of those defendants. When the Department makes that decision, the court will explain further how plaintiff is to serve those defendants.

Discovery requests or responses are an exception to the electronic service rule. Usually, those documents should be sent directly to counsel for the opposing party and do not have to be sent to the court. Discovery procedures will be explained more fully at the preliminary pretrial conference.

#### ORDER

IT IS ORDERED that the U.S. Marshal shall make reasonable efforts to locate defendants Bohlmann, Gerlinger and Braunstein and, if his efforts are successful, to serve defendants Bohlmann, Gerlinger and Braunstein with a copy of the summons and complaint in this case. If the Marshal is unsuccessful in locating any of these defendants despite making reasonable efforts to locate them, he may file an unexecuted return on which he describes the efforts he made.

Entered this 2<sup>nd</sup> day of September, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge