

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

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NATHANIEL ALLEN LINDELL,

Plaintiff,

v.

ORDER

02-C-459-C

GEORGE DALEY, Director for the Bureau of Health Services; SHARON ZUNKER, Assistant Director of B.H.S.; MARC CLEMENTS, W.C.I.'s security director; BETH DITTMANN, Health Services Unit (H.S.U.) Supervisor at W.C.I.; PAM BARTELS, Supermax's H.S.U. Supervisor; DR. PHILLIPE BELGADO, Doctor at W.C.I.; DR. HASSELHOFF, doctor at Supermax; UNIDENTIFIED MEMBERS OF THE PROGRAM REVIEW COMMITTEE; S. HOUSER, Captain at W.C.I.; WILLIAM SCHULTZ, staff at W.C.I.; NURSE KEN "DOE," nurse at Supermax; C.O. FRIDAY, guard at W.C.I.; and SGT. BURNS, a sergeant at W.C.I.;

Defendants.

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On December 30, 2002, the United States Marshals Service notified the court that it was unable to serve defendants Pamela Bartels and Dr. Hasselhoff with plaintiff's complaint because Bartels and Hasselhoff are no longer employed at the Wisconsin Secure Program Facility, which is the address plaintiff provided on the Marshals Service forms. In

an order dated December 31, 2002, I gave plaintiff until January 17, 2003, in which to complete new Marshals Service forms showing addresses at which Bartels and Hasselhoff could be served. I told plaintiff that if he failed to complete the forms and return them to the court by January 17, I would dismiss the complaint against Bartels and Hasselhoff without prejudice to plaintiff's suing them again at some future time. On January 9, 2003, plaintiff submitted a letter addressed to the court and assistant Attorney General Charles Hoornstra, which I construe to include a motion to compel the state to disclose the personal addresses of defendants Bartels and Hasselhoff to plaintiff and allow him additional time in which to serve his complaint.

Plaintiff's motion to compel the disclosure of defendants' personal addresses to him will be denied for three reasons. First, as health service workers at the Wisconsin Secure Prison Facility, defendants Bartels and Hasselhoff are employees of a private corporation, Prison Health Services, Inc., not employees of the prison or the Department of Corrections. There is no reason to believe that an assistant Attorney General who represents Department of Corrections employees would have personnel records relating to contract employees.

Second, even if the Department of Corrections had personal addresses for contract employees, plaintiff is not entitled to know them. In Sellers v. United States, 902 F.2d 598, 602 (7th Cir. 1990), the Court of Appeals for the Seventh Circuit recognized the serious security concerns that arise when prisoners have access to the personal addresses of former

or current prison employees. The concerns are no less serious when the employees are contract employees.

Finally, it may be that defendants Bartels and Hasselhoff would be willing to waive personal service of plaintiff's complaint on them. The court's record reveals that on January 10, 2003, defendants Pam Bartels, Gert Hasselhoff and Ken Lange filed an answer to plaintiff's complaint. (Ken Lange asserts that he was "improperly identified" in the caption of plaintiff's complaint as "Nurse Ken Doe.") The answer sets out an affirmative defense requesting dismissal of plaintiff's complaint against these defendants on the ground that the court lacks personal jurisdiction over them by virtue of plaintiff's failure to obtain proper and complete service of process. However, it is possible that defendants' counsel, Douglas Knott, a lawyer at the Milwaukee law firm of Lieb & Katt, would be willing to accept service of process on their behalf. In this event, it would be unnecessary for anyone other than Knott to know their personal addresses.

In Graham v. Satkowski, 51 F.3d 710 (7th Cir. 1995), the court of appeals held that it was improper for a district court to dismiss a prisoner's claims against a former Department of Corrections' employee who no longer worked at the prison address provided by the prisoner because there was nothing in the record to show that the marshal had made an effort to learn the defendant's new location. It is not clear from the marshal's notation on the service forms for defendants Bartels and Hasselhoff whether the Marshal took

reasonable steps to obtain their current addresses. The remarks section of each form reads as follows: “12/27/02 JP END Subj no longer employed at Correctional Ctr - No forwarding address.”

Under the circumstances of this case, I will direct the United States Marshals Service to make a showing that it made reasonable efforts to locate defendants Bartels and Hasselhoff. In addition, I will ask the Marshal to arrange for prompt service of plaintiff’s complaint on Ken Lange, who was identified in defendants’ answer as the person plaintiff refers to in the caption of his complaint as “Nurse Ken Doe.” The Marshal may pursue a number of routes in serving these defendants. He can ask Mr. Knott whether he would accept service of process on behalf of defendants Bartels, Hasselhoff and Lange. If Mr. Knott declines to accept service for these defendants, the Marshal may request Mr. Knott to provide the defendants’ addresses so that personal service can be accomplished quickly. If Mr. Knott is unwilling to divulge the addresses, then before I can find that the Marshal made reasonable efforts to locate the defendants and serve them with plaintiff’s complaint, it will have to appear clear in the record that the Marshal contacted the private corporation that employed these defendants or conducted a public records search on the Internet or did both of these things in an attempt to learn the addresses before filing the process return unexecuted.

## ORDER

IT IS ORDERED that

1. Plaintiff's motion to compel the state to disclose the personal addresses of defendants Bartels and Hasselhoff and allow him additional time in which to serve his complaint is DENIED as unnecessary.

2. The United States Marshals Service may have until February 11, 2003, in which to submit additional information to the court about its efforts to locate defendants Pamela Bartels and Gert Hasselhoff. If those efforts did not include contact with defendants' lawyer, Douglas Knott, or an Internet search of public records for their current addresses or contact with their former employer, the Marshal is to pursue these avenues and advise the court in the remarks section of the process receipt and return form if those efforts are unsuccessful.

3. On the court's own motion, the caption of plaintiff's complaint is amended to show the name Ken Lange in place of the name "Nurse Ken Doe," and all references in plaintiff's complaint to Nurse Ken Doe will be considered a reference to Ken Lange.

4. The United States Marshal is to arrange promptly for service of plaintiff's complaint on defendant Lange.

Entered this 29th day of January, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge