

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Diana Villavicencio v. Zoetis US LLC

Villavicencio · No. 1:25-cv-637 · Decided January 30, 2026

SUMMARY

The court adopted a magistrate judge’s report and recommendation concerning service of process in Diana Villavicencio’s action against Zoetis. It construed Zoetis’s motion to dismiss as a motion to quash, granted it in part, permitted the plaintiff to file a second amended complaint naming Zoetis US LLC as the sole defendant, and directed the clerk to issue a new summons for service by the U.S. Marshals.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Southern Division
WRITING FOR THE COURT	Hala Y. Jarbou
JURISDICTION	United States District Court for the Western District of Michigan, Southern Division
DECIDED	January 30, 2026
DOCKET	1:25-cv-637
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's report and recommendation concerning Defendant's motion to dismiss for insufficient service of process. The court construed the motion as a motion to quash service, granted it, denied it in all other respects, and granted Plaintiff leave to file a second amended complaint naming the proper defendant.
STANDARD OF REVIEW	The court reviewed the report and recommendation and concluded that it correctly analyzed the issues and made a sound recommendation; the opinion does not expressly identify a formal standard of review.
PRECEDENTIAL VALUE	Unpublished federal district court order

TOPICS

- service of process
- motion to amend
- pleadings
- civil procedure

PRACTICE AREAS

civil procedure

service of process

pleadings

QUESTIONS PRESENTED

1. Whether Zoetis's motion to dismiss for insufficient service of process should be construed as a motion to quash service.
2. Whether Plaintiff should be permitted to file a second amended complaint naming Zoetis US LLC as the sole defendant before issuance and service of a new summons.
3. Whether the clerk should issue a new summons directed to Zoetis US LLC for service by the U.S. Marshals at the address of its registered agent in Michigan.

HOLDINGS

1. The court construed Zoetis's motion to dismiss for insufficient service of process as a motion to quash service and granted it, while denying the motion in all other respects.
2. Plaintiff was granted leave to file a second amended complaint naming Zoetis US LLC as the sole defendant.
3. The clerk was directed to issue a summons directed to Zoetis US LLC upon receipt of the second amended complaint and transmit it to the U.S. Marshals for service at Zoetis's Michigan registered-agent address.

KEY QUOTATIONS

“The Court therefore grants Plaintiff leave to file a second amended complaint naming Zoetis US LLC as the sole defendant; the clerk of the court shall issue a summons for service by the U.S. Marshals at the address of Zoetis US LLC’s registered agent in Michigan upon receipt of the amended pleading.” (Order)

“The motion is DENIED in all other respects.” (Order)

FACTUAL BACKGROUND

Plaintiff attempted to serve the defendant in an action against Zoetis. Zoetis challenged service and represented that the business entity employing Plaintiff was not correctly identified in the pleadings. The court determined that the complaint should be amended to name Zoetis US LLC as the sole defendant before a new summons was issued and served.

PROCEDURAL HISTORY

On January 7, 2026, Magistrate Judge Sally J. Berens recommended that Zoetis's motion to dismiss for improper service be treated as a motion to quash and granted in part, with a new summons issued for service by the U.S. Marshals. No party objected before the January 21, 2026 deadline. The district court approved and adopted the report and recommendation, required Plaintiff to amend the complaint to name Zoetis US LLC as the sole defendant, and directed the clerk to issue a new summons for Marshals service after the amended pleading was filed.

DISPOSITION

other

CASES CITED

- Datskow v. Teledyne, Inc., Cont'l Prods. Div., 899 F.2d 1298, 1301 (2d Cir. 1990)
- Roberts v. Michaels, 219 F.3d 775, 778 n.2 (8th Cir. 2000)

OPINION

Villavicencio

PER CURIAM.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DIANA VILLAVICENCIO,

Plaintiff, Case No. 1:25-cv-637 v. Hon. Hala Y. Jarbou

ZOETIS US LLC,

Defendant. _____/

ORDER

On January 7, 2026, Magistrate Judge Sally J. Berens issued a report and recommendation that Zoetis's motion to dismiss for improper service be treated as a motion to quash and granted in part, and that Zoetis be issued with a new summons to be served by the U.S. Marshals. (R&R, ECF No. 23.) The R&R was duly served on the parties. No objections have been filed, and the deadline for doing so expired on January 21, 2026. On review, the Court concludes that the R&R correctly analyzes the issues and makes a sound recommendation. In light of Zoetis's representations concerning the identity of the business entity that employed Plaintiff, however (ECF No. 16), the Court deems it appropriate that the complaint be amended to name the proper defendant before a new summons is issued and served. See *Datskow v. Teledyne, Inc., Cont'l Prods. Div.*, 899 F.2d 1298, 1301 (2d Cir. 1990) ("[T]he line between naming the wrong defendant and mislabeling the right one must be drawn in light of the context of the nomenclature created by the defendant and the labeling undertaken by the plaintiffs assessed against that context."); *Roberts v. Michaels*, 219 F.3d 775, 778 n.2 (8th Cir. 2000) (collecting cases). The Court therefore grants Plaintiff leave to file a second amended complaint naming Zoetis US LLC as the sole defendant; the clerk of the court shall issue a summons for service by the U.S. Marshals at the address of Zoetis US LLC's registered agent in Michigan upon receipt of the amended pleading. IT IS ORDERED that the R&R (ECF No. 23) is APPROVED and ADOPTED as the opinion of the Court. IT IS FURTHER ORDERED that Zoetis's motion to dismiss for insufficient service of process (ECF No. 16), construed as a motion to quash service, is GRANTED. The motion is DENIED in all other

respects. IT IS FURTHER ORDERED that Plaintiff may file a second amended complaint naming Zoetis US LLC as the sole defendant in this action. IT IS FURTHER ORDERED that the clerk of the court shall issue a summons directed to Zoetis US LLC upon receipt of the second amended complaint to the U.S. Marshals for service upon Zoetis at the address of its registered agent in Michigan (see ECF No. 20 at 14). The clerk shall update the case caption on the docket accordingly. Dated: January 30, 2026 /s/ Hala Y. Jarbou

HALA Y. JARBOU

CHIEF UNITED STATES DISTRICT JUDGE