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

OPINION

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

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