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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Regina Lynn Villone; Richard Rodriguez)  
(husband),  
  
Plaintiffs,  
  
vs.  
  
United Parcel Services, Inc., et al.,  
  
Defendants.

No. CV-09-8213-PCT-LOA

**ORDER**

This matter is before the Court on Plaintiff’s Motion to Amend/Correct Complaint. (docket # 8) Plaintiff’s motion only seeks to “strike Richard Rodriguez” from the Complaint and does not seek to modify the Complaint in any other way.

On November 30, 2009, this matter was commenced by the filing of a Complaint naming Regina Lynn Villone and her husband, Richard Rodriguez, as Plaintiffs. (docket # 1) The Complaint alleges violations of the Americans with Disabilities Act, 42 U.S.C. 12101 *et seq* arising out of Plaintiff Regina Lynn Villone’s employment with Defendant United Parcel Service. (docket # 1) In a December 9, 2009 Order, the Court noted that the Complaint appears to allege claims only as to *pro se* Plaintiff Regina W. Villone. Because a non-lawyer, such as Plaintiff Villone, may not practice law on behalf of other individuals, the Court directed Plaintiffs to file an amended complaint on behalf of Richard Rodriguez in which he represents himself or to retain counsel on his behalf. (docket # 5) The Court also stated that, in the alternative, if Plaintiff Villone does not intend to allege a claim on Richard Rodriguez’s behalf,

1 the caption of the Complaint could be corrected by a subsequent order or at the Rule 16  
2 scheduling conference. (docket # 5 at 2)

3 In response to the December 9, 2009 Order, Plaintiff Villone timely filed a Motion to  
4 Amend Complaint. (docket # 8) Plaintiff explains that she named her husband as a Plaintiff  
5 because “she was under the impression that because she was married her husband should be in  
6 the Complaint.” (docket # 8 at 1) Plaintiff further requests that the court “strike” Richard  
7 Rodriguez from the Complaint.

8 Because the Complaint only alleges claims as to Plaintiff Villone, and in view of  
9 Plaintiff’s pending motion to amend requesting that the Court “strike Richard Rodriguez from  
10 the complaint,” the Court will grant Plaintiff’s Motion to Amend/Correct Complaint.

11 Accordingly,

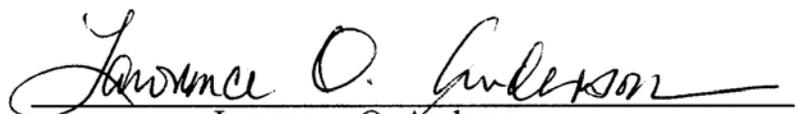
12 **IT IS HEREBY ORDERED** that Plaintiff’s Motion to Amend/Correct Complaint,  
13 docket # 8, is **GRANTED**.

14 **IT IS FURTHER ORDERED** that the Complaint is corrected to reflect that Richard  
15 Rodriguez is not a plaintiff in this case. The Clerk is kindly directed to modify the docket to  
16 reflect this change.

17 **IT IS FURTHER ORDERED** that future filings shall only include Regina Lynn  
18 Villone as Plaintiff.

19 **IT IS FURTHER ORDERED** that absent a timely request for an extension for good  
20 cause shown, all Defendants shall be timely served at Plaintiff’s expense within 120 days of  
21 November 30, 2009, the date Plaintiff filed her Complaint, or this lawsuit may be dismissed for  
22 lack of prosecution. See, Rules 4(m) and 41(b), FED.R.CIV.P.

23 Dated this 7<sup>th</sup> day of January, 2010.

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26 Lawrence O. Anderson  
27 United States Magistrate Judge  
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