

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

KIMBERLY TYRRELL,

Plaintiff,

vs.

ORKIN PEST CONTROL,  
ORKIN COMMERCIAL SERVICES  
and ROLLINS, INC.,

Defendants.

**STIPULATION AND ORDER**

Civil Action No: 6:12-CV-0537  
(GTS/DEP)

**WHEREAS**, the Plaintiff commenced this action against the Defendants, claiming personal injuries as the result of an Orkin service provider's application of pesticides; and

**WHEREAS**, the Complaint incorrectly names "Orkin Pest Control" and "Orkin Commercial Services" as Defendants in this action; and

**WHEREAS** the proper party name for the Orkin entity at issue in this litigation is "Orkin, LLC"; and

**WHEREAS** Defendant Rollins, Inc. is not a proper party to this action; and

**WHEREAS** issue has been joined in the matter, but the parties mutually desire to name the proper party defendant and release any other party from this matter;

**IT IS HEREBY STIPULATED AND AGREED**, by and between the attorneys for the undersigned, the attorneys of record for the parties to the above-entitled action, that

1. The Plaintiff's action against Defendant Rollins, Inc. shall be and hereby is voluntarily dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), without costs to any party; and

2. The caption shall be amended as follows to identify Orkin LLC as the proper party defendant:

KIMBERLY TYRRELL,

Plaintiff,

vs.

ORKIN, LLC,

Defendants.

Civil Action No: 6:12-CV-0537  
(GTS/DEP)

DATED: ~~August~~ <sup>Sept</sup> 19, 2012

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IT IS SO ORDERED:



David E. Peebles

U.S. Magistrate Judge

Dated: September 25, 2012