

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF PUERTO RICO

3 GLORIA DE JESUS-RIVERA,

4 Plaintiff,

5 v.

6 ABBOTT LABORATORIES; ABBOTT
7 LABORATORIES PUERTO RICO, INC.,

8 Defendants.

Civil No. 10-1144 (JAF)

9
10 **ORDER**

11 Plaintiff sues under Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000e to e-17,
12 alleging discrimination on the basis of sex and retaliation for her opposition to that
13 discrimination. (Docket No. 1.) Defendant Abbott Laboratories (“Movant”) moves to dismiss
14 under Federal Rule of Civil Procedure 12(b)(5) for insufficient service of process (Docket
15 No. 9), and Plaintiff opposes (Docket No. 16).

16 Movant claims that Plaintiff served it via an employee of codefendant Abbott
17 Laboratories Puerto Rico, Inc. (“ALPR”), whom Movant claims is not authorized to receive
18 service on its behalf, and that Plaintiff, therefore, failed to perfect service as required by Federal
19 Rule of Civil Procedure 4(h). (Docket No. 9.) Plaintiff responds that (1) Movant’s acceptance
20 of this very service in other cases precludes its argument in this case; and (2) Movant and ALPR
21 should be treated as one entity for the purpose of service of process. (Docket No. 16.) Plaintiff
22 cites no legal authority to support these assertions. (Id.) She also states that she is amenable
23 to perfecting service in accordance with Rule 4(h). (Id. at 1.)

