

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NAOMI GONZALES,

Plaintiff,

v.

AGWAY ENERGY SERVICES, LLC,

Defendant.

C.A. No.: 1:17-cv-01754 (MWB)

STIPULATION AND ORDER TO TRANSFER

WHEREAS, Plaintiff Naomi Gonzales (“Plaintiff”) initiated this action by way of a Complaint filed on December 6, 2017;

WHEREAS, on January 29, 2018, Defendant Agway Energy Services, LLC (“Defendant”) filed a Motion to Dismiss the Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and (b)(6), including on the basis that venue is not appropriate in the United States District Court for the District of Delaware;

WHEREAS, Plaintiff has agreed that venue is proper in a Court in the State of New York and not in Delaware;

IT IS HEREBY STIPULATED AND AGREED, by Plaintiff and Defendant, subject to the approval of the Court, that venue shall transfer to the United States District Court for the Northern District of New York, where Defendant maintains its headquarters, and that all other defenses in this action are maintained, including that the Northern District of New York lacks subject matter jurisdiction over this action.

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Dated: February 12, 2018

IT IS SO ORDERED this 23rd day of February, 2018.

s/ Matthew W. Brann
United States District Judge