



**2017 Edition**

# Assumed or Fictitious Names in Connecticut

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A Guide to Resources in the Law Library

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Judge Support Services, Law Library Services Unit*

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# Introduction

## A Guide to Resources in the Law Library

- **Pseudonyms** “may be used in place of the name of a party or parties only with the prior approval of the judicial authority and only if the judicial authority concludes that such **order is necessary to preserve an interest which is determined to override the public’s** interest in knowing the name of the party or parties.” Conn. Practice Book [§ 11-20A\(h\)](#) (2017 ed.).
- **Doing Business As (d/b/a)**: “It appears well settled that the use of a fictitious or assumed business name ‘does not create a separate legal entity . . . [and that] [t]he designation [d/b/a] . . . is merely descriptive of the person or corporation who does business under some other name.’ (Internal quotation marks omitted.) *Pinkerton’s, Inc. v. Superior Court*, 49 Cal.App.4th 1342, 1348, 57 Cal.Rptr.2d 356 (1996), quoting *Providence Washington Ins. Co. v. Valley Forge Ins. Co.*, 42 Cal.App.4th 1194, 1200, 50 Cal.Rptr.2d 192 (1996); see *Duval v. Midwest Auto City, Inc.*, 425 F. Sup. 1381, 1387 (D.Neb. 1977), aff’d, 578 F.2d 721 (8th Cir.1978); *Wood Mfg. Co. v. Schultz*, 613 F. Sup. 878, 884 n. 7 (W.D.Ark. 1985); *Jaffe v. Nocera*, 493 A.2d 1003, 1008 (D.C. 1985); *Southern Ins.Co. v. Consumer Ins. Agency, Inc.* 442 F. Sup. 30, 31 (E.D.La. 1977); *Patterson v. V & M Auto Body*, 63 Ohio St.3d 573, 575, 589 N.E.2d 1306 (1992); *Carlson v. Doekson Gross, Inc.*, 372 N.W.2d 902, 905 (N.D. 1985); see also *American Express Travel Related Services Co. v. Berlye*, 202 Ga. App. 358, 360, 414 S.E.2d 499 (1991), cert. denied, 202 Ga. 905 (1992) (“The use of d/b/a or “doing business as” to associate a tradename with the corporation using it does not create a legal entity separate from the corporation but is merely descriptive of the corporation’).” [Bauer v. Pounds](#), 61 Conn. App. 29, 36, 762 A.2d 499 (2000).
- “Civil actions shall be commenced by legal process consisting of a writ of summons or attachment, **describing the parties**, the court to which it is returnable, the return day, the date and place for the filing of an appearance and information required by the Office of the Chief Court Administrator. The writ shall be accompanied by the plaintiff’s complaint. The writ may run into any judicial district and shall be signed by a commissioner of the Superior Court or a judge or clerk of the court to which it is returnable.” Conn. Gen. Stat. [§ 52-45a](#). (2017) (Emphasis added.)
- **Criminal Impersonation**: “General Statutes 53a-130 (a) provides, in relevant part, that a person is guilty of criminal impersonation when he or she ‘[i]mpersonates another and does an act in such assumed character with intent to obtain a benefit or to injure or defraud another.’ The gravamen of the defendant’s challenge to his criminal impersonation conviction is that giving a false name is not impersonation of another unless the name given is that of a real person.” [State v. Smith](#), 194 Conn. 213, 220-221, 479 A.2d 814 (1984).

# Section 1: Use of Fictitious Names or Pseudonyms in Connecticut Courts

A Guide to Resources in the Law Library

## **SCOPE:**

- Bibliographic resources relating to the use of fictitious or assumed names in Connecticut courts.

## **SEE ALSO:**

- [Names and Name Changes in Connecticut](#)

## **DEFINITIONS:**

- "The privilege of using fictitious names in actions should be granted only in the rare case where the nature of the issue litigated and the interest of the parties demand it and no harm can be done to the public interest." [Buxton v. Ullman](#), 147 Conn. 48, 60, 156 A.2d 508 (1959).
- **Presumption of openness of court proceedings:** "This policy of openness is not to be abridged lightly. In fact, the legislature has provided for very few instances in which it has determined that, as a matter of course, certain privacy concerns outweigh the public's interest in open judicial proceedings." [Vargas v. Doe](#), 96 Conn. App. 399, 406, 900 A. 2d 525 (2006).
- "Simultaneously with the filing in the trial court of this petition for admission to the Connecticut bar, the plaintiff applied for permission to prosecute this action in a fictitious name. The trial court granted the application ex parte. The defendant subsequently moved for reconsideration of the ex parte order, which the trial court granted. After hearing argument on the application, the trial court concluded that Practice Book § 2-50(a), which restricts the availability of '[t]he records and transcripts . . . of hearings conducted by the [defendant], ' provides for a 'presumption of confidentiality' throughout the application process. The trial court stated: '[T]he presumption of confidentiality is one which any applicant to the [defendant] would have, and that presumption of confidentiality extends, not just through the application proceeding, but subsequent proceedings as well which this proceeding is. This proceeding in fact being a reconsideration so to speak or an appeal from the [defendant's] decision. On that basis, the court is going to allow the [plaintiff] to continue to prosecute this case in a fictitious name.'" [Doe v. Connecticut Bar Examining Committee](#), 263 Conn. 39, 35-36, 60, 818 A.2d (2003) (citation omitted).

## **STATUTES:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

## **COURT RULES:**

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

## **CASES:**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- Conn. Gen. Stat. (2017)
  - [§ 52-45a](#). Commencement of civil actions. Contents and signature of process.
  - [§ 52-109](#). Substituted plaintiff.
- Conn. Practice Book (2017 ed.)
  - [§ 7-4A](#). Identification of Cases
  - [§ 7-4B](#). Motion to File Record Under Seal
  - [§ 7-4C](#). Lodging a Record
  - [§ 9-20](#). Substituted Plaintiff
  - [§ 11-20A](#). Sealing Files or Limiting Disclosure of Documents in Civil Cases Subsection (h) [Pseudonyms]  
[Amended rule 11-20A, effective January 1, 2018](#)
  - [§ 33a-4](#). Identity or Location of Respondent Unknown. [Procedure in Juvenile Matters]
- [Greco Const. v. Edelman](#), 137 Conn. App. 514, 519, 49 A.3d 256, 259 (2012). **"In the present case, it is not** disputed that Greco Construction was the trade name or assumed business name of Brian Greco doing business as Greco Construction. Because the plaintiff instituted the action using a trade name or assumed business name of **'Greco Construction,'** which is not a legal entity and which does not have a separate legal existence, an action brought under that trade name cannot confer **jurisdiction...Due to lack of subject matter jurisdiction, dismissal is required."** (citations omitted)
- [Monti v. Wenkert](#), 287 Conn. 101, 135, 947 A.2d 261, 281 (2008). **"[I]t appears well settled that the use of a fictitious or assumed business name does not create a separate legal entity . . . [and that] [t]he designation [doing business as] . . . is merely descriptive of the person or corporation who does business under some other name. . . . [I]t signifies that the individual is the owner and operator of the business whose trade name follows his, and makes him personally liable for the torts and contracts of the business. . . ."** (Citations omitted; internal quotation marks omitted.) *Edmonds v. CUNO, Inc.*, supra, 277 Conn. 454 n. 17, citing *Bauer v. Pounds*, 61 Conn. App. 29, 36, 762 A.2d 499 (2000)."
- [Angiolillo v. Buckmiller](#), 102 Conn. App. 697, 712-715, 927 A.2d 312, 323-324, cert. denied, 284 Conn. 927, 934 A.2d 243 (2007). **"The plaintiffs next claim that the court improperly dismissed the action as against Corona. We are not persuaded... Our careful review of the file supports the court's findings that a certificate of service on Corona was not filed, nor was an appearance filed for either John Doe One or Corona, the named defendant in the amended complaint, nor was a default ever filed against Corona for**

failure to appear. The court concluded that there was no indication as to who John Doe One was at the time of the original complaint or that David Buckmiller had authority to accept service for anyone known as John Doe One. Additionally, notice of the amended complaint, which named Corona as a defendant, was provided only to **counsel who had filed appearances for other defendants.**"

- [Vargas v. Doe](#), 96 Conn. App. 399, 413, 900 A. 2d 525 (2006). ". . . [T]he rules of practice provide an intricate procedure that the court must follow prior to permitting the use of pseudonyms in any given case. In particular, the court must consider any reasonable alternatives available and ensure that its ultimate order is no broader than necessary to protect the overriding privacy interest. This overriding privacy interest that the court finds must be protected must be articulated, and the court must specify (1) its findings underlying its order and (2) the duration of its order. The order, including the time, date, scope and duration, must be reduced to writing, signed by the judicial authority and entered into the court file. Additionally, the court must order a transcript of its decision or prepare a separate, written memorandum detailing the reasons underlying its order. Practice Book § 11-20A (h) (1)." (Footnotes omitted.)
- [America's Wholesale Lender v. Pagano](#), 87 Conn. App. 474, 477, 866 A.2d 698 (2005). "Although a corporation is a legal entity with legal capacity to sue, a fictitious or assumed business name, a trade name, is not a legal entity; rather, it is merely a description of the person or **corporation doing business under that name.**" (citation omitted)
- [State v. Lambert](#), 58 Conn. App. 349, 355-357, 754 A.2d 182 (2000). "In *Dolphin*, our Supreme Court held that cross-examination of a witness about his use of an alias is relevant to the issue of veracity, but the court did not address the narrower question, raised here, of whether testimony as to the specific name used also is relevant. See *State v. Dolphin*, supra, 195 Conn. 458-59. Similarly, in *Huckabee*, the issue before the court was not whether the defendant's street name, 'Snake,' was relevant to the issue of veracity, but whether the name, and how the police officer investigating the crime came to know about the name, constituted evidence of the defendant's prior misconduct. *State v. Huckabee*, supra, 41 Conn. App. 573.

" . . . the defendant cites no authority, and we have found none, for the proposition that the use of an alias while engaging in prostitution or drug dealing enhances the deception associated with the alias or makes such activities more relevant to the question of veracity. Accordingly, we conclude that it was not an abuse of discretion for the court to preclude the defendant from

introducing testimony as to the victim's prior activities as a prostitute and a gang member.”

- [State v. Peary](#), 176 Conn. 170, 176-177, 405 A.2d 626 (1978), cert. denied, 441 U.S. 966 (1979). **“The defendant further claims that the court erred in denying his motion to have stricken from the information the two aliases by which he was named. The information under which he was prosecuted named the defendant as ‘Willie J. Peary, alias Willie J. Peay, alias Willie Peay.’ During the course of the trial the defendant cross-examined several state’s witnesses to determine whether they had ever known him under the name of ‘Peary.’ Each conceded that the defendant had only been known under the name ‘Peay,’ the state’s main witness stating that the name ‘Peary’ could well have come from the way in which he had written the defendant’s name on the back of a photograph of him. Having ascertained this information, the defendant moved that the aliases be stricken, and that the information name him only under his proper name, Willie J. Peay. The defendant reasoned that use of the term ‘alias’ was prejudicial, that the name ‘Peary’ was erroneously supplied by the state, and that the presence or absence of a middle initial does not constitute an alias. The court denied the motion, noting that the aliases had nothing to do with the merits of the case.”**
- [Buxton v. Ullman](#), 147 Conn. 48, 60, 156 A.2d 508 (1959). **“Because of the intimate and distressing details alleged in these complaints, it is understandable that the parties who are allegedly medical patients would wish to be anonymous. To obviate any possibility that the parties and the issues raised are fictitious and that the jurisdiction of the court is being invoked to decide moot questions, a plaintiff who desires to use a name other than his own should, before the case is presented in court, acquaint the court of his desires, establish the fact that the parties and issues are real although the names used are fictitious, and secure the court’s consent, as was done in these cases. The privilege of using fictitious names in actions should be granted only in the rare case where the nature of the issue litigated and the interest of the parties demand it and no harm can be done to the public interest.”**

**WEST KEY  
NUMBERS:**

- *Parties*
  - # 67. Wrong or assumed names
  - # 72. Unknown parties
  - # 72.1. — In general
  - # 73. — Designation by fictitious names
  - # 74. — Description
- Corporations & Business Organizations # 1249. Fictitious or assumed name

**ENCYCLOPEDIAS:**

- 57 [Am. Jur. 2d Name](#) (2012).

IV. Fictitious or assumed name

A. In general

§ 64. Generally

§ 65. Designation of person by commonly known name

- 59 [Am. Jur. 2d Parties](#) (2012).

III. Designation and description

B. Unknown or fictitious parties

**1. In General**

§ 15. Generally

§ 16. Anonymous plaintiffs

**Unknown or Fictitious Defendants**

§ 17. Generally

§ 18. Necessity of lack of knowledge of defendant's identity

§ 19. Naming unknown or fictitious defendant

§ 20. Duty to identify fictitious defendant

§ 21. Business or trade names

- 75A [Am. Jur. 2d Trial](#) (2007).

§ 1132. Use of Alias

- David M. Epstein, Annotation, *Propriety of Use of Fictitious Name of Defendant in Federal District Court*, 139 ALR Fed. 553 (1997).

- Gregory G. Sarno, Annotation, *Use Of Assumed Or Trade Name As Ground For Disciplining Attorney*, 26 ALR4th 1083 (1983).

**INDEXING:**

- ALR Index: *Assumed or Fictitious Names*

**FORMS:**

- 18A [Am. Jur Pleading & Practice Name](#) (2006).

§ 49. Notice of motion—To amend complaint to correct fictitious name— Defendant's true name unknown to plaintiff when complaint filed

§ 52. Affidavit—Supporting motion to amend complaint to correct fictitious name—Defendant's real name unknown to plaintiff when complaint filed

§ 58. Order—Granting leave to amend complaint— Substitute true name for fictitious name of party

**LAW REVIEWS:**

- Sally Roberts, Pseudonymous Parties in Connecticut: Meet John and Jane Doe, 17 Connecticut Lawyer 9 (2007).

- Donald P. Balla, John Doe is Alive and Well: Designing Pseudonym Use in American Courts, 63 Arkansas Law Review 691 (2010).

- Lior Strahilevitz, Pseudonymous Litigation, 77 University of Chicago Law Review 1239 (2010).



Table 1: John or Jane Doe Defendants in Civil Matters

<b>John or Jane Doe Defendants in Civil Matters</b>	
<u>Natal v. Greenwich Hospital</u> , Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FST CV 12-6015407S (March 13, 2013).	
<u>Angiolillo v. Buckmiller</u> , 102 Conn. App. 697, 927 A.2d 312, cert. denied, 284 Conn. 927, 934 A.2d 243 (2007).	"In <i>Angiolillo v. Buckmiller</i> ...the Appellate Court held that the trial court properly dismissed the plaintiff's claims against a defendant <b>who had been identified as 'John Doe One'</b> in the original complaint, which was served on an individual at the unknown defendant's place of employment... The trial court noted, inter alia, that there <b>was no indication as to who 'John Doe One'</b> was at the time of the original complaint, nor as to whether the individual who accepted service on his behalf had the authority to do so. Id., 713-16. In this regard there is no basis in the case at bar for determining that either the defendant John Doe or Lucille Doe was properly served."
<u>Younger v. East Haven</u> , Superior Court, Judicial District of New Haven, No. CV 08 5020500 (August 4, 2008) (46 Conn. L. Rptr. 84, 85).	" <b>In addition</b> , '[t]he majority of superior courts faced with issues relating to John Doe defendants have generally disallowed the actions . . . 'John Doe' actions are disfavored for several reasons." (Internal quotation marks omitted.)
<u>Mills v. Ansonia Community Action, Inc.</u> , Superior Court, Judicial District of Waterbury, Docket No. 128715 (June 7, 1996) (17 Conn. L. Rptr. 243, 244).	" <b>First</b> , '[t]he majority of Connecticut Superior Courts have maintained that the naming of an unidentifiable "John Doe" defendant in a complaint and a summons is improper because Connecticut does not have a fictitious name statute, nor is it authorized by the Practice Book.'" (Internal quotation marks omitted.)
<u>O'Donnell v. State</u> , Superior Court, Judicial District of New Haven, Docket No. CV 03 0482928 (September 14, 2004, Corradino, J.) (37 Conn. L. Rptr. 884, 886).	" <b>In fact</b> , '§52-45a of the general statutes provides that civil suits shall be commenced by process "describing the real parties.'" In dicta the court in <i>Buxton v. Ullman</i> , 147 Conn. 48, 59, 156 A.2d 508 (1959), stated "that this requirement, presumably, refers to a description of the parties by their real names, so that they may be identified.'" (Internal quotation marks omitted.)
<u>Himmelstein v. Windsor</u> , Superior Court, Judicial District of Hartford, Docket No. CV 054013928, 2006 Conn. Super. LEXIS 1457 (May 16, 2006).	" <b>Second</b> , '[t]his court has consistently taken the view that use of fictitious names in a pending litigation causes uncertainty and possible prejudice to the unnamed <b>defendants. Plaintiffs</b> ...are expected to conduct some preliminary investigation to determine the legal basis, if any, for an action against a particular person or entity.'" (Internal quotation marks omitted.)

<i>Table 1 Continued</i>	
<u>Doe v. Masselli</u> , Superior Court, Judicial District of Middletown, No. MMX-CV-14-5008325 (October 15, 2014) (59 Conn. L. Rptr. 137, 138).	
<u>Roe v. Wetmore</u> , Judicial District of Ansonia-Milford at Derby, Docket No. CV-08-5006610-S (May 6, 2009) (47 Conn. L. Rptr. 713) (2009 Conn. Super. LEXIS 1193).	<p><b>"The court in <i>Roe</i> stated:...</b>The ultimate test for permitting a [party] to proceed anonymously is whether the [party] has a substantial privacy right which outweighs the customary and constitutionally-embedded presumption of openness in judicial proceedings . . . A [party's] desire to avoid economic and social harm as well as embarrassment and humiliation in his professional and social community is normally insufficient to permit him to appear without disclosing his identity . . . The most compelling situations [for granting a motion to proceed anonymously] involve matters which are highly sensitive, such as social stigmatization, real danger of physical harm, or where the injury litigated against would occur as a result of the disclosure of the [party's] identity. . . ." (Citations omitted; internal quotation marks omitted.) <i>Vargas v. Doe</i>, 96 Conn.App. 399, 410-11, 900 A.2d 525, cert. denied, 280 Conn. 923, 908 A.2d 546 (2006)."</p> <p><b>"If a plaintiff in a civil case such as this one were to fabricate charges of sexual assault, the defendant's reputation might suffer irreparable harm during the proceedings, even if the plaintiff ultimately fails to prove him liable. In such a case the use of a pseudonym by the defendant could prevent the completely unjustified damage to his reputation."</b></p>

Table 2: John or Jane Doe Defendants in Summary Process Matters

<b>John or Jane Doe Defendants in Summary Process Matters</b>	
<p>Conn. Gen. Stat.  <a href="#">§ 47a-23</a>(b) (2017).                      Notice to quit possession                      or occupancy of                      premises. Form. Delivery.                      Federal termination                      notice.</p>	<p><b>"If the owner or lessor, or the owner's or lessor's legal representative, attorney-at-law or attorney-in-fact knows of the presence of an occupant but does not know the name of such occupant, the notice for such occupant may be <b>addressed to such occupant as 'John Doe', 'Jane Doe'</b> or some other alias which reasonably characterizes the <b>person to be served.</b>"</b></p>
<p>Conn. Gen. Stat.  <a href="#">§ 47a-23a</a>(a) (2017).                      Complaint.</p>	<p>"If the plaintiff has properly issued a notice to quit possession to an occupant by alias, if permitted to do so by section 47a-23, and has no further identifying information at the time of service of the writ, summons and complaint, such writ, summons and complaint may also name and serve such occupant or occupants as defendants. In any case in which service is to be made upon an occupant or occupants identified by alias, the complaint shall contain an allegation that the plaintiff does not know the name of such occupant or occupants."</p>

# Section 2: Use of Fictitious Business Names in Connecticut

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to the use of fictitious or assumed business names in Connecticut, including trade names

## **DEFINITIONS:**

- **Designation d/b/a:** "It appears well settled that 'the use of a fictitious or assumed business name does not create a separate legal entity . . . [and that] [t]he designation [d/b/a] . . . is merely descriptive of the person or corporation who does business under some other name.'" (Internal quotation marks omitted.) [Bauer v. Pounds](#), 61 Conn. App. 29, 36, 762 A.2d 499 (2000).
- **Corporation using trade name:** "The dispositive issue in this appeal is whether a corporation that brings an action solely in its trade name, without the corporation itself being named as a party, has standing so as to confer jurisdiction on the court. We conclude that, because a trade name is not an entity with legal capacity to sue, the corporation has no standing to litigate the merits of the case. We, therefore, reverse the judgment of the trial court." [America's Wholesale Lender v. Pagano](#), 87 Conn. App. 474, 475, 866 A.2d 698 (2005).
- **Trade Name:** "The dispositive issue in this appeal is whether a corporation that brings an action solely in its trade name, without the corporation itself being named as a party, has standing so as to confer jurisdiction on the court. We conclude that, because a trade name is not an entity with legal capacity to sue, the corporation has no standing to litigate the merits of the case. We, therefore, reverse the judgment of the trial court." [America's Wholesale Lender v. Pagano](#), 87 Conn. App. 474, 475, 866 A.2d 698 (2005).

## **STATUTES:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

Conn. Gen. Stat. (2017)

- Title 35. Trade regulations, trademarks and collective and certification marks
  - [Chapter 620](#). Trade names
    - § 35-1. Use of fictitious business names. Prohibitions and exceptions. Penalty. Unfair trade practices
    - § 35-2. Use of word "banking" and similar words as part of business name.

## **RULES OF PROFESSIONAL CONDUCT:**

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2017 ed.)
  - *Information about Legal Services*
    - [Rule 7.5](#). Firm Names and Letterheads
      - "(a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or

charitable legal services organization and is not otherwise in violation of Rule 7.1.”

### **CASES:**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Just Restaurants v. Thames Rest. Grp., LLC](#), 172 Conn. App. 103, 108 (2017). “In the present case, it is undisputed that the named plaintiff was a trade name or assumed business name of John Russo, doing business as Just Restaurants Business Brokers. Pursuant to our law, the initiation of the action solely by the named plaintiff, which is not a legal entity and does not have a separate legal existence, cannot confer jurisdiction on the court; a dismissal, therefore, is required.”
- [Fannie Mae v. South Marshall Associates, LLC](#), Superior Court, Judicial District of Hartford at Hartford, No. CV15-6060751 (August 2, 2016) (62 Conn. L. Rptr 779). “An action may not be brought by a corporate party through the use of a trade name under which the party conducts business, even if use of the trade name as a means of identifying the company is authorized by the corporation's bylaws. The opinion holds that the Federal National Mortgage Association, a federally-sponsored but shareholder-owned corporation, **may not commence an action through the use of its “Fannie Mae” trade name even though the use of the name to identify the corporation is expressly authorized by the corporation's bylaws.**”
- [Collazo v. Hamilton Street Enterprises, LLC](#), Superior Court, Judicial District of New Haven at New Haven, No. CV16-6060339 (December 27, 2016) (63 Conn. L. Rptr 613). “A claim for additional investigatory costs incurred as a result of an opponent's failure to have filed a statutorily required trade name certificate, CGS §35-1 (a per se violation of CUTPA, CGS §42-110g), should not be joined in the same action as the underlying claim for which the investigatory costs were incurred, both because joinder is not likely to result in judicial economy and because litigation of the claimed unfair trade practice might prejudice the defendant's ability to defend the **underlying claim.**”
- [Perez v. D And L Tractor Trailer School](#), 117 Conn. App. 680, 683, 981 A.2d 497 (2009), cert. denied, 294 Conn. 923 (2010). “An individual whose trade name follows his name is liable personally for the torts and contracts of his business. See *Monti v. Wenkert*, 287 Conn. 101, 135, 947 A.2d 261 (2008).” [Footnote 1]
- [America's Wholesale Lender v. Pagano](#), 87 Conn. App. 474, 477, 866 A.2d 698 (2005). “Although a corporation is a legal entity with legal capacity to sue, a fictitious or assumed business name, a trade name, is not a legal entity; rather, it is merely a description of the person or corporation doing **business under that name.**” (Citation omitted.)

**WEST KEY  
NUMBERS:**

*Parties*

- # 72. Unknown parties
- # 72.1. —In general
- # 73. —Designation by fictitious names
- # 74. —Description

**DIGESTS:**

- Dowling’s Connecticut Digest: *NAMES*

**ENCYCLOPEDIAS:**

- 57 [Am. Jur. 2d](#) *Name* (2012).
  - IV. Fictitious or assumed name
  - B. Doing business under fictitious or assumed name

***1. In General***

- § 66. Generally
- § 67. Statutory regulation
- § 68. —Purpose
- § 69. Construction of statute
- § 70. —Form and content
- § 71. Filing of certificate

***2. Applicability of Statute***

- § 72. Transactions prior to statute
- § 73. Names or designations within statute
- § 74. —Foreign concerns; interstate transactions and commerce
- § 75. Tort actions

***3. Validity and Enforceability of Contracts Where Statute is Violated***

- § 76. Under statutes imposing penalty
- § 77. Under statutes forbidding suits without compliance; time of compliance
- § 78. Contracts entered into under real name

***4. Pleading and Practice***

- § 79 Generally

- *Proof of liability for entity’s failure to acquire fictitious name certification*, 56 POF3d 103 (2000).

**INDEXING:**

- ALR Index: *Assumed or Fictitious Names*

**TEXTS &  
TREATISES:**

- Marilyn J. Ward Ford, [Connecticut Corporation Law & Practice](#) (2017).
  - Chapter 2. Business Corporations
  - § 2.02. Limitations on Corporate Name
  - § 2.03. Name Reservation and Registration
    - (C) Doing Business under an Assumed or Trade Name

**FORMS:**

- 18A [Am Jur Pleading & Practice](#) *Name* (2016).
  - § 49. Complaint, petition, or declaration—For order compelling public official to file fictitious name certificate
  - § 50. —Allegation— Individual plaintiff doing business

under fictitious name

§ 51. Petition or application —To register fictitious name of particular business

§ 52. Notice of motion— To amend complaint to correct fictitious name— **Defendant's true name** unknown to plaintiff when complaint filed

§ 53. Affidavit —Individual conducting business under assumed name

§ 54. —Publication of fictitious name certificate

§ 55. —Supporting motion to amend complaint to correct fictitious name—**Defendant's real name** unknown to plaintiff when complaint filed

§ 56. Answer—Defense—Failure to comply with fictitious name statute—Lack of capacity to sue

§ 57. ——Failure to file certificate of doing business under fictitious name—Individual

§ 58. ———Partnership

§ 59. Order to show cause—Why public official should not be required to file fictitious name

§ 60. Order—Directing public official to file fictitious name certificate

§ 61. —Granting leave to amend complaint— Substituting true name for fictitious name of party.

Table 3: Use of Fictitious Business Names

<b>Trade Names</b> <b>Conn. Gen. Stat. (2017)</b>	
<p><a href="#">§ 35-1</a></p> <p><i>Trade name certificate filed with town clerk</i></p>	<p><b>Use of fictitious business names. Prohibitions and exceptions. Penalty. Unfair trade practices.</b> (a) No person, except as provided in this subsection, shall conduct or transact business in this state, under any assumed name, or under any designation, name or style, corporate or otherwise, other than the real name or names of the person or persons conducting or transacting such business, unless there has been filed, in the office of the town clerk in the town in which such business is or is to be conducted or transacted, a certificate stating the name under which such business is or is to be conducted or transacted and the full name and post-office address of each person conducting or transacting such business or, in the case of a corporation or limited liability company using such an assumed name, its full name and principal post-office address. Such certificate shall be executed by all of such persons or, in the case of a corporation or limited liability company, by an authorized officer thereof, and acknowledged before an authority qualified to administer oaths. Each town clerk shall keep an alphabetical index of the names of all persons filing such certificates and of all names or styles assumed as provided in this subsection and, for the indexing and filing of each such certificate, shall receive the statutory filing fee for documents established in section 7-34a, to be paid by the person filing such certificate. A copy of any such certificate, certified by the town clerk in whose office the same has been filed, shall be presumptive evidence, in all courts in this state, of the facts contained in such certificate. The provisions of this subsection shall not prevent the lawful use of a partnership name or designation if such partnership name or designation includes the true surname of at least one of the persons composing such partnership. This subsection shall not apply to: (1) Any limited partnership, as defined in section 34-9, provided such limited partnership (A) has (i) filed a certificate as provided for in section 34-10, or (ii) registered with the Secretary of the State as provided in section 34-38g and (B) conducts or transacts business under the name stated in the certificate or registered with the Secretary of the State, or (2) any limited liability company, as defined in section 34-101, provided such limited liability company (A) has (i) filed articles of organization as provided for in section 34-120, or (ii) registered with the Secretary of the State as provided in section 34-223 and (B) conducts or transacts business under the name stated in the articles of organization or registered with the Secretary of the State. Any person conducting or transacting business in violation of the provisions of this subsection shall be fined not more than five hundred dollars or imprisoned not more than one year. Failure to comply with the provisions of this subsection shall be deemed to be an unfair or deceptive trade practice under subsection (a) of section 42-110b.</p> <p>(b) No person shall use, in any printed advertisement, an assumed or fictitious name for the conduct of such person's business that includes the name of any municipality in this state in such a manner as to suggest that such person's business is located in such municipality unless: (1)</p>
<p><i>Exceptions</i></p>	
<p><i>Penalties</i></p>	



	<p>Such person's business is, in fact, located in such municipality; or (2) such person includes in any such printed advertisement the complete street address of the location from which such person's business is actually conducted, including the city or town and, if located outside of Connecticut, the state in which such person's business is located. This subsection shall not apply to the use of (A) any trademark or service mark registered under the laws of this state or under federal law, (B) any such name that, when applied to the goods or services of such person's business, is merely descriptive of them, or (C) any such name that is merely a surname. A violation of the provisions of this subsection by a person conducting business under an assumed or fictitious name that includes the name of a municipality in this state shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b. Nothing in this subsection shall be construed to impose any liability on any publisher that relies on the written assurances of a person placing such printed advertisement that such person has authority to use any such assumed or fictitious name.</p>
<p><a href="#">§ 35-2</a></p>	<p><b>Use of word "banking" and similar words as part of business name.</b> No partnership, common law trust or association, or individual using a trade name, shall use, either as a part of its name or as a prefix or suffix thereto or as a designation of the business carried on by it, the word "bank", "banking", "banker", "bankers", "trust" or "savings", provided either the word "bankers" or the word "trust" may be so used when qualified and immediately preceded by the word "investment", but not followed by the word "company" or "corporation". The provisions of this section shall not apply to any charitable or athletic association. No provision of this section shall prevent any savings and loan association organized under the provisions of section 36a-70 from using the term "savings" either as a part of its name or as a prefix or suffix thereto or as a designation of the business carried on by it.</p>

# Section 3: Criminal Impersonation in Connecticut

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to criminal impersonation and related statutes in Connecticut

## **DEFINITIONS:**

- **Criminal Impersonation:** "In *Smith*, [[State v. Smith](#), 194 Conn. 213, 479 A.2d 814 (1984)] the defendant was convicted of criminal impersonation for providing a false name to an arresting police officer. *Id.*, 216. Our Supreme Court reversed the conviction, concluding that '[t]he statute as written does not prohibit giving a false name; it prohibits impersonating another.' *Id.*, 222. If Henderson had only provided Hutchinson with a fictitious name, then we agree that, under *Smith*, there may have been insufficient evidence that she had impersonated another." [State v. Moore](#), 97 Conn. App. 243, 249, 903 A.2d 669 (2006).

## **STATUTES:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2017)
  - [§ 14-217](#). Operator to give name and address and show or surrender license, registration and insurance identification card when requested.
  - [§ 53a-130](#). **Criminal impersonation:** Class A misdemeanor.
  - [§ 53a-130a](#). **Impersonation of a police officer:** Class D felony.
  - [§ 53a-167a](#). Interfering with an officer: Class A misdemeanor.

## **CASES:**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [State v. Williams](#), 110 Conn. App. 778, 793-797, 956 A. 2d 1176 (2008) (Footnotes omitted). "The defendant's second claim is that there was insufficient evidence to support his conviction of interfering with an officer in violation of § 53a-167a(a). We disagree...

The defendant gave a false first name twice. The second time was in the police station **when he was being 'booked' for the drug offenses**. The court correctly charged the jury that whether the defendant intended to slow the progress of his arrest or to delay or impede the police in the arrest process was a question for it to resolve, given the statement made and the circumstances at the time. Intent to delay, obstruct or hinder is more likely to be present if the defendant is asked his name in a police station and responds falsely when he is present there in connection with his arrest and the investigation into his criminal behavior as opposed to being asked the same question elsewhere under other circumstances. See *State v. Aloj*, supra, 280 Conn. at 845, 911 A.2d 1086. For example, failure to provide a legal or correct name to a policeman by a person who is unaware of any possible investigation of a crime or of any suspicion of his possible involvement in a crime may not provide the requisite

intent to violate § 53a-167a.”

- [State v. Moore](#), 97 Conn.App. 243, 248-249, 903 A.2d 669 (2006). “The defendant argues that there was insufficient evidence to support a conviction for accessory to criminal impersonation because § 53a-130(a)(1) does not prohibit the giving of a false name unless the name provided is that of a real person. See *State v. Smith*, 194 Conn. 213, 221-22, 479 A.2d 814 (1984). She contends that, because Henderson provided Hutchinson with the name Daneisha Baptiste, a fictitious name, there was insufficient evidence that she was impersonating a real person. Although we recognize that the mere act of providing a false name does not expose an individual to culpability for criminal impersonation, we disagree with the defendant that this is the end of the inquiry under the facts of this case.”
- [State v. Frazier](#), 194 Conn. 233, 238-239, 478 A.2d 1013 (1984). “The criminal impersonation statute, 53a-130 (a)(1), is violated when an individual impersonates another and does an act ‘in such assumed character with [the] intent to obtain a benefit or to injure or defraud another.’”
- [State v. Smith](#), 194 Conn. 213, 222, 479 A.2d 814 (1984), “The statute as written does not prohibit giving a false name; it prohibits impersonating another.”

**JURY  
INSTRUCTIONS:**

- Connecticut Judicial Branch Criminal Jury Instructions:  
<http://www.jud.ct.gov/JI/criminal/>

Part 4: Crimes Against Administration of Government  
[4.3-1 Interfering with an Officer -- § 53a-167a](#)

Part 10: Criminal Writings, Financial Crimes, and Fraud  
[10.7-1 Criminal Impersonation -- § 53a-130 \(a\) \(1\) and \(2\)](#)

[10.7-2 Criminal Impersonation -- § 53a-130 \(a\) \(3\)](#)

[10.7-3 Impersonation of a Police Officer -- § 53a-130a](#)

**INDEXING:**

- ALR Index: *Impersonation*

**ENCYCLOPEDIA:**

- 32 [Am. Jur. 2d False Personation](#) (2007).