



2022 Edition

# Pseudonyms and Fictitious Business Names in Connecticut Courts

(Formerly *Assumed or Fictitious Names in Connecticut*)

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A Guide to Resources in the Law Library

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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\(h\)](#) (2022 ed.).
- “The procedure outlined in § 11-20A (h) (1) provides a road map for what long has been understood as a high threshold for granting applications to proceed anonymously. . . . The question the court first must address when considering such an application is whether, given the presumption of openness in all judicial proceedings, the [party] has a substantial privacy right which outweighs the customary . . . presumption of openness in judicial proceedings. . . . Furthermore, not all substantial privacy interests are sufficient to outweigh the public’s interest in open judicial proceedings. 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. . . .” [Doe v. Rackliffe](#), 173 Conn. App. 389 (2017).
- 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](#). (2021) (Emphasis added.)

# 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).
- **"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. The judicial authority shall first consider reasonable alternatives to any such order and any such order shall be no broader than necessary to protect such overriding interest. The judicial authority shall articulate the overriding interest being protected and shall specify its findings underlying such order and the duration of such order. If any findings would reveal information entitled to remain confidential, those findings may be set forth in a sealed portion of the record. The time, date, scope and duration of any such order shall forthwith be reduced to writing and be signed by the judicial authority and be entered by the court clerk in the court file. The judicial authority shall order that a transcript of its decision be included in the file or prepare a memorandum setting forth the reasons for its order. An agreement of the parties that pseudonyms be used shall not constitute a sufficient basis for the issuance of such an order. The authorization of pseudonyms pursuant to this section shall be in place of the names of the parties required by Section 7-4A." Conn. Practice Book [11-20A \(h\)\(1\)](#) (2022).**

## 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. (2021)
  - § [52-45a](#). Commencement of civil actions. Contents and signature of process.
  - § [52-109](#). Substituted plaintiff.
- [Connecticut Practice Book](#) (2022)
  - [Chapter 7](#). Clerks; Files and Records
    - § [7-4A](#). Identification of Cases
    - § [7-4B](#). Motion to File Record Under Seal
    - § [7-4C](#). Lodging a Record
  - [Chapter 9](#). Parties
    - § [9-20](#). Substituted Plaintiff
  - [Chapter 11](#). Motions, Requests, Orders of Notice, and Short calendar.
    - § [11-20A](#). Sealing Files or Limiting Disclosure of Documents in Civil Cases - Subsection (h) [Pseudonyms]
  - [Chapter 33a](#). Petitions for Neglect, Uncared For, Dependency and Termination of Parental Rights: Initiation of Proceedings, Orders of Temporary Custody and Preliminary Hearings
    - § [33a-4](#). Identity or Location of Respondent Unknown. [Procedure in Juvenile Matters]
- [State v Terrance Police](#), 343 Conn. 274, 273 A. 3d 211 (2022). “...numerous courts have addressed the fourth amendment particularity requirement as it relates to the validity of **arrest warrants**. ‘Generally, arrest warrants either describing the suspect only as “John Doe” or inaccurately naming an individual without some other identifying description have been ruled insufficient under the naming requirement of the [f]ourth [a]mendment . . . . But see [United States v. Ferrone, 438 F.2d 381, 389](#) [3d Cir.] (“[w]e hold that the physical description of [the defendant], coupled with the precise location at which he could be found, was sufficient and the John Doe warrant was, therefore, valid . . . .”) [cert. denied, 402 U.S. 1008, 91 S. Ct. 2188, 29 L. Ed. 2d 430 (1971)]; [Blocker v. Clark, 126 Ga. 484](#) [487, 54 S.E. 1022] (1906) (noting that a “John Doe” warrant may be valid if it includes other identifying information such as occupation, personal appearance, or place of residence).’ [State v. Burdick, 395 S.W.3d 120, 126-27 \(Tenn. 2012\)](#).” (pp. 295-296)
- “ . . . [w]e conclude that, to satisfy the particularity requirement of the fourth amendment, the affidavit accompanying a John Doe DNA arrest warrant application must contain information assuring the judicial authority issuing the warrant that the DNA profile identifies the

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person responsible for the crime on the basis of his or her unique DNA profile and should include information as to **the statistical rarity of that DNA profile.**" (p. 306)

**"We have simply concluded that a John Doe arrest warrant that identifies a suspect on the basis of a general physical description that could apply to any number of people and mixed partial DNA profiles that are not positively known to include the suspect's profile, and that fails to state the statistical rarity of any of the profiles, does not satisfy the particularity requirement of the fourth amendment and, therefore, does not commence a prosecution for purposes of satisfying the applicable statute of limitations"** (p. 308)

- John Doe Sr. v. Hopkins School et al, Superior Court, Judicial District of New Haven at New Haven, No. NNH-CV-21-6110316-S (May 14, 2021) (2021 WL 2303079). "The plaintiff filed a motion for order to seal and proceed anonymously. . . Specifically, the plaintiff argues that the student names and educational records should be sealed pursuant to 20 U.S.C. § 1232g, General Statutes § 10-15b, Regs. Conn. State Agencies § 10-145-400a, 42 U.S.C. § 1320d, and that good cause exists to allow him to proceed anonymously using the pseudonym John Doe, Sr. and to seal educational records and medical records. Hopkins, in its motion for protective order, argues that the names of minor student witnesses should be sealed and that the nonparty students should be identified only by **pseudonyms, as 'severe and irreparable reputational harm' and 'undue embarrassment' will result if** these student names are not protected. Hopkins maintains that pursuant to Practice Book § 13-5, there is good cause to allow the nonparty students to proceed using pseudonyms as students have a right to privacy as recognized by 20 U.S.C. § 1232g and General Statutes §§ 1-210, 10-234aa-234dd, 46a-124(b) and (c), and 1-210. . . . Practice Book 11-20A(h)(1) provides in relevant part: '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.'** . . . Importantly, the parties in the present case do not allege that the plaintiff or the nonparty witnesses will suffer specific injury if their identities are not concealed. . . . Further, the students involved in the incidents at issue have already made the dispute public. . . **For these reasons, the plaintiff's motion to seal and proceed using a pseudonym and the defendant's motion for protective order are denied because the public interests in the incidents taking place at Hopkins outweighs the privacy interests of the parties and nonparty witnesses."**
- Jane Doe v. Yellowbrick Real Estate et al, Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FST-CV20-5023127-S (October 20, 2020) (70 Conn. L. Rptr.

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363 (2020 WL 6712461). “The Court rejects the argument that fairness dictates that the granting of a motion to use a pseudonym for one party means that reciprocal right to use a pseudonym by the other party must be granted. **Each motion must be judged on its own merits.”**

- [John Doe v. New England Stair Company, Inc. et al.](#), Superior Court, Judicial District of Ansonia-Milford at Milford, No. AAN-CV-18-6025867-S (May 31, 2018) (66 Conn. L. Rptr. 462). “**In his affidavit in support of a pseudonym, the plaintiff claims that ‘there is a substantial amount of social stigmatization associated with being an HIV positive gay man,’ and proceeding anonymously will protect him from harm, without setting forth any facts or evidence to support these conclusory assertions.** These general claims arguably apply in most cases involving an **HIV positive person.** ‘A plaintiff’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.’ (Internal quotation marks omitted.) [Doe v. Connecticut Bar Examining Committee](#), supra, 263 Conn. 70.

The plaintiff’s affidavit is factually insufficient to allow him to use a pseudonym in this case. As a result, the **plaintiff has failed to meet his burden ‘to show why [he] should be permitted to proceed anonymously.’** [Vargas v. Doe](#), supra, 96 Conn. 410. Put another way, the plaintiff has failed to demonstrate a substantial privacy right that overrides the constitutional right of openness in judicial cases. **Therefore, the plaintiff’s application to use a pseudonym is denied.”**

- [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.) [Edmands v. CUNO, Inc.](#), supra, 277 Conn. 454 n. 17, citing [Bauer v. Pounds](#),

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61 Conn. App. 29, 36, 762 A.2d 499 (2000).” (Emphasis added.)

- [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). “**Although** we recognize that when allegations of sexual assault are involved, those who are alleged to be victims, especially minors, may have strong privacy interests in having the allegations and surrounding circumstances concealed from public scrutiny, the procedures that our rules of practice provide do not permit automatic approval of the use of pseudonyms by the party or parties involved. Rather, the 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. [Bauer v. Pounds](#), 61 Conn. App. 29, 36, 762 A.2d 499 (2000). Because the trade name of a legal entity does not have a separate legal existence, a plaintiff bringing an action solely in a trade name cannot confer jurisdiction on the



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court.”

- [Doe v. Connecticut Bar Examining Committee](#), 263 Conn. 39, 60, 818 A.2d 14 (2003). “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.’”

- [State v. Lambert](#), 58 Conn. App. 349, 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.” (p. 355)

“. . . 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.**” (p. 357)

- [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:

- *Names*
  - # 10. Mode of conferring or acquiring assumed names
- *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, Thomson West, 2012 (Also available on Westlaw).
  - IV. Fictitious or assumed name
    - A. In general
      - § 64. Generally
      - § 65. Designation of person by commonly known name

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 59 *Am Jur 2d* Parties, Thomson West, 2012 (Also available on Westlaw).

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

- 62B *Am Jur 2d* Process, Thomson West, 2015 (Also available on Westlaw)
  - § 68. Summons directed to defendant – Fictitious names

- 75A *Am Jur 2d* Trial, Thomson West, 2018 (Also available on Westlaw).
  - § 1078. Instruction on use of alias

- 65 *CJS* Names, Thomson West, 2020 (Also available on Westlaw).
  - III. Assumed or fictitious name
    - § 13. Generally
    - § 14. Legal effect of doing business under assumed or fictitious name
    - § 15. Designation of person by name by which person commonly known.

- 139 ALR Fed 553, *Propriety of Use of Fictitious Name of Defendant in Federal District Court*, by David M. Epstein, Thomson West, 1997.

- 26 ALR 4<sup>th</sup>, *Use Of Assumed Or Trade Name As Ground For Disciplining Attorney*, by Gregory G. Sarno, Esq., Thomson West, 1983.

TREATISES:

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- 1 Connecticut Practice Series: *Superior Court Civil Rules*, Thomson Reuters, 2021 ed., by Wesley W. Horton, et al., Thomson Reuter (Also available on Westlaw).

**Subsection 3 of Authors' Comments for CT Practice Book § 11-20A**

- *LexisNexis Practice Guide: Connecticut Civil Pretrial Practice*, by Margaret Penny Mason, 2021 ed., LexisNexis.
  - Chapter 6. Serving Summons and Complaint
    - § 6.03. Required Contents of Summons

[c] No Doe Defendants  
[d] Use of Pseudonyms

INDEXING:

- *ALR Index*, Thomson West (Also available on Westlaw).  
Assumed or Fictitious Names

FORMS:

- 18A *Am. Jur Pleading & Practice Forms Annotated Name* Thomson West, 2016 (Also available on Westlaw).  
§ 52. Notice of motion—To amend complaint to correct fictitious name— Defendant’s true name unknown to plaintiff when complaint filed  
§ 55. Affidavit—Supporting motion to amend complaint to correct fictitious name—Defendant’s real name unknown to plaintiff when complaint filed  
§ 61. Order—Granting leave to amend complaint— Substitute true name for fictitious name of party

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- 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).
- Eugene Volokh, *The Laws of Pseudonymous Litigation*, 73 Hastings Law Journal 5 (2022).

Table 1: John or Jane Doe Defendants in Civil Matters

John or Jane Doe Defendants in Civil Matters	
Citations from <u>Natal v. Greenwich Hospital</u> , Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FST CV 12-6015407S (March 13, 2013) (55 Conn. L. Rptr. 625) (2013 WL 1277314).	
<u>Angiolillo v. Buckmiller</u> , 102 Conn. App. 697, 927 A.2d 312, cert. denied, 284 Conn. 927, 934 A.2d 243 (2007).	<b>"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 was no indication as to who 'John Doe One' 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."</b>
<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, '[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."</b> (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, '[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.'"</b>
<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, '§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.'"</b>
<u>Himmelstein v. Windsor</u> , Superior Court, Judicial District of Hartford, Docket No. CV 054013928, 2006 Conn. Super. LEXIS 1457 (May 16, 2006). <i>Table 1 Continued</i>	<b>"Second, '[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 defendants. Plaintiffs...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.)"</b>

Citations from Doe v. Masselli, Superior Court, Judicial District of Middletown, No. MMX-CV-14-5008325 (October 15, 2014) (59 Conn. L. Rptr. 137, 138).

Roe v. Wetmore, 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).

**"The court in *Roe* stated: '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.) Vargas v. Doe, 96 Conn.App. 399, 410-11, 900 A.2d 525, cert. denied, 280 Conn. 923, 908 A.2d 546 (2006)."**

**"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."**

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

John or Jane Doe Defendants in Summary Process Matters	
<p>Conn. Gen. Stat. § <a href="#">47a-23(b)</a> (2021).                      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</b> 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 <b>may be addressed to such occupant as 'John Doe', 'Jane Doe' or some other alias which</b> reasonably characterizes <b>the person to be served."</b></p>
<p>Conn. Gen. Stat. § <a href="#">47a-23a(a)</a> (2021).                      Complaint.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>You can visit your local law library or search the most recent <a href="#">statutes</a> and <a href="#">public acts</a> on the Connecticut General Assembly website.</p> </div>	<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>
<p><u>CASES:</u></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Once you have identified useful cases, it is important to update them to ensure they are still good law. You can <a href="#">contact your local law librarian</a> to learn about updating cases.</p> </div>	<p><i>F.G.B. Realty Advisors, Inc. v. John Doe, et al.</i>, Superior Court, Housing Session, Judicial District of Fairfield, No. SPBR-9409 27848 (April 17, 1995) (14 Conn. L. Rptr. <b>443</b> (1995 WL 348329). "The process of naming a fictitious individual as a defendant in a summary process action does not deprive the unnamed individuals of due process rights. <a href="#">Double I Limited Partnership v. Planning and Zoning Commission</a>, 218 Conn. 65, 76 (1991). . . Therefore the John Does and Jane Does who occupy premises in the State of Connecticut are provided with due process rights in accordance with the statutory summary process scheme under Title §47a. <a href="#">Frillici v. Westport</a>, 231 Conn. 418, 437 (1994)."</p>
<p><u>TREATISES:</u></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>You can <a href="#">contact</a> us or visit our <a href="#">catalog</a> to determine which of our law libraries own the treatises cited.</p> <p>References to online databases refer to in-library use of these databases.</p> </div>	<p>Noble F. Allen, <i>Connecticut Landlord and Tenant Law with Forms 3d</i>, Connecticut Law Tribune, 2021.                      Chapter 9. Summary Process Litigation                      § 9-1. Form of Writ, Summons and Complaint</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).

## STATUTES:

Conn. Gen. Stat. (2021)

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

- [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 \(2022\)](#)
  - *Information about Legal Services*
    - [Rule 7.5](#). Firm Names and Letterheads (Repealed Jan. 2020)
      - **"(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:

- [IHeartMedia Entertainment, Inc. v. Patio.com, LLC](#), Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FSTCV186036669S (January 22, 2021) (2021 WL 829478). "The use of trade names to identify parties to a contract does not carry with it the same difficulties inherent in using a trade name in a summons because the names are not fictional entities but merely a



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shorthand description of the actual parties to the contract... Moreover, if the trade name is registered the true owner may be identified with reasonable certainty from the filing required to comply with C.G.S. § 35-1. *Id.*, 87 Conn. App. at 479. There is venerable and valid authority that establishes that the failure to register a trade name shall not impair any contract entered into using the trade name....The use of the trade names here was meant to refer to the corporations who were the actual parties to the Agreement, which the evidence proved were the parties to this case, R&R and IHeart + **Entertainment, Inc.**" (p. 4)

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**"[T]he use of a fictitious or assumed business name does not create a separate legal entity [and] [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 ...'** "[Izzo v. Quinn](#), 170 Conn. App. 631, 632 n.2 (2017), quoting [Youngman v. Schiavone](#), 157 Conn. App. 55, 56 n.1 (2015). That R&R did not comply with C.G.S. § 35-1 by filing the trade name 'Patio.com' is no moment to this decision because all parties to the agreements were well aware what business was the real party in interest and **that business was operated by the brothers through R&R.**" (footnote 11)

- [Kyle C. Klewin et al. v. Highland Hills Apartment, LLC et al.](#), Superior Court, Judicial District of New London at New London, No. KNL-CV16-6026603 (May 22, 2018) (66 Conn. L. Rptr. 446). "Filing a trade name pursuant to the trade registration statute, General Statutes §35-1, gives those **transacting business with the trade name 'constructive notice of the contents of the trade name certificate'** and may confer standing on the plaintiff. (Internal quotation marks omitted.) *Id.*, 479. **'[T]he trade regulation statute, by itself, however, provides only minimal protection to the public because trade name certificates are recorded in any one of the many towns across the state. That fact highlights the importance of placing on those who use a trade name the burden of making their identities know to the public.'** *Id.*, 479-80. The failure to file a trade name further supports dismissal of an action for lack of standing. *Id.*, 479 n.6. Even when a defendant knows about the uncertified trade name and is not prejudiced by the commencing of an action against it by that trade name, a court must dismiss the action for lack of subject matter jurisdiction. *Id.*, 480.

In the present case, under Connecticut law, ACME lacks standing. ACME was not a party to the contract and does not appear anywhere in the contract or documents surrounding the formation of the contract. ACME may be the doing business as name for Klewin Residential, who

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was a named party to the contract, but ACME's name was not registered before the contract was entered into. See [Robert T. Reynolds Associates, Inc. v. Asbeck](#), 23 Conn. App. 247, 252-53, 580 A.2d 533 (1990) (holding individual contract signer personally liable when proper name of corporation not known to defendants). **In fact, ACME's name was not certified in Connecticut until Klewin filed a trade name certification in Stonington on September 16, 2015, months after the parties signed the contract. Although the certification favors standing, as the defendants would be on constructive notice of ACME's existence, our Appellate Court clearly states certification alone provides only minimal protection, and the burden is on the plaintiffs to disclose ACME's existence. See [America's Wholesale Lender v. Pagano](#), supra, 87 Conn. App. 479-80. There is no evidence the plaintiffs disclosed ACME's existence at any time. To allow ACME to remain a plaintiff in the present action would go against public policy and prejudice the defendants. Accordingly, the defendants' motion to dismiss the complaint for lack of standing by ACME is granted."**

- [Just Restaurants v. Thames Rest. Grp., LLC](#), 172 Conn. App. 103, 108, 158 A.3d 845 (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. X04-HHD-CV15-6060751 (August 2, 2016) (62 Conn. L. Rptr 779). **"For the reasons that follow, the court concludes that the named plaintiff Fannie Mae is not a legal entity with a capacity to sue, and the case must therefore be dismissed for lack of subject matter jurisdiction. . . .**

. . . the plaintiff argues that the true name of the corporation is not Federal National Mortgage Association because **'Fannie Mae is the name which the corporation has adopted in its Bylaws as the name of the corporation.'** . . .

This is, on its face, not a corporate name change and **not, as the plaintiff claims, 'adoption' of 'Fannie Mae' as the name of the corporation.** It is simply, as a contemporaneous press release explains, the board **'authorizing the company to do business under the name "Fannie Mae."' . . . But no evidence was provided that the corporation has ever chosen to legally change its name to 'Fannie Mae.'**

None of the other documentation provided by the plaintiff persuaded the court that **'Fannie Mae' is a genuine**

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business entity entitled to commence suit in the courts of **this state.**”

- [Collazo v. Hamilton Street Enterprises, LLC](#), Superior Court, Judicial District of New Haven at New Haven, No. CV16-6060339-S (December 27, 2016) (63 Conn. L. Rptr 613). “The third count alleges a violation of CUTPA, and **arises from the defendant’s alleged failure to properly** file a trade name certificate while operating under a fictitious name. . . It is clear that a negligence claim based upon defective premises and a claim of a violation of CUTPA require a showing of two separate sets of facts. The two counts do not share a factual basis and cannot be considered to have arisen from the same transaction. Furthermore, the claims did not arise from the same subject matter. The negligence count is based upon a slip and fall and the CUTPA claim is based upon the defendant operating under a fictitious name and failing to file a trade name with the City of New Haven. Thus, the court would not be required to hear the same facts nor the same evidence for each claim, which indicates that judicial economy would not necessarily be a substantial concern for the court. . .

**For the foregoing reasons, defendant’s motion to strike count three of the plaintiff’s complaint is granted.”**

- [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.** [Bauer v. Pounds](#), 61 Conn. App. 29, 36, 762 A.2d 499 (2000). Because the trade name of a legal entity does not have a separate legal existence, a plaintiff bringing an action solely in a trade name cannot confer jurisdiction on the court.”

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

## DIGESTS:

- **Dowling's Connecticut Digest: Names**

## ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 57 *Am. Jur. 2d Name*, Thomson West, 2012 (Also available on Westlaw).

### 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

- 65 *C.J.S. Names*, Thomson West, 2020 (Also available on Westlaw).

### III. Assumed or fictitious name

§ 13. Generally

§ 14. Legal effect of doing business under assumed or fictitious name

§ 15. Designation of person by name which person commonly known

§ 16. Statutory restrictions on assumed or fictitious names generally

§ 17. Registration of assumed or fictitious name

§ 18. Purpose of statutes regulating conducting of business under assumed or fictitious name

§ 19. Consequences of failing to register assumed or fictitious name

§ 20. Defense of noncompliance with statutory fictitious name registration requirement; waiver

- 56 *Am Jur POF3d* 103, **Proof of liability for entity's failure to acquire fictitious name certification**, Thomson West, 2000, 2022 Supplement (also available on Westlaw).

## INDEXING:

- *ALR Index*, Thomson West (also available on Westlaw).  
Assumed or Fictitious Names

## TREATISES:

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- *Connecticut Corporation Law & Practice*, 2d ed., by Marilyn J. Ward Ford, 2022, Aspen Law and Business.  
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 Forms Annotated Name*, Thomson West, 2016 (Also available on Westlaw).  
§ 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 certificate  
§ 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

Trade Names Conn. Gen. Stat. (2021)	
<p><a href="#">§ 35-1</a></p> <p><i>Trade name certificate filed with town clerk</i></p> <p><i>Exceptions</i></p> <p><i>Penalties</i></p>	<p>Use of fictitious business names. Prohibitions and exceptions. Penalty. Unfair trade practices. (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 business name, business identification number and principal office address as reflected on the records of the Secretary of the State. 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. The Secretary of the State shall create an electronic system to collect from each town clerk the trade name index information required by this section. A town clerk shall be deemed to have complied with the index information requirement set forth in this subsection, if the Secretary determines that the index information provided by such town clerk contains all active trade name records on file with such clerk. 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 34-243a, provided such limited liability company (A) has (i) filed articles or a certificate of organization as provided for in sections 34-243i and 34-247, or (ii) registered with the Secretary of the State as provided in sections 34-243m, 34-275a and 34-275b, and (B) conducts or transacts</p>

	<p>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) 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>Use of word "banking" and similar words as part of business name. 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>
<p>You can visit your local law library or search the most recent <a href="#">statutes</a> and <a href="#">public acts</a> on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.</p>	