



2018 Edition

Assumed or Fictitious Names in Connecticut

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\(h\)](#) (2018 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).
- "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\(h\)\(1\)](#) (2018).

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 (2018 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]
 - § [33a-4](#). Identity or Location of Respondent Unknown. [Procedure in Juvenile Matters]
- [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). **“The plaintiff alleges in his complaint that ‘is an openly gay man.’ 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**

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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](#), 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

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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 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**

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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* (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
- 62B [Am. Jur. 2d](#) *Process* (2015)
 - § 68. Summons directed to defendant – Fictitious names
- 75A [Am. Jur. 2d](#) *Trial* (2007)
 - § 1132. Use of Alias
- 65 [C.J.S.](#) *Names* (2010)
 - III. Assumed or fictitious name
 - § 13. Generally
 - § 14. Name by which person commonly known
 - § 15. Statutory restrictions
- 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).

TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- [Connecticut Practice Series: Superior Court Civil Rules](#), Thomson Reuters, 2017-2018 ed.
Subsection 3 of Authors' Comments for CT Practice Book § 11-20A
- [LexisNexis Practice Guide: Connecticut Civil Pretrial Practice](#), LexisNexis, 2017.
Chapter 6. Serving Summons and Complaint
§ 6.03. Required Contents of Summons
[c] No Doe Defendants
[d] Use of Pseudonyms

INDEXING:

FORMS:

- ALR Index: *Assumed or Fictitious Names*
- 18A [Am. Jur Pleading & Practice Forms Annotated Name](#) (2016).
§ 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).

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).	"In <i>Angiolillo v. Buckmiller</i>...the Appellate Court held that the trial court properly dismissed the plaintiff's claims against a defendant who had been identified as 'John Doe One' 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."
<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).	"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." (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).	"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."
<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).	"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."
<u>Himmelstein v. Windsor</u> , Superior Court, Judicial District of Hartford, Docket No. CV 054013928, 2006 Conn. Super. LEXIS 1457 (May 16, 2006).	"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.)"

<i>Table 1 Continued</i>	
Citations from <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>"The court in <i>Roe</i> 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.) <u>Vargas v. Doe</u>, 96 Conn.App. 399, 410-11, 900 A.2d 525, cert. denied, 280 Conn. 923, 908 A.2d 546 (2006)."</p> <p>"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."</p>
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Table 2: John or Jane Doe Defendants in Summary Process Matters

John or Jane Doe Defendants in Summary Process Matters	
Conn. Gen. Stat. § 47a-23(b) (2017). Notice to quit possession or occupancy of premises. Form. Delivery. Federal termination notice.	"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 addressed to such occupant as 'John Doe', 'Jane Doe' or some other alias which reasonably characterizes the person to be served."
Conn. Gen. Stat. § 47a-23a(a) (2017). Complaint.	"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."
<u>CASES:</u>	F.G.B. Realty Advisors, Inc. v. John Doe, et al., Superior Court, Housing Session, Judicial District of Fairfield, No. SPBR-9409 27848 (April 17, 1995) (14 Conn. L. Rptr. 443) (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. Double I Limited Partnership v. Planning and Zoning Commission , 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. Frillici v. Westport , 231 Conn. 418, 437 (1994)."
<u>TREATISES:</u>	Noble F. Allen, Connecticut Landlord and Tenant Law with Forms 2d , Connecticut Law Tribune, 2014. Chapter 8. Summary Process Litigation § 8-6. Summary Process Complaint § 8-6:1. Form of Writ, Summons and Complaint

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:

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:

- Conn. Practice Book (2018 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:

- [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

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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 **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 (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-

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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 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:

- 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
- 65 [C.J.S. Names](#) (2010)
 - III. Assumed or fictitious name

- § 13. Generally
- § 14. Name by which person commonly known
- § 15. Statutory restrictions
- § 16. – Filing affidavit or certificate; registration of name
- § 17. – Purpose of statutes regulating conducting of business under assumed name
- § 18. – Consequences of failing to file affidavit or certificate; failure to register name

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

INDEXING:

- ALR Index: *Assumed or Fictitious Names*

TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Marilyn J. Ward Ford, [Connecticut Corporation Law & Practice](#) (2018).
 - 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](#) (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 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. (2017)	
<p>§ 35-1</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 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 34-243a, 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 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</p>

	<p>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>§ 35-2</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 statutes and public acts on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.</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:** "(a) A person is guilty of criminal impersonation when such person: (1) Impersonates another and does an act in such assumed character with intent to obtain a benefit or to injure or defraud another; or (2) pretends to be a state marshal with intent to obtain a benefit or induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense; or (3) pretends to be a representative of some person or organization and does an act in such pretended capacity with intent to obtain a benefit or to injure or defraud another; or (4) pretends to be a public servant other than a sworn member of an organized local police department or the Division of State Police within the Department of Emergency Services and Public Protection, or wears or displays without authority any uniform, badge or shield by which such public servant is lawfully distinguished, with intent to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense; or (5) with intent to defraud, deceive or injure another, uses an electronic device to impersonate another and such act results in personal injury or financial loss to another or the initiation of judicial proceedings against another.
(b) The provisions of subdivision (5) of subsection (a) of this section shall not apply to a law enforcement officer acting in the performance of his or her official duties.
(c) Criminal impersonation is a class A misdemeanor." Conn. Gen. Stat. § [53a-130](#) (2017).

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 or Class D felony.
- [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..."

CASES:

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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 being an 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.

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. 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 \(3\)](#)
 - [10.7-2 Criminal Impersonation \(Public Servant\) -
- § 53a-130 \(a\) \(4\)](#)
 - [10.7-3 Impersonation of a Police Officer -- §
53a-130a](#)

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ENCYCLOPEDIA:

- 32 [Am. Jur. 2d](#) *False Personation* (2017).
 - I. In General
 - § 1. False personation, generally
 - § 2. Misrepresenting personal information to police officer as false personation
 - § 3. Intent, or possibility of doing injury, or of receiving or conferring benefit as element of false personation
 - § 4. Federal false personation statutes
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 - II. False Personation of Government Officers or Employees
 - § 6. False personation of state government officers or employees
 - § 7. False personation of federal officers or employees
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 - § 9. Affirmative defenses to impersonating peace officer
 - III. Practice and Procedure
 - § 10. Accusatory pleadings in prosecution for false personation
 - § 11. Jury's role** and instructions in prosecution for false personation
 - § 12. Evidence in prosecution for false personation