

SMALL CLAIMS HOW TO NAME THE PARTIES PROPERLY

If you do not name a party properly you may not be able to collect your judgment.

NAMING A PARTY

You must correctly spell the name of the party you intend to sue. When completing the “Plaintiff’s Claim and ORDER to go to Small Claims Court,” (Form SC-100) write each party’s name in a separate field on page 2 of this form. For example, suppose you intend to sue a partnership and the partners in that business. In the first field for “Defendant”, write the full name of the business. In the second field for “Defendant”, write the full name of *one* partner. You should then attach Form SC-100A and write the full name of each additional partner on this form.

INDIVIDUAL – Type all known parts of full name:

- J. T. Smith
- John T. Smith
- John Thomas Smith

SOLE OWNERSHIP/SOLE PROPRIETORSHIP – Type name of owner and “doing business as” (d.b.a.) or “formerly doing business as” (f.d.b.a.) name of company:

- John T. Smith d.b.a. Smith Air
- John T. Smith f.d.b.a. Smith Air
- John T. Smith f.d.b.a. Smith Air d.b.a. Smith and Sons

PARTNERSHIP – Type name of partnership and the partners specific to the suit. If you are suing a partnership and the partners individually, you would list the partnership as a defendant, and each individual partner as defendants.

- If you are suing each individual partner and the partnership, then you follow this example: list (1) John T. Smith (individual) and (2) James Smith (individual) and (3) d.b.a. Smith Air.
- If you are suing a limited partnership, then you follow this example: list (1) Smith Air (a limited partnership) and (2) John T. Smith (general partner).

CORPORATION or LIMITED LIABILITY COMPANY (LLC) – Type full name business:

- Smith Air, a Calif. Corp.
- Smith Air, Inc
- Smith Air Corporation
- J. T. Smith Corporation d.b.a. Smith Air

BUSINESS AND CORPORATE NAMES MAY BE LOCATED AT:

- County Clerk/Vital Records – 440 Fifth Street, Second Floor, Room 206 (831) 636-4046.
- City Hall in the city where the business is located.
- Corporate or Partnership names, or agent designated to accept service, may be obtained from the Secretary of State at (916) 657-5448 or through their web-site: kepler.sos.ca.gov/list.html. Type in the full name of the corporation or LLC and submit your request.

VEHICLE ACCIDENT: In a vehicle accident name both the driver and owner of the car.