

SMALL CLAIMS HOW TO NAME THE PARTIES PROPERLY

It is important to name the defendant(s) correctly on your Plaintiff's Claim (SC-100). In order to collect your money, the defendant must be named correctly.

If you're not sure which of several possible defendants is responsible for your claim, you should name each person you believe is liable. The court will decide whether the people you named are proper defendants and are legally responsible.

Here are some examples of ways to name a defendant:

- **An Individual-** Write the first name, middle initial (if known), and last name. Example: "John A. Smith."
- **A business owned by an individual-** Write the names of both the owner and the business. Example: "John A. Smith, individually and doing business as Smith Carpeting." If you win your case you can enforce judgment against assets (e.g., a checking account balance) in the names of John A. Smith as well as Smith Carpeting.
- **A Business owned by partners-** Write the names of both the business partnership and the individual partners. Example: "Suburban Dry Cleaning" and "John A. Smith and Mary B. Smith." If you win your case, you'll be entitled to collect from the assets of the partnership or an individual partner. Each defendant should be listed as such: "John A. Smith doing business as Suburban Dry Cleaning" and on a separate defendant line, list: "Mary B. Smith doing business as Suburban Dry Cleaning."
- **A corporation-** Write the exact name of the corporation, as you know it, on the claim form. You need not name an individual. Example: "Fourth Dimension Graphics, Inc., a corporation." If the corporation operates through a division or subsidiary, both should be listed. Example: "Middle Eastern Quality Petrol, a corporation, individually and doing business as Fast Gas."
- **A vehicle accident defendant-** If you're suing to recover your losses in a motor vehicle accident, you should name both the registered owner or owners and the driver. Example: If the owner and the driver are the same person, "Joe Smith, owner and driver." If the owner and driver are not the same, "Lucy Smith, owner, and Betty Smith, driver."

Where to find the proper name

If you are suing a local business or a corporation, you can find the defendant's correct name by checking the city's business licensing bureau, the city or county tax assessor's office, or the county clerk's fictitious business name index. If the defendant lives outside your area, try www.smartpages.com or other online phone directories.

Agent for Service of Process

The Secretary of State's Corporate Status Division can give you the names and addresses of persons who may be served on behalf of corporations that are doing business in California. The agent for Service of Process should NOT be named on your Plaintiff's Claim (SC-100).

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