

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE**
www.occourts.org

**SMALL CLAIMS INFORMATION
HOW TO NAME A BUSINESS**

HOW TO CORRECTLY NAME THE BUSINESS YOU ARE SUING

If you sue a company, you need to know what kind of ownership it is. The most common types are sole proprietorships, partnerships, and corporations. The Sheriff will not serve your claim if you have not named the business correctly. The Sheriff will also not be able to collect your judgment if the business name is incomplete.

- **Suing a business owned by 1 person:** Write the owner's name and the business's name. Name the owner as an individual to have a better chance of collecting if you win.

For example, write: Sally Smith, individually and **dba** Continental Candies (In this example and others, "dba" stands for "doing business as.")

- **Suing a partnership:** Name the partnership and the partners individually too.

For example: Jim Smith and John Jones, individually and **dba** Smith & Jones

- **Suing a corporation:** Write the exact legal name of the corporation.

For example: Sally's Dresses Inc., a corporation.

- **Suing a business owned by a corporation:** Write the name of the corporation and the business.

For example: Lotus Corporation, individually and **dba** The Flower Company

How to Correctly File a Claim Using a Business Name

If you are suing using a business name, you must list the full name of the business as set forth above. If you are doing business under a fictitious name, you must fill out, sign and file a form called Fictitious Business Name Declaration (SC103) <http://www.courts.ca.gov/xbcr/cc/sc103.pdf> when filing your claim. You must follow the laws for fictitious business names. If you have not, the court can dismiss your case.

How to Research a Business Name

There are several ways to search for the full name of a business.

- Fictitious Business Name Statement

If a business is doing business under a fictitious name, the business is required to file a Fictitious Business Name Statement with the County Recorder where the business is located. The statement can help you determine the full legal name of the business. Here is the information for the Orange County Recorder:

- There is no charge to do the search yourself in the Clerk-Recorder's office. Most searches can be completed in about 15 minutes.
- The search can also be conducted online free of charge at:
<https://efbn.ocgov.com/eFBNweb/default.aspx>
- By mail: you may order a copy of the filing for an additional fee of \$0.15 per copy or \$1.15 per certified copy. If your search is for name availability only, it is not necessary to order a copy. When writing to request a search, please list the name or names you wish to have searched. There is a fee of \$7.00 for each name if you want the search completed for you. Include a self-addressed stamped envelope, along with the appropriate fees, and mail to:

Orange County Clerk-Recorder
Attn: Fictitious Business Name Statements
12 Civic Center Plaza, Room 106
Santa Ana, CA 92701

Please make checks payable to: **Orange County Clerk-Recorder.**

- City Business License

You can also check with the city where the business is located. Most cities require a business license. You can review the license for information on the full name of the business. You can find information for most of the cities in Orange County at:

- Online: <http://egov.ocgov.com/ocgov/Business/Permits%20&%20Licensing/Apply%20for%20a%20Business%20License>.
- In person: you may go to the City Hall where the business is located.
- By phone: some cities will give you information over the phone regarding the full name of the business listed on the license. Look up the business license office in the city where the business is located.

- Secretary of State

You can look to see if the business is a corporation, limited partnership, or limited liability company (LLC), by checking with the California Secretary of State:

- Online: <http://kepler.sos.ca.gov/cbs.aspx>

- California Department of Consumer Affairs

If the business is required to be licensed by the state, for example a contractor, auto repair, real estate company, or locksmith, you can find out the full name of the business by checking the California Department of Consumer Affairs:

- Online: [http://www2.dca.ca.gov/pls/wllpub/wllquery\\$.startup](http://www2.dca.ca.gov/pls/wllpub/wllquery$.startup).

- Other Ways

- You might have documents, a check, or other papers in your possession which listed the full name of the business.
- You can also research the business name on the web.