# 6-07/680.00 Fictitious Name (Doe)

In order to effect a valid service on a defendant who is designated therein under a fictitious name, such as John Doe, Doe 1, Jane Roe, Doe Corporation, etc., the statutory notice of identity must appear on the face of the copy of the summons served on a defendant so designated. (Armstrong v. Superior Court, 144 CA 2d 430; Confidential, Inc. v. Superior Court, 157 CA 2d 75) (CCP 474)

The policy of the Los Angeles County Sheriff is to accept written instructions to serve any Doe (designated) where the instructions identify a specific location and the intent of the service, even where the plaintiff cannot furnish the specific name of the entity, the capacity or name of the person to be served prior to the time of service. The sheriff shall attempt to ascertain the name, a thorough description of the person served and/or capacity of the entity served. The return of service shall be as specific as possible to identify the manner of service and the identity of the person served, whether or not the name of the person served was obtained. No substitute service is to be made on any Doe (designated) where the deputy attempting service has not obtained a name by either the plaintiff or other source through a previous investigation.

Example (unlawful detainer):

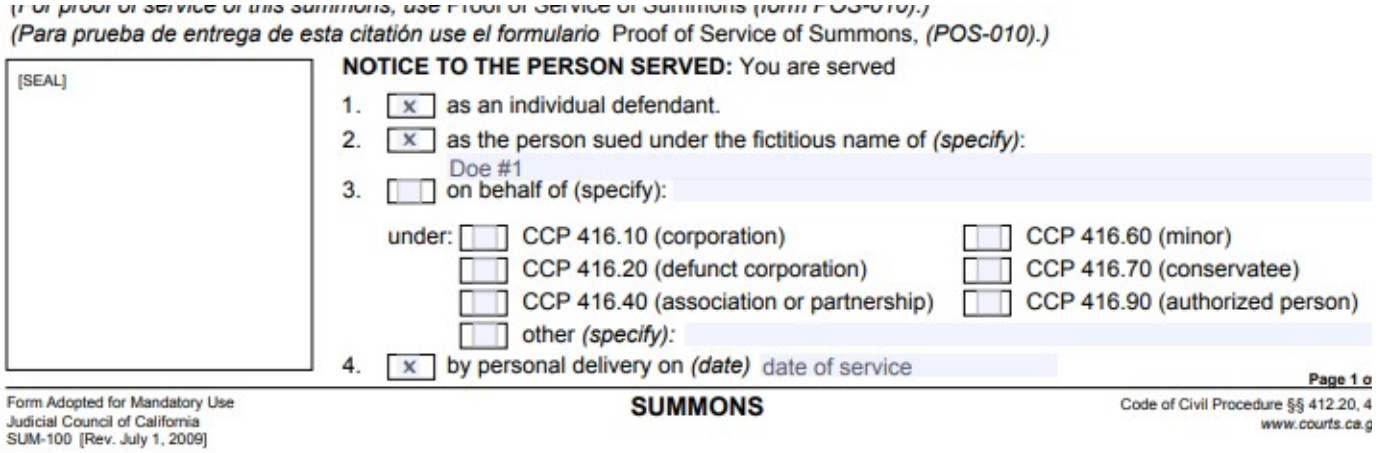
Serve any adult in possession as:

John Doe 1, 123 West Main St., Apt. #2 L.A., CA 90012

The policy is contingent on the sheriff being furnished with sufficient copies and fees in advance. The appropriate fees may be charged for each service, not found, or cancellation based on the number of Doe's designated for service in the instructions.

Before a summons against a "John Doe" is assigned out for service, the "Notice to the Person Served" at the bottom of the summons shall be completed by (1) checking the box "You are served as the person sued under the fictitious name of," (2) checking the box for an individual and/or the "on behalf of" box and marking the appropriate subcategory listed. This shall be done on the copy of the summons that is left with the defendant. If the summons is served using the substitute method, both copies of the summons shall be completed in this manner.

FICTITIOUS NAME - NATURAL PERSON



(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]

**NOTICE TO THE PERSON SERVED:** You are served

1. [x] as an individual defendant.
2. [x] as the person sued under the fictitious name of *(specify)*: Doe #1
3. [ ] on behalf of (specify):

under: [ ] CCP 416.10 (corporation) [ ] CCP 416.60 (minor)
[ ] CCP 416.20 (defunct corporation) [ ] CCP 416.70 (conservatee)
[ ] CCP 416.40 (association or partnership) [ ] CCP 416.90 (authorized person)
[ ] other *(specify)*:

4. [x] by personal delivery on *(date)* date of service

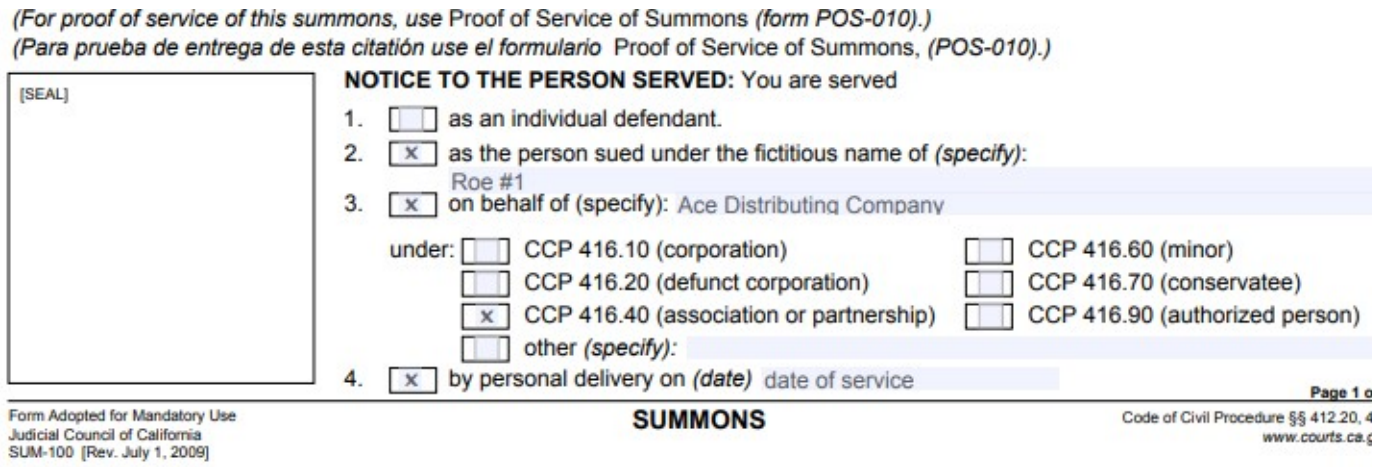
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SUM-100 [Rev. July 1, 2009]

**SUMMONS**

Code of Civil Procedure §§ 412.20, 4
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FICTITIOUS NAME - ARTIFICIAL PERSON



(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]

**NOTICE TO THE PERSON SERVED:** You are served

1. [ ] as an individual defendant.
2. [x] as the person sued under the fictitious name of *(specify)*: Roe #1
3. [x] on behalf of (specify): Ace Distributing Company

under: [ ] CCP 416.10 (corporation) [ ] CCP 416.60 (minor)
[ ] CCP 416.20 (defunct corporation) [ ] CCP 416.70 (conservatee)
[x] CCP 416.40 (association or partnership) [ ] CCP 416.90 (authorized person)
[ ] other *(specify)*:

4. [x] by personal delivery on *(date)* date of service

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When completing the Proof of Service, be sure to include all information regarding the person served and the manner of such service. EXAMPLE: “Serve the male adult with brown hair and blue eyes as John Doe #5. The process server makes contact with the person described in the instructions and obtains the party’s name: Tom Jones. The Proof of Service should state the party served: Tom Jones. In previous examples, page two of the Proof of Service was not included. For this purpose, the second page is included so a proper completion of the Proof of Service can be exampled. The address of the service must appear on the Proof of Service. You must indicate the manner of service as personal (CCP 415.10). Note: if the person refuses to give his/her name, the full description of the party served is documented on the “Party Served” section of the Proof of Service.

FICTITIOUS NAME - NATURAL PERSON

3. a. Party served *(specify name of party as shown on documents served):*
Tom Jones

b. [ ] Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) *(specify name and relationship to the party named in item 3*

4. Address where the party was served:
123 Main Street, Los Angeles California, 90012

5. I served the party *(check proper box)*

a. [x] **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on *(date):* date of service (2) at *(time):* time of service

6. The "Notice to the Person Served" (on the summons) was completed as follows:

a. [x] as an individual defendant.

b. [x] as the person sued under the fictitious name of *(specify):* John Doe #5

If the service is made by substitution (CCP 415.20), you must include the name and title or relationship. The party must be informed of the general nature of the process. The name of the party must still be indicated. A copy of the Summons and Complaint must be mailed to the Party served. Service by substitution must show attempts (diligence). Dates and times of all previous attempts of service declaration of diligence must documented on the Proof of Service. The declaration of diligence will be on an attached page. No substitute service is to be made on any Doe (designated) where the deputy attempting service has not obtained a name by either the plaintiff or other source through a previous investigation.

3. a. Party served *(specify name of party as shown on documents served):*
Tom Jones

b. [ ] Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) *(specify name and relationship to the party named in item 3a):*

4. Address where the party was served:
123 Main Street, Los Angeles California, 90012

5. I served the party *(check proper box)*

a. [ ] **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on *(date):* (2) at *(time):*

b. [x] **by substituted service.** on *(date):* date of service at *(time):* time I left the documents listed in item 2 with c in the presence of *(name and title or relationship to person indicated in item 3):*
Susan Smith, housekeeper who provided the true name of the party

(1) [ ] **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.

(2) [x] **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.

(3) [ ] **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.

(4) [x] I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on *(date):* date mailed from *(city):* city mailed from **or** [ ] a declaration of mailing is attached

(5) [x] I attach a **declaration of diligence** stating actions taken first to attempt personal service.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
   a. [x] as an individual defendant.
   b. [x] as the person sued under the fictitious name of *(specify):* John Doe #5

The Proof of Service for a Fictitious Name – Artificial Person should be completed in a similar fashion replacing Roe in the place of Doe.