

§ 11.Designation of parties

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Process

Lisa A. Zakolski, J.D.

II. Form and Contents

§ 11. Designation of parties

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

- West's Key Number Digest, [Process](#)  31

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- [Mistake or error in middle initial or middle name of party as vitiating or invalidating civil process, summons, or the like, 6 A.L.R.3d 1179](#)
- [Application of doctrine of idem sonans or the like to substituted or constructive service of process, 45 A.L.R.2d 1090](#)

All papers filed in an action must be styled in such a manner as to indicate clearly the party requesting or obtaining relief.¹ If a party is an individual, the process should state his or her correct first and last names.² However, in one case, service of a support petition that contained an incorrect middle initial was sufficient to establish personal jurisdiction over the defendant in the Department of Revenue's support action on behalf of the mother where there was no confusion as to who the defendant was, service was made on the defendant's mother, and listed the name and date of birth of the child.³

Process may be amended to reflect a purely formal change in the designation or name of a party plaintiff, so long as the defendant is not prejudiced as a result.⁴

Where the true name of a defendant is unknown when suit is instituted, it is proper to bring suit against a defendant in the name of "John Doe," and when service is made, the sheriff may add the party's true name after the alias.⁵

Caution:

Service of process on an individual cannot be used to broaden the scope of the pleadings to add a defendant who is not named as a party in the complaint after the statute of limitations expires. The failure, under these circumstances, to name the real party defendant constitutes more than a mere error in the name given, the omission being complete and substantial, such that any amendment in the description of the defendant constitutes an entire change of parties.⁶

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Footnotes

- 1 [Fla. Jur. 2d, Parties § 4.](#)
- 2 [Walker Fertilizer Co. v. Race, 123 Fla. 84, 166 So. 283, 105 A.L.R. 341 \(1936\).](#)
- 3 [Department of Revenue ex rel. Williams v. Wright, 813 So. 2d 989 \(Fla. 2d DCA 2002\).](#)
- 4 [Walker Fertilizer Co. v. Race, 123 Fla. 84, 166 So. 283, 105 A.L.R. 341 \(1936\).](#)
[As to amendment of process, see § 12.](#)
- 5 [Am. Jur. 2d, Process § 68.](#)
[As to the designation of unknown parties where service is made by publication, see § 58.](#)
- 6 [Gilliam v. Smart, 809 So. 2d 905 \(Fla. 1st DCA 2002\).](#)

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