

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

A.G.,	:	CIVIL ACTION NO.
Plaintiff,	:	3:11-CV-711 (JCH)
	:	
v.	:	
	:	
AMERICAN CREDIT BUREAU, INC.,	:	DECEMBER 8, 2011
Defendant.	:	

**RULING RE: DEFENDANT’S MOTION TO DISMISS (Doc. No. 15) AND
PLAINTIFF’S MOTION FOR LEAVE TO AMEND (Doc. No. 19) AND
PLAINTIFF’S MOTION TO PROCEED IN A FICTITIOUS NAME (Doc. No. 17)**

Plaintiff, Alana Gonzalez, brought this case under the pseudonym A.G., asserting a claim under the Fair Debt Collection Practices Act, 15 U.S.C. Section 1692 et. seq. See Compl. (Doc. No. 1). Defendant, American Credit Bureau, Inc. (“American Credit Bureau”) filed a Motion to Dismiss (Doc. No. 15), arguing that, because Gonzalez did not seek the court’s permission before filing with a pseudonym, the court lacks jurisdiction over this matter.¹ Gonzalez filed a Motion for Permission to Proceed with a Pseudonym (Doc. No. 17), and subsequently filed a Motion for Leave to Amend her Complaint (Doc. No. 19).

American Credit Bureau argues that the Complaint did not properly commence an action under Fed. R. Civ. P. 10(a), which requires that “[t]he title of the complaint must name all the parties.” Several district courts in this circuit have found or assumed jurisdiction over cases filed pseudonymously without permission. See, e.g., Doe No. 2 v. Kolko, 242 F.R.D. 193 (E.D.N.Y. 2006) (considering plaintiff’s motion to proceed

¹ American Credit Bureau also argues that the case should be dismissed because Gonzalez lacks standing for failure to file by way of a next-of friend. Def.’s Mem. of Law in Supp. of Mot. to Dismiss (Doc. No. 15-1) 4. Because the plaintiff is not a minor, the court does not address this argument.

anonymously without addressing the jurisdictional question even though he had filed under a pseudonym without first obtaining the court's permission); EW v. New York Blood Center, 213 F.R.D. 108 (E.D.N.Y. 2003); Barth v. Kaye, 178 F.R.D. 371, 377 (N.D.N.Y. 1998) (ordering that the caption be amended to reflect the real name of the plaintiff without considering the jurisdictional question when plaintiff had filed anonymously without seeking the court's permission to do so); Gaff v. Port Authority, No. 02-CV-7252 (THK), 2003 WL 22232949 (S.D.N.Y. Sept. 29, 2003) (finding that a complaint that had been filed under a pseudonym without the court's permission one day before the expiration of the statute of limitations, and later amended to include plaintiff's full name, had been timely filed); V.R. ex rel A.R. v. Board of Educ., No. 03-CV-1031 (LAK), 2003 WL 1565954 (S.D.N.Y. March 13, 2003) (directing plaintiffs who had filed anonymously without permission to file amended complaints including their full names without addressing the jurisdictional question). In EW, plaintiff filed under a pseudonym without first obtaining the court's permission, and defendant argued from Fed.R.Civ.P. 10(a) and Fed.R.Civ.P. 17(a) that the court therefore lacked jurisdiction. The court found defendant's "contention that the Court lacks jurisdiction over the matter, and cannot permit amendment of the complaint to reflect the name of the real party in interest . . . obviously wrong" and that "failing to bring an action in the name of the real party in interest does not immediately and automatically divest a district court of jurisdiction." EW, 213 F.R.D. at 109 (emphasis in original).

The court finds that the Complaint properly commenced an action because it did "name" all of the parties, albeit by initials. Therefore, American Credit Bureau's Motion to Dismiss (Doc. No. 15) is **DENIED**. Gonzalez's Motion for Leave to Amend (Doc. No.

19) is **GRANTED**. Counsel is directed to docket an Amended Complaint with a corrected caption that includes her full name. Upon the filing of this Amended Complaint, the Clerk is directed to amend the caption of this case to reflect the plaintiff's full name. Gonzalez's Motion to Proceed with a Pseudonym (Doc. No. 17) is **DENIED AS MOOT**.

SO ORDERED.

Dated at Bridgeport, Connecticut, this 8th day of December, 2011.

 /s/ Janet C. Hall

Janet C. Hall
United States District Judge