

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

DEC 14 1998

JAMES W. MCCORMACK, CLERK
By: *[Signature]*
DEP. CLERK

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
BATESVILLE DIVISION

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff

NO. B-C-98-65

VS.

JAYCO ACQUISITION AND
HOLDING CO., d/b/a COMPTON'S
OAK GROVE LODGE, INC.,

Defendant

ORDER

Compton's Oak Grove Lodge, Inc. ("Compton's") filed a motion requesting that the court strike the Summons served upon it or, alternatively, to dismiss the Complaint in this matter [Docket No. 12]. The plaintiff, the Equal Employment Opportunity Commission ("EEOC") responded [Docket No. 14] and Compton's replied to the response [Docket No. 16]. After careful consideration, the Court denies Compton's motion.

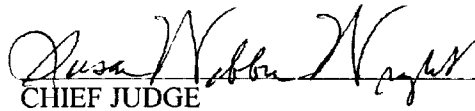
Compton's asserts that the style of this case--*Equal Employment Opportunity Commission v. Jayco Acquisition and Holding Co., d/b/a Compton's Oak Grove Lodge, Inc* fails to identify Compton's as a party. The term "d/b/a" or "doing business as" indicates that an entity does business under an alternative or trade name. "Doing business as" does not signal the existence of two separate entities. Nor does doing business under another name create an entity separate from the person actually "doing business." The Complaint's caption indicates that the EEOC brings this action against Jayco Acquisition and Holding Co., ("Jayco"), which does

business under the name "Compton's Oak Grove Lodge, Inc."

Compton's correctly asserts that the only parties to this action, thus far, include Plaintiff EEOC and Defendant Jayco. However, the Court will not strike the Summons or dismiss the Complaint on such technical grounds. Fed. R. Civ. P. 21 provides that "parties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just" and permits adding a party who, through inadvertence, mistake, or for some other reason, was not made a party and whose presence is later found necessary or desirable.

THEREFORE, the Court hereby denies Compton's motion to strike or dismiss [Docket No. 12]. Additionally, the Court instructs the plaintiff that it may move to amend its Summons and Complaint to reflect the addition of Compton's as a party-defendant.

IT IS SO ORDERED THIS 14th DAY OF DECEMBER, 1998



CHIEF JUDGE
UNITED STATES DISTRICT COURT

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ON 12-15-98 BY IT