

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

|                               |   |                          |
|-------------------------------|---|--------------------------|
| MAURICE SMITH,                | : |                          |
|                               | : |                          |
| Plaintiff,                    | : |                          |
|                               | : |                          |
| v.                            | : | CASE NO. 3:13CV502 (RNC) |
|                               | : |                          |
| GREATER NEW HAVEN TRANSIT     | : |                          |
| DISTRICT, DONNA K. CARTER,    | : |                          |
| AL NAUDUS AND TALEIM SALTERS, | : |                          |
|                               | : |                          |
| Defendants.                   | : |                          |

ORDER

Pending before the court is the defendant's "Motion to Strike References to Brandon E. Foster as a defendant." (Doc. #31.) The defendants seek to strike references to Brandon Foster because he is not named in the caption of the operative amended complaint (doc. #21) and was not served.

Rule 10(a) of the Federal Rules of Civil Procedure, entitled "Caption; Names of Parties," states that "[t]he title of the complaint must name all the parties." Fed. R. Civ. P. 10(a). "This establishes a bright line rule for pleadings." Miro v. Chiusano, No. 05 Civ. 10570 (DAB), 2008 WL 2627146, at \*1 (S.D.N.Y. July 1, 2008). "As the Second Circuit has recognized, the Federal Rules require clarity as to the named parties in an action." Weiss Acquisition, LLC v. Patel, No. 3:12cv1819 (CSH), 2013 WL 45885, at \*3 (D. Conn. Jan. 3, 2013). "Rule 10(a) requires that the caption of the complaint include the names of all of the parties to the action." Hernandez-Avila v. Averill, 725 F.2d 25, 27 (2d Cir. 1984). Because the plaintiff did not list Foster as a defendant in

the caption of the complaint as required, Foster is not a defendant in this action. See Fed. R. Civ. P. 10(a). Accordingly the defendants' motion is granted.

SO ORDERED at Hartford, Connecticut this 26th day of February, 2014.

\_\_\_\_\_/s/\_\_\_\_\_  
Donna F. Martinez  
United States Magistrate Judge