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NAMES AND THE LAW

My last successful paper for the Philosophical Club (I am not counting the one I did on the history of development of computerized legal research) was on the relationship between Bertram Russell and Albert Barnes. It was light, entertaining and I enjoyed doing it. Moreover, the people I sent gave it or sent it to enjoyed reading it – at least that is what they said. I hope that this paper is similarly successful.

There are a lot of common misconceptions about names and the law, for instance:

Which of these statements are true and which are not true, or maybe partially only true.

1. Everyone has a unique name;
2. Everyone has a single “real” ;
3. Everyone has “correct” name;
4. Everyone has a single “legal name”;
5. In order to change you name you have to go to court and get a judge’s order - you cannot change your name at will;
6. Nick names are not “real” names;
7. There can be only one correct spelling of an individual person’s name – even though people with the same apparent name may spell their names differently;

For instance:

DeYarmond vs. DeArmond vs. D’Armon
Kitchell vs. Kitchel
Wolfe vs. Wolf
Coke vs. Cook

8. There is a single, or at least only a few ways of correctly alphabetizing a list of names;¹
9. When a woman marries she assumes her husbands last name. What happens to her old name – what some call her maiden name and which Marjorie calls her birth name – although when you are born you have no name;
10. Everyone should have a birth certificate and that birth certificate has that person’s real name;
11. It is illegal to sign someone else’s name.
12. A signature must be hand-written - and in ink. A set of initials is not good enough to be a signature.

¹ McDonald and MacDonald probably comes to mine as an exception, but what about name with pronunciation marks either at the beginning or in the middle. And what of name composed in whole or in part by numbers, like the corporation 3-Com. And if you alphabetize a list by last name, which is the “last” name? And what is wrong with alphabetizing by first name?

Now some questions:

When you are asked your name at a cocktail party what do you say?
When you open a bank account and are asked your name what do you say?
When you make an appointment with a Doctor, what do you say your name is?
Is your answer to these three questions the same? If not, why not?

Is Doctor a part of one's name? Is Rabbi? Is Christ part of the name of the man that we know of as Jesus Christ?

What of Pope Benedict XVI, formerly known as Cardinal Joseph Ratzinger? Was Cardinal a part of his old name and is Pope a part of his current name? Actually, According to Wikipedia the Pope's official title is: His Holiness Pope Benedict XVI, Bishop of Rome, Vicar of Jesus Christ, Successor of the Prince of the Apostles, Supreme Pontiff of the Universal Church, Primate of Italy, Archbishop and Metropolitan of the Roman province, Sovereign of the State of the Vatican City, Servant of the Servants of God." But most of us call him Pope for short. Incidentally, Popes did not begin to change their name upon election until the later part of the 10 century – unless you count Simon's becoming Peter who the Catholic consider to be the first Pope, although this does not seem to be true as I understand the history of the early church. Incidentally, the Pope may have many names, but for the time being the internet domain name for Benedict XVI.com belongs to Cybersquater Rogers Cadenhead² who with great foresight applied for the name a couple of weeks before Pope John Paul died.³

Is the III a part of Alfred E. Newman III's name? Is the Jr. a part of Samuel Rutherford Neth, Jr.'s name? What happens to Jr.'s name when Senior dies?

When Donald Trump divorces Elizabeth Taylor or whoever he was last married to does Elizabeth cease to be Elizabeth Trump? Could Elizabeth ever not be Elizabeth Trump?

What is my wife Marjorie's name?
Marjorie Kitchell?
Marjorie H. Kitchell?
Marjorie Helen Kitchell?
Marjorie Neth?
Marjorie Kitchell Neth?
Mrs. Spencer Neth? Is the Mrs. here a part of the name?

² At least according to Wired News of April 19, 2005. The BenedictXVI.org site seems to belong to the Pope

³ Cybersquatting, which I have no time to discuss, is registering an internet domain name for no reason other than to sell or license the name to someone or some company with a similar trade name. Many countries have a law prohibiting this practice, e.g. in the U.S. it is called the Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. 1125(d). Enforcement is typically by way of a quasi-private international organization known as ICANN.

The obvious point is that many of us have more than one name that can be legitimately be considered “real” or “legal,”⁴ and this creates a difficulty for a legal system that seems to assume everyone has a single “actual” name.

If the answer is Dr. Livingston I. Presume, what is the question?
The question is: What is Dr. Presume’s full name?

This is supposed to be a joke, but like many jokes it contains within it a kernel of insight. I suggest that there are two morals to be taken from this joke:

that words can only be understood when viewed in context and
that vocalizing a name conveys a very different set of messages than writing it.

The joke works – at least works when told by someone with any talent for telling jokes – because our cultural background triggers the memory of the famous story of when Henry Stanley finally found David Livingston [how many of you, like myself, had forgotten or never knew his first name] in the middle of Africa. Without that memory we probably would presume that Dr. Presume did something famous which we should know about.

The oral vs. written name point is illustrated by regional differences in the pronunciation of words among people who share the same written language. The Chinese in Beijing will speak the same name very differently than the Chinese in Shanghai, so much so that one might ask if the names are the same even if the Chinese in Beijing and Shanghai spell the name the same. Similar phenomena are found in the Arabic speaking world and, perhaps to a lesser extent, the English speaking world and the French speaking world etc. Note in my example that I called the capital of China Beijing – not Peking which it was known by many of us when we were growing up. Peking is the Wade-Giles system of transliteration which has been abandoned in favor of the pinjin system. Incidentally, I learned from my trip to China this past summer that there are at least four ways to spell Chinese names: the Wade-Giles transliteration, the pinjin system of transliteration, and two forms of traditional Chinese script, the classic and a simplified form that can be more easily learned and is more suitable for adoption for a computer keyboard. These complications are in addition to those created by a complete change of name, such as Bombay becoming Mumbai.

Leaving the joke and returning to my questions:

Are there correct answers to these questions? Is it important that there be correct answers to these questions? If it is important that there be correct answers, but there are no correct answers, what do we do?

Would the world – or at least our world – be a better place if there were correct answers to these questions?

⁴ For example in the interesting election case of *Martinez v. Cuyahoga Co. Bd. of Elections*, 2006 Ohio 1665, the candidate calling herself “Jennifer Martinez” had used at least six different names on official documents or in legal filings.

In the course of my talk, I think I will answer, explicitly or implicitly, most of the questions I have raised. I will also spend some time – but not too much time I hope – explaining why names are important in the law and why I got interested in what one might call The Law of Names.

I recently got a new doctor named DiMarco – his name was given to me over the telephone by my Internist’s assistant. How would one find his telephone number or address? My Internist’s name is Richard Stein – why did the pharmacist call the wrong doctor to get my prescription renewed? You might have noticed that I have stopped asking questions about what is a person’s “real” or “legal” name – I shall soon return to those questions – and am now asking about how we use other people’s names. In other words, why does it matter what name you use or what other people think your name is.

There is a tradition among some that attribute spiritual or other significance to your name – that someone named Candy will be sweet and that someone named Schoenheit will be beautiful, or that a man named David will be strong, or a young girl named Lolita will be – well you get the point. There is a large market for books that list the “real” or historical meaning of names, and some believe we can understand something important about people by knowing the origin and historical meaning of their names. There are lots of people who find mystical meaning in names. I don’t buy any of this, but to many people a name performs more functions than mere identification.

Lots of people are sensitive about their names and get up set if they are pronounced or spelled improperly. I had a law school classmate named Hal Barrel – for three years the professors called upon him pronouncing it Mr. Barrel and every time for three years he corrected the professor: “It’s Ba rell, sir.” Sometimes mistakes in spelling or pronunciation can be understandably troublesome – I once had a client named “Katz” who insisted on being called Cates – no doubt to indicate he was not Jewish. Sometimes variant spelling denotes gender even though the two names are pronounced the same, as in Marion and Marian or Carroll and Carol or Adrienne and Adrian. But for many people, as Justin Kaplan (at onetime known as “Joe Kaplan”) and Anne Bernays (sometimes known as “Mrs. Justin Kaplan”) observe in their lovely book – which I just rediscovered – “name and self-identity are permanently wed⁵.” To be separated from one’s name is to lose part of one’s sense of worth – witness the hero of *Les Mis.* who, when sentenced to prison, become 24601.

The law is a practical field and within the law names serve some practical but critical functions. To the extent that the whole idea of a name is fuzzy and that there is no single form of anyone’s name that is clearly “correct” creates problems that have to be dealt with in the law. Let me turn to some general observations about the function that names serve us generally and then turn to some legal applications of these general observations.

If I know your name there are a number of things I can do with that information:

⁵ Justin Kaplan & Anne Bernays, *The Language of Names*, p.10 (1997)

(1) search for your telephone number – maybe not your cell phone number, at least yet, and maybe not if your number is unlisted. Thus, knowing your name is useful to find your telephone number only if your name is included in a list that I have access to, and is entered properly in that list. Finally, the one doing the search needs to know how the list is organized or what the search logic of the computerized search system that is in use at the time.⁶

(2) In many states I can search on a data base and determine if you are a sexual predator.

(3) If I am a insurance company, a potential employer, or a bank considering loaning you money, I can find out all sorts of financial and other information about you from a Consumer Credit Reporting Agency. Note that this works only if someone has not assumed your identity- and to assume someone's identity requires at a minimum the assumption of that person's name.

(4) I can know what to put on the payee line of a check if I am trying to pay my bill to you. Curiously, this is one of the places where it is not necessary to be precise about the name. You can spell my name anyway you want, and if I am the intended payee I can indorse it.

(5) I can know what to put in line 1 of a UCC 1 financing statement form, and the Secretary of State can know how to file this form. Actually, in most states such forms are not really filed – they are entered into a computer data base in no particular order and it is the data base program that enables the form, or a facsimile of the form to be retrieved. This UCC financial filing is part of what I teach, and is the reason I have become so fascinated with the concept of a “real” name.

(6) I can find out from a library card catalogue or through Amazon.com whether you have written a book about Names. Of course that assumes that the library has a copy and has cataloged your book or that you have written a book that is in Amazon.com's data base; and, as importantly, that you write under you own name and not that of a pseudonym, a not uncommon practice in the world of books.

Now I cannot do any of these things with your name, at least your name alone, unless at least three things are true:

1. I have to know how to spell your name. But is that the way your spoken name is normally spelled? The way it is spelled in the data base, as in the sexual predator data base, or the way others will recognize – as in the name I put in the payee line of the check.
2. I have to know if the data has been put in the data base without error – or in a predictably erroneous way.

⁶ A change in the search logic can make a previously unsearchable name searchable, or the other way around. This has important implications to the Uniform Commercial Code problems which brought me to this subject of the law of names.

3. I have to know how the data is arranged, or in the case of a computerized data base I need to know what is called the “search logic.”
4. If your name is a common one, I need to be able to further refine my search with information other than just your name. There are few names that are not shared by at least two people. I believe that I am the only Spencer Neth in the world – although there is a Spencer Eth who is a psychiatrist in New Jersey. I thought that there was only one Quinn Pitcock in the world – who happens to be my great nephew and a first team all American football player at Ohio State – but alas, it turns out that there is a young hockey player in New Hampshire with the same name. The point here is that names are rarely unique identifiers.

Names serve many function in our lives, but my main interest is in how they function in the legal system. At this time I want to touch on the area of the law that forced me to think about names and the law. This probably will be the most boring part of my talk.

One of the subjects that I teach involves security interests in personal property under Article 9 of the Uniform Commercial Code – a complex statute that is law in all 50 states. Personal property in the law is defined as tangible, movable property. Tangible as opposed to intangible property such as contract rights, intellectual property, information and the like. Movable to distinguish personal property from real property – real property is land, buildings, and fixtures attached to land or to buildings.

It is very common for individuals or corporations to borrow money and use their personal property as collateral to secure the debt. Most people buy their cars on credit and use the purchased car as collateral, and many businesses do the same with their major equipment purchases. Ford Motor Company very recently got a enormous line of credit putting up as collateral virtually all of their personal property. To create a security interest in personal property the only required formality is to have a security agreement signed by the debtor. However, the security interest is only of limited value unless it is what we call “perfected.” If it is unperfected then lots of other people will have priority over you – the most important of which is the trustee in bankruptcy. For most forms of personal property, the way you perfect is to file a very simple form called a UCC Form 1. In most states you file in the Secretary of State’s office.

As you can see there is very little to the form. Among other things the collateral is described only in the vaguest of terms. The real information is to be found in the security agreement. However, the key is what the form is used for. Suppose that you are Key Bank and that I, Spencer Neth, or my company, The Catherine Spencer Farms wants to borrow money from you and my credit and that of my company is not good enough to borrow unsecured. You ask what the company and I might put up as collateral, and you will then check the UCC filings to see who might have a prior claim to that collateral.

For most purposes, the first to file has priority. To do the search you must have a name to search. And here is where the notion of the “correct” name becomes critical.

Article 9 of the UCC was substantially revised in 2001 – indeed the final vote approving the revision was taken in the ballroom of the Renaissance Hotel on Public Square – and a key part of the revision was to require all UCC forms to contain the “correct” name of the debtor. If the form does not have the correct name then it does not perfect the security interest and will not beat the trustee in bankruptcy.

In the case of what the UCC calls “registered entities”⁷ – that is corporations and limited liability companies and a few other similar creatures of the law – the correct name is the name on the registration documents that were filed in the state where the company was created. You may be able to see from the facsimile on the screen that the UCC Form 1 calls the debtor Catherine Spencer Farms. But as you can see from the facsimile of the corporation registration the correct name is “**The** Catherine Spencer Farms.” Technically it would seem the UCC Form 1 does not have the correct name and is therefore ineffective.

However, there is a provision of Article 9 that saves this filing from being ineffective – at least in Ohio – and that is the provision that says a financing statement is ok if “a search of the records of the filing office under the debtor’s correct name, using the filing office’s standard search logic, if any, would disclose a financing statement that ...” otherwise does not have the correct name. I did a search under the correct name and found the financing statement showing the wrong name, so it is effective.⁸ However, in some states they might not drop the THE in the search. Most will, however, but there are other less obvious variation that could cause trouble. Ohio State University seems to feel the need to be known as **The** Ohio State University. A few years ago OSU tried to sue Ohio University for misuse of its trademark. Originally OSU was called The Ohio Agricultural and Mechanical College, but then it decided to take up football.

And what if you want to lend to Stanford University? You search in the California Secretary of State’s office for Stanford University and you don’t find much – why? What is its correct name?

It is “Leland Stanford Junior University” although seldom called that. Can you imagine the football cheer – “Ra Ra Leland Stanford Junior”

One of the problems a secured lender has is competition from the IRS which will assert a tax lien and take the collateral unless the secured lender has a prior right. The tax liens used to be filed in Clerk’s office of the Federal Court where the property subject to

⁷ Perhaps surprisingly, whether a business entity is a “registered entity” is not always clear, e.g. partnerships might have a taxpayer identification number and name registered in a state, but it still may not be a “registered entity” for purposes of Article 9 of the UCC.

⁸ Actually it is probably ineffective because it was not authorized by my sister, a co-manager. UCC 9-510

the lien is located,⁹ but now they are filed the same place as the UCC filings, usually the secretary of state's office. However, the Federal rules regarding names is different, as the lending bank discovered in the *Spearing Tool* case.¹⁰ Before making its loan to Spearing Tool the Bank checked the filing office for tax liens using the correct, registered name (Spearing Tool and Manufacturing Co.) but found nothing. However, the IRS had filed a lien under a name of "Spearing Tool & Mfg. Company," the name used on the tax return. The primitive search engine used in the Michigan Secretary of State's Office dealt with the "Company" and "Incorporated" as noise words, but it got hung up on the "Mfg" for "manufacturing" and the "&" instead of the "and." The IRS won – a win which properly frightened more than a few lawyers and bankers who may have assumed all filings would use the same name.

The more serious problems arise with individual human beings, where there is no such thing as a registration of correct names. While it is true that our birth certificates are pretty good evidence of our "actual" names, there are many exceptions:

1. Lots of people do not have birth certificates. Records have been destroyed, they were born in a place where birth certificates were uncommon etc.
2. Lots of people change their names, but never change their birth certificates.
 - a. Indeed, most women change their name when they marry, and some when they get a divorce. Some men do this as well.
 - b. Show business people do it all the time.¹¹
 - c. Sometimes people change the spelling of their name. Marjorie's uncle changed the spelling of his name from Kitchell to Kitchel, and at one time a relative of mine changed his name of Deyarmon to DeArmon.¹²

In the world of the Uniform Commercial Code, Article 9, spelling is important. Witness the case where "Rodger House" was listed as "Roger House" and the court held that the single missing letter – in the first name no less – made the filing ineffective.¹³

- d. Lots of Jews changed their names to smooth their way in a gentile world.

⁹ Under the Revised Article 9, the location of the property is usually irrelevant as to where to file, i.e. which state to file in. This created serious problems for creditors trying to determine if there were outstanding tax liens, when the debtor's property could be in any state.

¹⁰ *In re Spearing Tool Inc.*, 412 F. 3d 653 (6th Cir. 2005)

¹¹ Hedy Lamarr, the movie star and inventor of a torpedo guidance system, was originally known as "Hedwig Eva Marie Kiesler."

¹² Unusual spellings can often result in errors. See for example *Pankratz Implement Co. v. Citizens National Bank*, 281 Kan. 209 (2006) where someone did not realize that Rodger House had a "d" in his first name.

¹³ *Pankratz Implement Co. v. Citizens Nat'l Bank*, 281 Kan. 209 (2006)

- e. People change their names when their names become infamous for whatever reason. The children of the executed spys, the Rosenbergs, changed their names to that of their guardians the Meeropol's.¹⁴
 - f. Lots of people change their name when they are adopted.
3. Middle names are especially a problem and some people have multiple middle names.

Years ago I fell in love with the actress Samantha Eggar who starred in the movie *The Collector*. For some reason I discovered that her “real” name was

Victoria Louise Samantha Marie Elizabeth Therese Eggar.

How would you like to fill out that name on a UCC form one? What do you suppose her stationary looks like?

One of the first cases involving names under the revised Article 9 was *In re Kinderknecht*¹⁵ where everyone agreed that his “legal name” was “Terrance Joseph Kinderknecht.”¹⁶ Although he was known by everyone as Terry Kinderknecht – he even signed his bankruptcy petition as Terry - Terry was not good enough for the Court. In its opinion said that it would have been fine if the financing statement listed him as Terrance J. Kinderknecht. Other courts have said that if you have a middle name you have to spell it out. Incidentally, at least one court has held you need to include your generational notation: Richard Stewart is not good enough for Richard Morgan Stewart III – although apparently Richard Stewart III would have been good enough.¹⁷ That seems to answer one of the questions I raised at the beginning – although query if it is the best answer.

The UCC Article 9 name requirement as currently interpreted is unfortunate and will have to be changed in the near future – a fairly high percentage of financing statements now on file are defective under the law as interpreted. But you should not think that it is only my kind of lawyer who gets tripped up on the illusion that there is a single thing called a real, legal name. Let me mention two troubling areas where precision in one’s name may have huge consequences.

Foreign students studying in the U.S. under a student visa are required to inform INS where they are and their schools are required to report the names of all students with student visas who are currently enrolled at that school or who have dropped out of school. If they screw up the name – even the spelling of the name – the computer that compares the school’s list of names with the INS list of names will think that a student – who may be enrolled and studying diligently – is no longer a student and is subject to deportation. It has happened.

¹⁴ See also *In re Change of Name of Bo Bridgett Budenz*, 133 Ohio App. 3d 359 (1999) where the court allowed Bo Bridgett Budenz’s name to be changed to “Bo Bridgette Savage” (her mother’s name was Savage, and yes, she got an extra “e”) over the objection of the father, after her father’s felony conviction.

¹⁵ 308 B. R. 71 (10 Cir. BAP 2004)

¹⁶ In the future, attorneys should know better than to concede such a critical and contestable point.

¹⁷ *In re Richard Morgan Steward, IV* 2006 Bankr. Lexis 3014 (Nov. 2006)

The second example is the REAL ID Act of 2005¹⁸ - note the title. It is an attempt to compel every state to supply each of their domicilaries with either a driver's license or a non-driver's identification card that meets minimum Federal standards. Included as one of the standards is that the card include "the person's full legal name." Now one can live without such a card, but you will not be able fly on an airline or do much business with any Federal official. Think of Terry Kinderknecht trying to board a plane with his nickname on his driver's license.

If you can chose any name you want and you can change your name at will, without the approval of anyone, is there no limit? Are names meaningless.

First of all some limits:

1. We do not have any laws like once was true in France where only a certain list of approved first names could be used on birth certificates. France dropped this limitation in 1993, perhaps in response to the large number of Turks and Arabs living in France.
2. You cannot change your name if your purpose is to commit fraud, e.g. to avoid your creditors, and maybe your family.
3. You cannot change your name freely if you are running for public office.
 - a. In Ohio there is a specific statute with a time limit and there are quite a few cases in Cuyahoga County where the most important qualification for being a judge is to be named Russo, Corrigan, or Celebrese.¹⁹
4. You may not be able to change your child's name if the other parent objects – like in divorce cases where the wife seeks to change the names of her children by her first husband to the name of the second.²⁰
5. In Massachusetts, I was a little bit involved in a case in which a Irish judge would not let a Jewish woman, who divorced an Irishman, change the name of her children to Goldberg.
6. You cannot violate a trademark or trade name by a name change.²¹
7. There may be some substantive limits if you go to court to change your name:
 - a. There are a couple of Santa Clause cases, where the courts have refused to permit the name change.
 - b. Then there is the really funny list of characters that a Danish couple gave their child – and were fined for doing so.

¹⁸ PL No. 109-13, 119 Stat. 231 (2005)

¹⁹ A few of the more recent cases include *McLaughlin v. Cuyahoga Co. Bd. Elections*, 156 Ohio App. 3d 98 (2004), *Miller v. Cuyahoga Co. Bd. Elections*, 103 Ohio St.3d 477 (2004) and *Martinez v. Cuyahoga Co. Bd. Elections*, 2006 Ohio Lexis 1665

²⁰ See for example *Bobo v. Jewell*, 38 Ohio St. 3d 330 (1988) where the father of an illegitimate son was not permitted to change his son's name of Christopher Ryan Jewell to Christopher Ryan Bobo. In Ohio an illegitimate child is given the name surname of his mother at birth unless both parents sign the birth certificate.

²¹ Trade names are an interesting subject of their own, which I unfortunately have no time to address here. Two rather interesting trade name cases are *Victor Moseley, et. al. dba Victor's Little Secret v. Victoria's Secret Catalogue, Inc.*, 537 U.S. 418 (2003) and *Jews for Jesus v. Broksky*, 993 F. Supp. 282 (D.N.J. 1998) affirmed 159 F. 3d 1351 (1998). The Jews for Jesus case involved a misleading internet domain name obtained by a Jewish critic of those seeking to convert the Jews to Christianity.

- c. However, I heard a supposedly true story on NPR about a high school senior was given a name change as a graduation present. So he changed his name – which had been something like Charles Eliot Farnsworth IV - to “Trout Fishing in America”
- d. And in the case of *In re Wurgler*,²² a Common Pleas Court in Ohio permitted Scott Christopher Wurgler to change his name to “Sacco Vandal,” and his brother Matthew Allen Wurgler to change his name to “Vanzetti Vandal.”
- e. Then there was the prisoner in the Lansing Michigan County jail who filed a civil rights suit against the City of Lansing and the State of Michigan, calling himself “I AM THE BEAST SIX SIX SIX OF THE LORD OF HOSTS IN EDMOND FRANK MACGILLIVRAY JR NOW. I AM THE BEAST SIX SIX OF THE LORD OF HOSTS IEFMJN. I AM THE BEAST SIX SIX SIX OF THE LORD OF HOSTS. I AM THE BEAST SIX SIX SIX OTLOHIEFMJN. I AM THE BEAST SSSOTLOHIEFMJN. I AM THE BEAST SIX SIX SIX. BEASST SIX SIX SIX LORD.” (I hope I spelled that correctly.) He had renounced his old name of Edmond Frank MacGillivray, Jr. The Court referred to him simply as “I Am The Beast,” and respectfully considered each of his 60 plus allegations before dismissing the suit.²³
- f. There is a singer of some sort who changed his name to The Artist Once Known as Prince, but who was for a time known as



The one subject that I have not touched on that I had intended to is the differences in customs of ordering names found in different languages and different countries. In many countries the family name is not the last name. There is one Hispanic name case under the UCC in which the claim was made that in Mexico the second, and not the first name, is the family name and so was properly used as the last name on a financing statement. The court held that a financing statement showing the debtor as “Armondo Munozo” was not effective when, according to the court, the debtors “full name” or “true legal name” was “Armondo Munoz Juarez.” The Court held that the naming convention of Mexico

²² 136 Ohio Misc. 2d 1 (2005)

²³ *I AM THE BEAST...v. Michigan State Police et. al*, 1990 U.S. Dist. LEXIS 8792 (W.D. Mich. 1990)

was irrelevant – “Debtor’s last name did not change when he crossed the border into the United States.”²⁴

Determining the “correct” form of a Chinese name presents an additional complication, as illustrated by the case of Sang Woo Gu.²⁵ In China, as I understand the matter, the family name is written first so the debtor’s name should be shown as “Sang, Woo Gu” or perhaps “Sang, Woogu.” The problem is both that of the order of the names, and the fact that each Chinese character does not correspond to a word in English. Thus it is not at all clear whether the name should be “Woogu” or “Woo Gu.”

Our legal system is still quite ethnocentric and naive, at least when it comes to names. Our legal system must adapt to the country we live in today, a country with many new citizens and legal residents from all over the world, with many different naming conventions and many dramatically different translation challenges.

A rose by any other name would smell as sweet and indeed a rose has many names, none or maybe all of them real or legal. And thus it is with us humans.²⁶

²⁴ *Corona Fruits & Veggies, Inc. v. Frozsun Foods*, 2006 Cal. App. 1479. In support of the finding that Amondo Munoz Juarez was the debtor’s “true legal name” the court cited to the use of the longer name on his tax returns, Green Card and other legally significant documents.

²⁵ *All Business Corp. v. Choi*, 280 Ga. App. 618 (2006) The court found the debtors “real name” was Sang Woo Gu, and that the filing as “Gu, SangWoo” was ineffective – the court held that the proper filing would have been “Gu, Sang Woo.”

²⁶ It may not seem relevant at this point, but everyone who writes about names uses this familiar quotation from Shakespeare, so I felt I could not finish my talk without doing the same.

THE LAW OF NAMES: APPENDIX

Brfxxccmnpcccccllmmmmnprxclmncckssqlbb11116

It is pronounced “Albin.”

Elizabeth Hallin named her 5 year old son this, and was fined \$680 by a district court in southern Sweden.

Moses Cleaveland, the founder of “Cleveland”

Stephen G. Cleveland, the “real” name of the 22nd and 24th President of the United States.

Hiram Ulysses Grant – the “real” name of the man who is buried in Grant’s Tomb

Spearing Tool and Manufacturing Co. vs.
Spearing Tool & Mfg. Company

Terrance Joseph Kinderknecht aka Terry J. Kinderknecht

‘s Hertogehbosch

A town in the Netherlands (or is it Holland?)

Leland Stanford Junior University



Spencer Eth, a psychiatrist who will never have an “n” – unless he changes his name.

Rita Book

Formerly the Secretary of School of Library Science, CWRU
(or is it “Case”)

Bickness and Priddy compromise and change their name to Rylen,
96 Ohio St. 3d 76

24601= Jean Valjean

Michigan Filing:

Spearing Tool and Manufacturing Co., Inc.

IRS Filing:

Spearing Tool & Mfg. Company Inc.



1000 FINANCING STATEMENT

FOLLOW THESE INSTRUCTIONS CAREFULLY

1. CREDITORS MUST FILE THIS FORM

2. Schedule Debts

Debited to Spencer Foods, LLC
 5559000 Nash
 2042 Stratford Road
 Cleveland Heights, Ohio 44118

RECEIVED BY
 JAN 08 2007
 Ohio Secretary of State

3. DEBTOR CONTACT INFORMATION

Debtor Name: Spencer Foods, LLC		TYPE: LLC	MODEL NAME:	DATE:
Debtor Address: 2042 Stratford Road		CITY: Cleveland Heights	STATE: OH	ZIP: 44118
DEBTOR BUSINESS TYPE: FOOD SERVICE	DEBTOR TYPE: LIMITED LIABILITY COMPANY	DEBTOR REGISTRATION STATE: OH	DEBTOR REGISTRATION NUMBER: 1101190090	DEBTOR REGISTRATION DATE:

4. ADDITIONAL DEBTORS (DEBTOR FULL LEGAL NAME)

DEBTOR NAME: Spencer Foods, LLC	TYPE: LLC	MODEL NAME:	DATE:
DEBTOR ADDRESS: 2042 Stratford Road	CITY: Cleveland Heights	STATE: OH	ZIP: 44118
DEBTOR BUSINESS TYPE: FOOD SERVICE	DEBTOR TYPE: LIMITED LIABILITY COMPANY	DEBTOR REGISTRATION STATE: OH	DEBTOR REGISTRATION NUMBER: 1101190090

5. DEBTOR CONTACT INFORMATION

Debtor Name: Spencer Foods, LLC		TYPE: LLC	MODEL NAME:	DATE:
Debtor Address: 2042 Stratford Road		CITY: Cleveland Heights	STATE: OH	ZIP: 44118
DEBTOR BUSINESS TYPE: FOOD SERVICE	DEBTOR TYPE: LIMITED LIABILITY COMPANY	DEBTOR REGISTRATION STATE: OH	DEBTOR REGISTRATION NUMBER: 1101190090	DEBTOR REGISTRATION DATE:

6. DEBTOR CONTACT INFORMATION


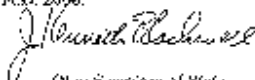
FILED BY: [Name]	FILED DATE: [Date]	FILED OFFICE: [Office]	FILED COUNTY: [County]	FILED STATE: [State]	FILED ZIP: [ZIP]	FILED TIME: [Time]	FILED BY: [Name]
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FILED OFFICE COUNTY — 1000 FINANCING STATEMENT (FORM 1000) (REV. 08/2002)

DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPIRES	FEE/TYPE	CERT	COPY
1/23/2001	00710060358	ARTICLES OF ORGANIZATION-DOM. LLC (LCA)	86.00	7.00	.00	.00	.00

Receipt
this is not a bill. Please do not remit payment.

HAIN, LOESER & PARKS LLP
ATTN: A GIBBS
200 PUBLIC SQUARE
CLEVELAND, OH 44114-2303

STATE OF OHIO	
Ohio Secretary of State, J. Kenneth Blackwell	
1199650	
It is hereby certified that the Secretary of State of Ohio has custody of the business records for	
THE GATHERING SPENCER FARMS LLC	
and, the said business records show the filing and recording of:	
Document(s)	Document, No(s):
ARTICLES OF ORGANIZATION-DOM.LLC	200100600358
	
United States of America State of Ohio Office of the Secretary of State	
Witness my hand and the seal of the Secretary of State at Columbus, Ohio this 21st day of December, A.D. 2000.  Ohio Secretary of State	