

Appendix A: Suing the Right Party: Getting it Right the First Time

Type	Definition	What is the Liability?	How do I tell?	Who gets named in the lawsuit?	Who gets served?
Natural Person	A living, breathing actual human being.	Personally responsible for obligations.	May not have a business name at all or may go by a "doing business as" tradename; in a business context this is known as a "sole proprietorship."	Individual person	Individual person (s.801.11(1))
Partnership	Two or more natural persons who have joined together in order to conduct business.	Each partner is personally responsible for the all obligations incurred by the partnership.	May not have a business name at all or may go by a "doing business as" tradename	Each individual partner	Each individual partner (s.801.11(6))
Limited Partnership	A legally-created organization (under ch. 179, Wis. Stats.) having one or more general partners and one or more limited partners.	General partners are liable for obligations; limited partners are not liable unless they are also general partners or participate in the control of the business.	Must have a business name containing the words Limited Partnership or the initials LP.	Business name	All general partners or Agent (s.801.11(6))
Corporation	A legally-created organization owned by "stockholders" who have purchased or received shares of stock in the organization.	Individual stockholders are NOT personally responsible; only the assets of the corporation itself are liable for obligations.	Business name followed by the word "Incorporated" or "Inc." A corporation must give you fair notice that it is a corporate entity when dealing with you.	Business name	Officer, director, managing agent or Registered Agent (s.801.11(5)); contact the Wisconsin Department of Financial Institutions
Limited Liability Corporation	A legally-created organization (under ch. 183, Wis. Stats.) created by "members" who enter into an operating agreement concerning the business' activities.	Individual owners are NOT personally responsible; only the assets of the corporation itself are liable for obligations	Business name followed by the letters "LLC." A limited liability corporation must give you fair notice that it is a corporate entity when dealing with you.	Business name	
What is meant by "doing business as" or "DBA"	Often a natural person or a partnership will create a distinctive tradename under which to operate or advertise. For example, a person named Tom Smith might do business as "Smith Welding" or a partnership of Tom Smith and Peter Jones may do business as "Smith & Jones Welding." The legal designation in the case of a natural person would be "Tom Smith doing business as Smith Welding."		Business or shop may have a business name on its paperwork (letters or invoices), advertising, or building without any designation that it is either limited or incorporated (for example, LP, Inc. or LLC).	Individual person(s) with additional words "doing business as [name]."	Same as for natural person or partnership

This document is only a general guide and cannot substitute for sound legal advice. There are many other types of business entities that exist in Wisconsin or which do business in Wisconsin. Any change in the facts of your particular case may drastically alter the type of entity with which you are dealing and the appropriate parties that should be named in YOUR lawsuit.