

## Calling All Grammar Mavens with A Possessive Bend

I have a defendant named Fred's Stores. We are using "Fred's" as the nomenclature for the party in our pleadings. In speaking about the answer Fred's filed, would I say "Fred's's Answer" ? Or, "Fred's' Answer"? Or, what?

Looks like there is a bona fide difference of opinion on this one.  
<http://forum.wordreference.com/showthread.php?t=29285>

Sincerely,  
Brad Scott

A maven NOT but try to be careful.

Checked 3 references. I do not get a clear answer by way of an example with your particular question.

I was going to recommend going with "Fred's.'" Notice a double point here. In the US the period goes inside the mark. Outside in Yerp, I think.

Anyhow, my tattered Plain English Handbook, 1951 edition, from ninth grade, does not have an exact example but it appears would go with my recommendation above.

My Strunk & White starts with possessives on the first page but does not give good guidance on this aspect of possessive punctuation.

Jane Straus at her Blue Book of Grammar and Punctuation, <http://grammarbook.com/punctuation/apostro.asp>, an excellent site at which you can enroll in her weekly posts of tips, appears to go with my guess above, with an apostrophe after Fred's and no extra 's.'

Either would probably be 'legal,' but adding an extra 's' would not be preferred by Ms. Straus, in my opinion.

I throw this in. I doubt if COTE keeps tabs, but probably the most frequent punctuation error in Solosez involves the placement of quotation marks.

Rob V. Robertson, Texas

I think the most common error is when we (not really me, myself, but we, collectively) put an apostrophe in "its" when we aren't using the word as a contraction for "it is." That one little error makes me get all twitchy.

Marilou Auer, a nonlawyer who fancies herself a grammarian, or a grammamarian now that she has a grandbaby, but who would like to be a maven but isn't sure what a maven is, and who wonders if all mavens are female, like matrons

It's quite simple: The apostrophe goes after the "T" in "Defendant's".

(And remember that, when referring to Defendant without an article, it is capitalized.)

In the alternative, I would NOT use "Fred's" as the alias. While it would make me cringe to do so, if you feel you must use that part of the business name as an alias, I would suggest omitting the apostrophe in the alias.

-Rick

Richard J. Rutledge, Jr., North Carolina

Why not just refer to Fred's as Fred's Stores? It's only one more word.

Marilou, a nonlawyer who generally isn't a simpleton but who likes to make things simple and who thinks Fred wouldn't mind

This is one of the rare occasions when I disagree with Rick. "Fred's" is part of a proper noun; I know of no rule that would allow you to simply remove the apostrophe. Additionally, it's generally best to use a party's name (or alias) in pleadings (as well as briefs, etc.) instead of Plaintiff and Defendant, because doing so helps to tell the story of *\*your\** case.

(And, Jimmy Mac: you did mean a possessive "bent," right? :-) )

Lisa Solomon, New York

As I noted, I would cringe to do it, but I see it often in commercial names.

While I agree you generally want to use the proper name in the pleadings, if it's just a

matter of the one or two times you refer to the defendant in the possessive, it's much less cumbersome to refer to Fred's in most cases, but "Defendant's Answer" certainly doesn't heavily complicate things. For that matter, did anyone else file an Answer (as in the case of counterclaims)

If not, then you can simply refer to the Answer.

So, I don't think we disagree, Lisa; I was simply offering a workaround to a particular usage that is unwieldy at best.

-Rick

Richard J. Rutledge, Jr.

I think this URL has been posted to the list several times.

Here it is again. It is a hoot. Many photos of incorrect punctuation.

<http://www.apostrophe.org.uk/>

Rob V. Robertson

Upon reflection, you could still use "Fred's" in most situations, just don't use the direct possessive:

"Fred's Answer was filed on.."

"Plaintiff refers to the Answer, in which defendant Fred's denied.."

I can't readily think of a construct that can't pull "Fred's" out of direct possession for a result that falls more gently on the ear.

Always looking for an end-run to euphony,

-Rick

Richard J. Rutledge, Jr.

See the tricky part, at least to me, is that "Fred's" is no longer possessive but a proper noun. So, technically, Strunk & White would have you putting another " 's " on to the end. But, it just looked so damn strange.

I'm finishing the brief now; I'll see if I can find what I finally decided upon.

Kindly,  
Jimmy Mac  
Jimmy McMullan, Alabama

You could define it however you want and go with "Fred's" or "Stores" (or "Plaintiff") instead. It would be easier with that apostrophe.

Veronica M. Schnidrig, Oregon

The underlying problem is that you are trying to use a possessive form, which is always an adjective (in your case, the adjective "Fred's" modifies the noun "Stores") as though it were a noun. (The fact that "Fred's Stores" is a proper name does not diminish the fact that "Fred's" is still a possessive adjective.) It is using a possessive adjective as a noun that creates the double possessives, which do not exist in grammatical English. That is why the alternatives you suggest both look hideous. None of the "rules" that others have mentioned deal with, or were intended to deal with, double possessives.

So the problem is choosing the possessive adjective "Fred's" to stand for the proper name "Fred's Stores." The best solution is to use "Fred's Stores" consistently to refer to your client. In that case, the possessive would be formed by placing an apostrophe after "Stores"; the plural of an apostrophe that ends with an "s" is formed by adding an apostrophe. (I am assuming that "Fred's Stores" is part of an entity name, such as Fred's Stores, Inc. If it is merely a dba, your client is really the proprietor of the dba, not the proprietor's trade name.). I would never use "plaintiff" or "defendant" because it depersonalizes your client and can be confusing to jurors.

Steven Finell, California

Upon my fourth reading, Steven, I believe I know what you mean. I thought substituting "Bloodsucker" for "Fred's" would solve the problem but my partner dissuaded me from such antagonism.

(Today is my Little Z's seventh birthday: we are headed out to do stuff before the big McCritters wake up. SHHHHHH: Don't tell her but I got her some Dreamland BBQ sauce3 QUARTS!!!)

Thanks, everyone for your thoughts. See you Friday.

Kindly,  
Jimmy Mac

To answer your question, ask two more: 1) who is Fred's?; and 2) what belongs to Fred?

If Fred as a legal entity is an individual natural person, then the answer is that Fred owns stores and Fred takes responsibility for pleadings, and so your reference would be to Fred's answer. If Fred's Stores is a corporation, and in the Secretary of State records the actual entity is Fred's Stores, Inc. (or LLC, or the like), then your reference would be to Freds' answer.

However, you can evade the grammar police by recognizing that the cool thing about pleadings is that you get to denominate how you're going to refer to a party. Maybe Fred's Stores is a "debtor," maybe a "purveyor," maybe a "pharmacist," or whatever appellation speaks to the core matter of your client's claim, as long as you don't get ad hominem: Fred's Stores (hereinafter "lousy junk dealer").

Sincerely,

Arthur B. Macomber, Idaho

Marilou,

A maven is like a craven raven, because they are always on point to a particular subject.

Sincerely,

Arthur B. Macomber