

**PARTIES/ATTORNEYS**

Plaintiff	Vanessa Munoz	Mark J. Peacock
Defendant	Doreen Eyman	Pro Per
Guardian Ad Litem	Maria Palomares	

**PROPOSED TENTATIVE**

On December 15, 2026, plaintiffs Vanessa Munoz and Ana Mayse, a minor through her guardian ad litem Maria Palomares, filed a complaint against defendant Doreen Eyman for negligence, resulting from a November 28, 2023, vehicle accident in Solvang. Defendant (allegedly) drove negligently into the vehicle driven by Vanessa Munoz, with Ana Mayse as a passenger, injuring both plaintiffs. The court on December 16, 2025 signed an order appointing Maria Palomares as Ana Mayse’s guardian ad litem. No proof of service indicating service of the summons and complaint has been filed, and no answer has been submitted.

On February 18, 2026, plaintiff filed the present motion, asking the court to change the date stamped on the complaint from December 15, 2025, to November 21, 2025, the time of first submission. Plaintiffs electronically filed the complaint on November 21, 2025, but it was rejected by the clerk. Plaintiffs resubmitted the complaint electronically on November 24, 2025; it was again rejected. It was then resubmitted electronically on November 26, 2025, and it was again rejected (although it is unclear from the exhibits attached to Mark Peacock’s declaration when the November 26, 2025 complaint was rejected). It is clear, however, that plaintiff resubmitted the complaint electronically on December 15, 2025, and at that time it was accepted and filed. Plaintiffs argue that because the complaint is deemed filed when it was first received, and it was first received by the clerk on November 21, 2025, the court should correct the date on the complaint from December 15, 2025, to November 21, 2025. It does not appear defendants have been served with this motion for (as noted above) there is no evidence in the record that defendants have been served with the summons and complaint.<sup>1</sup> In any event, no opposition has been filed.

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<sup>1</sup> The court is troubled by the fact plaintiffs have not provided evidence that they served defendants with this lawsuit, as the complaint was filed on December 15, 2025. California Rules of Court, rule 3.110 (b) provides that the “complaint must be served on all named defendants **and proofs of service on those defendants must be filed with the court within 60 days after the filing of the complaint.** . . .” (Emphasis added.) Subdivision (f) provides the remedy: “If a party fails to serve and file pleadings as required under this rule and has not obtained an order extending time to serve the pleadings, **the court may issue an order to show cause why sanctions shall not be imposed.**” (Emphasis added.) The court will overlook this defect for

Plaintiffs err in citing to California Rules of Court, Rule 3.110 (c) in their motion, which governs the time for service of a cross complaint. Plaintiffs instead should be relying on California Rules of Court, Rule 1.20, which provides that “[u]nless otherwise provided, a document is deemed filed on the date it is received.” Even with this, however, plaintiffs ignore other provisions of the California Rules of Court, the Santa Barbara County Superior Court Local Rules, and the Code of Civil Procedure, for they “otherwise provide” resolution of plaintiff’s motion.

California Rules of Court, Rule 2.253 (b)(6) provides as follows: “The effective date of filing any document received electronically is prescribed by Code of Civil Procedure section 1010.6. This provision concerns only the effective date of filing. **Any document that is received electronically must be processed and satisfy all other legal filing requirements to be filed as an official court record.**” (Emphasis added.) The highlighted language warns that mere receipt of a document does not mean it will be filed. The document may be rejected because, for example, the required fees are not paid. (*Ibid.*) When rejected, the clerk of the court must provide confirmation of the receipt of all electronically submitted documents regardless of whether the documents are in proper form and/or accompanied by the required fees. (Cal. Rules of Court, Rule 2.259 (a)(1).) “A document is considered received at the date and time the confirmation of receipt is created.” (*Ibid.*) “If the document . . . complies with the filing requirements and all required filing fees have been paid, the court must promptly send the electronic filer confirmation that the document has been filed. The filing confirmation must indicate the date and time of filing and is proof that the document was filed on the date and at the time specified. (*Id.*, subd. (a)(2).)

On the other hand, if “the clerk does not file a document because it does not comply with applicable filing requirements or because the required filing fee has not been paid, the court must promptly send notice of the rejection of the document for filing to the electronic filer. The notice must state the reasons that the document was rejected for filing.” This procedure is also expressed in Code of Civil Procedure section 1010.6, subdivision (e)(4), and Santa Barbara County Superior Court Local Rule Court, Rule 1012 (a)(1).

With the full import of this authority in mind, it seems apparent that the date the clerk receives an electronic complaint simply sets the *potential* effective date of the document’s filing but does not establish its *actual* filing date. (See, e.g., *Casola v. Dexcom, Inc.* (9th Cir. 2024) 98 F.4th 947, 958.) A document is officially filed electronically once it undergoes processing, review, and entry into the court’s records. (*Martinez v. Airbnb, Inc.* (N.D. Cal. 2023) 691

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purposes of addressing the merits of the present motion, but counsel should come prepared to discuss these issues at the hearing.

F.Supp.3d 1124, 1128.) California Rules of Court, rule 2.253 (b)(6), in conjunction with Code of Civil Procedure section 1010.6 and our local rule provide an exception to the general principle relied upon by plaintiffs that a document is filed on the date it is received. (*Ibid.*) These provisions confirm that receipt of a document electronically, like the complaint at issue here, is not necessarily the date it will be filed as an official court record when there are problems with the document, as there were here. (See, e.g., Eisenberg, et al. California Practice Guide: Civil Appeal and Writs (The Rutter Guide 2025), ¶ 3:132:3 [absent confirmation from the court about filing requirements and filing fees, there no presumption of receipt and filing per Cal. Rules of Court, rule 2.259(a)(4)].)

Plaintiff submitted the complaint three separate times before December 15, 2025 – on November 21, on November 24, and on November 26, 2025, and each time the clerk rejected the document for filing defects, determinations plaintiffs do not contest. On the fourth submission -- December 15, 2025 – the clerk filed the document on the same day it was received. All of this comports with the rules detailed above. Accordingly, the date the complaint was filed was December 15, 2025, and should not be November 21, 2025, as plaintiff alleges. The court therefore denies the motion to correct the date on the complaint.

Plaintiffs are not without a possible remedy if they are concerned about the statute of limitations period for the negligence cause of action, although more work is necessary. Recent amendments to Code of Civil Procedure section 1010.6 provide that the date the clerk’s receipt of the electronic complaint and the notice of the clerk’s rejection, plus one day, toll the applicable statute of limitations period.<sup>2</sup> It is unclear on the record before the court what is the accumulated tolling time between November 21, 2025, and December 15, 2025 (i.e., depending on the days between receipt and notice of rejection, plus 1 day, for each rejection, on an aggregate basis), so no ruling is made thereon. Nothing in this order should be seen as resolving this issue.

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<sup>2</sup> On January 1, 2021, the Legislature amended Code of Civil Procedure section 1010.6, subdivision (b)(4), as follows: “If the clerk of the court does not file a complaint . . . because the complaint . . . does not comply with applicable filing requirements or the required filing fee has not been paid, any statute of limitations applicable to the causes of action alleged in the complaint or cross complaint shall be tolled for the period beginning on the date on which the court received the document and as shown on the confirmation of receipt described in subparagraph (A), through the later of either the date on which the clerk of the court sent the notice of rejection described in subparagraph (C) or the date on which the electronic filing service provider or electronic filing manager sent the notice of rejection as described in subparagraph (D), plus one additional day if the complaint or cross complaint is subsequently submitted in a form that corrects the errors which caused the document to be rejected. The party filing the complaint or cross complaint shall not make any change to the complaint or cross complaint other than those required to correct the errors which caused the document to be rejected.”

Plaintiff is directed to appear at the hearing. Plaintiff should come prepared to discuss compliance with California Rules of Court, Rule 3.110 (b), and whether the court should or should not issue an order to show cause for sanctions, as discussed in footnote 1, *ante*.