

1 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
2 **COUNTY OF VENTURA**

3 **Case Name:** Richard H. Vane v. Ojai Valley Sanitary District

4 **Case Number:**

5 **MOTION TO PRESERVE ORIGINAL FILING DATE**

6 **I. INTRODUCTION**

7 Plaintiff Richard H. Vane respectfully requests that this Court preserve the original filing
8 date of December 3, 2024, for the complaint submitted in this matter. The original complaint
9 was rejected due to formatting issues, and a corrected version has since been resubmitted.
10 Preserving the original filing date is necessary to avoid prejudice and ensure compliance with
11 statutory deadlines.

12



13 **II. BACKGROUND**

14 1. On December 3, 2024, Plaintiff filed the complaint via drop box at the Ventura
15 Superior Court. The filing was date-stamped as received on that date.

16 2. On December 7, 2024, Plaintiff received by mail a rejection notice from the court,
17 dated December 4, 2024, which cited formatting issues.:

18 ○ Print the complaint on standard letter-size paper, single sided, double spaced.

19 ○ Place Plaintiff's name, address, and phone number in the upper-right corner of
20 the complaint.

21 ○ Include a summons for filing and issuance.

22 3. On December 9, 2024, Plaintiff resubmitted the corrected complaint electronically, as
23 the court had transitioned to electronic filing. The submission was categorized as a
24 "Civil Petition – Other" due to the unavailability of the proper "Complaint"
25 designation in the electronic filing system dropdown menu.

26 4. On December 12, 2024, Plaintiff was informed that the complaint was rejected again
27 because:

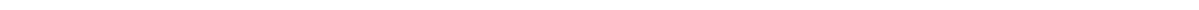
- 1 ○ The filing type did not match the document as a "Complaint."
- 2 ○ The Civil Case Cover Sheet was non-searchable.
- 3 ○ Plaintiff's information needed to be moved to the top-left corner of the page.
- 4 Despite these minor procedural issues, the content of the complaint remained unchanged, and
- 5 the corrections were promptly addressed.

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III. ARGUMENT

1. **Good Cause for Relief:** Under California Code of Civil Procedure § 473(b), the Court may grant relief for procedural errors if they were made in good faith and without prejudice to the opposing party. The rejection was based solely on formatting issues, and Plaintiff promptly corrected the errors upon notification.
2. **Substantive Compliance:** The original complaint was complete and compliant in substance, meeting all statutory and procedural requirements apart from the minor formatting issues.
3. **Preservation of Plaintiff's Rights:** Maintaining the original filing date is essential to preserve Plaintiff's rights under applicable statutes of limitation and procedural deadlines. Refusing to do so would unfairly prejudice Plaintiff due to non-substantive clerical matters.
4. **Precedent for Preserving Filing Dates:** Courts routinely recognize the original filing date when procedural corrections are made promptly, and the initial filing evidences good faith. This approach ensures fairness and access to justice.



IV. RELIEF REQUESTED

For the reasons stated, Plaintiff respectfully requests that this Court:

1. Recognize December 3, 2024, as the filing date for Plaintiff's complaint.
2. Accept the corrected complaint filed contemporaneously with this motion.



V. EXHIBITS

- Exhibit A: First Page of Original Complaint, (Date-stamped December 3, 2024).
- Exhibit B: Rejection Notice Dated December 4, 2024, (Received December 7, 2024).
- Exhibit C: Rejection Notice Dated December 12, 2024.

- 1 • Exhibit D: Chat Transcript with Journal Technologies Regarding Filing Issues.
- 2 • Exhibit E: Declaration from Plaintiff Summarizing Communications and Corrections.

3

4 **VI. CONCLUSION**

5 Plaintiff respectfully requests that the Court grant this motion to preserve the original filing
6 date of December 3, 2024, to ensure compliance with statutory deadlines and prevent undue
7 prejudice. As outlined in Plaintiff’s Declaration (Exhibit E), the original filing date of
8 December 3, 2024, should be preserved because the procedural errors were non-substantive
9 and promptly corrected.

10 Dated: December 12, 2024

11 **Respectfully submitted,**

12 Richard H. Vane

13

14 /s/ Richard H. Vane

15

16 30 La Cumbra St.

17 Oak View, CA 93022

18 805-300-3563

19 info@vane.us

20

1 Exhibit A: First page of original complaint (date-stamped December 3, 2024)

1 **Complaint for Declaratory and Injunctive Relief**
2 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
3 **COUNTY OF VENTURA**

4 **RICHARD H. VANE,**
5 Plaintiff,

6 v.

7 **OJAI VALLEY SANITARY DISTRICT (OVSD), and DOES 1-10,**
8 Defendants.

9 Case No.:
10 _____

11 **INTRODUCTION**

- 12 1. Plaintiff acknowledges prior involvement as a principal plaintiff in a class action lawsuit
13 against OVSD. However, the claims herein are distinct and address procedural violations,
14 specific retroactive actions, and individual harm suffered by Plaintiff.
- 15 2. Plaintiff Richard H. Vane ("Plaintiff") brings this action to challenge the unlawful actions
16 of the Ojai Valley Sanitary District ("OVSD"), including violations of the Ralph M.
17 Brown Act (Gov. Code § 54950 et seq.), Proposition 218 (California Constitution, Article
18 XIII D), vested property rights under California law, and procedural due process under
19 the California Constitution.
- 20 3. Plaintiff has consistently and persistently challenged OVSD's actions, including filing an
21 individual petition for a writ of mandate in July 2022, which was dismissed without
22 prejudice due to financial constraints. The issues raised in this Complaint have never
23 been adjudicated on their merits and remain unresolved.
- 24 4. This Complaint focuses on independent and distinct procedural violations by OVSD,
25 particularly its failure to comply with statutory and constitutional requirements in
26 imposing retroactive fees and additional sewer charges on Plaintiff's property without
27 proper notice, public hearings, or procedural safeguards.

28 _____
29 **PARTIES**

- 30 5. Plaintiff is the sole and separate owner of property at issue located at 30 La Cumbra
31 Steet, and within the jurisdiction of OVSD, identified by Assessor Parcel Number (APN)
32 033-0-190-075. While the property is listed in the Vane Family Living Trust for estate
33 planning purposes, Plaintiff retains full individual ownership and control over the
34 property.
- 35 6. Defendant OVSD is a public agency and political subdivision of the State of California,
36 subject to the requirements of the Brown Act, Proposition 218, and other relevant laws.
- 37 7. Plaintiff is unaware of the true names and capacities of defendants DOES 1 through 10
38 and will amend this Complaint to allege their identities when ascertained.

39 _____
40 **JURISDICTION AND VENUE**

- 41 8. This Court has jurisdiction pursuant to California Constitution, Article XIII D, and
42 Government Code § 54960, which provide for judicial review of violations of Proposition
43 218 and the Brown Act.
- 44 9. Venue is proper in this Court because the acts and omissions giving rise to this Complaint
45 occurred within Ventura County, California.

46 _____
47 **FACTUAL BACKGROUND**

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Ar

1 Exhibit B: Rejection notice dated December 4, 2024 received December 7, 2024

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA

800 S. Victoria Avenue
Ventura, CA 93009

3855 F. Alamo Street
Simi Valley, CA 93063

BRENDA L. McCORMICK
Executive Officer and
Jury Commissioner

**Regarding your submitted documents: New Filing received on 12/03/2024.
Case Number: Richard H Vane v Ojai Valley Sanitary District (OVSD)**

- Fee(s) due: Please resubmit with a money order or check in the amount of . **DO NOT send cash.**
- Document requires an "original" signature. Please sign and return.
- Please submit the attached current/revised form.
- Unable to file without leave of court. No order on file.
- Proof of Service of Summons (POS-010) Mandatory Form Required pursuant to CCP 417.10(f).
- Unable to file default. Responsive pleading filed: _____
- We have accepted your documents, however the fee submitted is incorrect. Please remit \$_____ no later than _____ to complete the filing process.
- Pursuant to CRC 2.111(1) and 2.113; Any supporting or attached document(s) must be stapled or bound to the Declaration/Face page to which they are in reference to. Loose documents will not be accepted.
- Document previously filed on. Please re-check your records.
- As a courtesy, we are returning a copy of your filed document(s). In the future, please include a self-addressed, stamped envelope with sufficient postage, for return of conformed copies.
- Please complete and return the attached mandatory form(s)
 - Civil Case Cover Sheet
- The amount of the Demand must be stated on the Complaint. The words "LIMITED CIVIL CASE" must be included on all limited civil case filings. (CCP 85 & CCP 86)
- Pleading (s) must comply with California Rules of Court 2.111 et seq.
- Document filed prematurely.
- Parties' names on Proof of Service does not match Parties on Complaint.
- Wrong Case Number/No Case Number/Incomplete Case Number.
- "Item #5 on Abstract/Writ should be the date the judgment was entered _____, not the date signed by Judge.
- (Other): Complaint received is not in Proper legal format. Documents submitted must be printed on standard letter size paper, 8.5 x 11 inches, and should be single sided. Submitted Complaint requires Plaintiff's name address and phone number on the upper right-hand corner. When Resubmitting please include a Summons to be filed and issued. Check # 262 in the amount of \$435.00 is returned with this rejection.
If you need assistance, please contact the Civil Self-Help Center at (805) 289-8812 from 1:30 PM to 3:30 PM Monday through Friday.

DATE: 12/04/2024

By: Alex Lopez / JO Deputy Clerk ..

Mailing address: Ventura Superior Court, Civil Department, P O Box 6489, Ventura CA 93006-6489

G:COMMON/ADMIN/Civil/CIVFORMS/Civil Reject Letter.docx.04/22/05 ddp.rev.7/14/14.mcl/rev.6/1/21mds

1 Exhibit C: Rejection notice dated December 12, 2024

2



SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA

- 800 S. Victoria Avenue
Ventura, CA 93009
- 3855 F. Alamo Street
Simi Valley, CA 93063

BRENDA L. MCCORMICK
Executive Officer and
Jury Commissioner

Regarding your submitted documents: New Filing Complaint.

Received on: 12/09/2024

Case Title: Richard H Vane v Ojai Valley Sanitary District

Efiling Transaction Number: 24VN00000228

- Fee(s) due: Please resubmit with a money order or check in the amount of \$ _____.
DO NOT send cash.
- We have accepted your documents, however the fee submitted is incorrect. Please remit
\$ _____ no later than _____ to complete the filing process.
- Parties' name(s) on Summons do not match parties on Complaint. Please correct and
resubmit.
- As a courtesy, we are returning a copy of your filed document(s). In the future, please
include a self-addressed, stamped envelope with sufficient postage, for return of
conformed copies.
- The amount of the Demand must be stated on the Complaint. The words "LIMITED
CIVIL CASE" must be included on all limited civil case filings. (CCP 85 & CCP 86)
- Pleading (s) must comply with California Rules of Court 2.111 et seq.
- (Other): Action type selected is for a Petition, however, your Civil Case Coversheet is
indicating this is Complaint Other. Additionally, your moving document is also titled as a
complaint. Please select the correct document type when resubmitting. For your Complaint,
please keep your information on the Left hand side as the Right top corner is reserved for the File
Stamp.
Submitted Civil Case Cover Sheet is a non searchable PDF and cannot be accepted as submitted.
Please contact your EFSP for assistance.
Please do not resubmit previous rejections.

DATE: 12/11/2024

By: Alex Lopez/ MS
Deputy Clerk

Mailing address: Ventura Superior Court, Civil Department, P O Box 6489, Ventura CA 93006-6489

- 1 Exhibit D: Chat transcript with Journal Technologies regarding filing issues December 12,
- 2 2024

info@vane.us

From: Chat Transcript <noreply@zopim.com>
Sent: Thursday, December 12, 2024 11:34 AM
To: info@vane.us
Subject: Your chat transcript with ca-ventura-efsp-prod.ecourt.com (12 Dec 2024, 06:29 PM GMT)

Chat Transcript with Richard Vane

Chat started on 12 Dec 2024, 06:29 PM (GMT+0)

(06:29:48) *** Richard Vane joined the chat ***

(06:29:48) Richard Vane

I need to file a 'Complaint' but I don't see that option.

(06:30:17) *** Donald joined the chat ***

(06:30:50) Donald

Good morning.

(06:30:56) Richard Vane

Good morning

(06:31:28) Donald

I will replicate to see what you're seeing, just in case we need to contact the court on this. However, you will need to contact the court on which document type they want you to use instead.

(06:31:53) Donald

What's the case type and case category?

(06:33:07) Richard Vane

They rejected my submission because it was categorized as a 'civil petition - other' when it is actually a 'complaint'.

(06:33:39) Richard Vane

I don't see the option to select 'complaint' anywhere.

(06:34:07) Richard Vane

civil unlimited

(06:44:59) Richard Vane

You still there?

(06:47:24) **Donald**
Apologies, we have a lot of users chatting in. Civil Unlimited,
and what is the category?

(06:48:19) **Richard Vane**
I believe the court is asking for a category named 'Civil
Complaint'

(06:49:04) **Richard Vane**
'Civil Petition - Other' was not compliant for them.

(06:49:49) **Donald**
What's the transaction ID of the rejected filing?

(06:50:15) **Richard Vane**
24VN00000228

(06:50:37) **Donald**
Thank you, one moment please.

(06:57:49) **Richard Vane**
okay

(07:02:37) **Donald**
Okay, I see the notice of rejection now. The court didn't state
what you should select for the category. We recommend
reaching out to the court for a confirmation on what you need
to select for the category. If the category Civil Complaint
should be one, the court will reach out to us via proper
channels to have this added.

(07:12:24) **Richard Vane**
what is the best way to reach the court?

(07:12:34) **Donald**
The number that we have to the Ventura Court Civil division is
(805) 289-8525. Their phone hours are 8:30 - 11:30 a.m. and
1:30 - 4:00 p.m., Monday - Friday excepting court holidays. We
recommend that you call during their phone hours.

(07:16:35) **Donald**
Is there anything else I can help you with?

(07:16:59) **Richard Vane**
what are your support hours?

(07:17:13) **Donald**
7am-6pm PST.

(07:18:15) **Richard Vane**
will I need to redo the whole process of filing? starting with 'File
a New Case ' again?

(07:19:03) **Donald**
Correct.

(07:19:19) **Richard Vane**
how do I save a submission prior to filing?

(07:19:38) Richard Vane
'Unsubmitted Drafts?'

(07:20:24) Donald
Unfortunately, our portal doesn't have an option like that. You can keep the page open, it typically won't timeout unless the portal restarts/refreshes.

(07:29:00) Richard Vane
btw - the court gave me a number to contact for this... 805-289-8525, option 3 (clerk)

(07:30:00) Donald
I'll let our team know. We pull numbers off the court's website as they don't provide them to us.

(07:30:04) Donald
Is there anything else I can help you with?

(07:33:49) Richard Vane
Nope... I'm waiting to hear back from the actual clerk.

(07:34:09) Donald
Sounds good.

(07:34:15) Donald
Have a great rest of your day!

(07:34:17) * Donald left the chat *****

(07:34:17) * Richard Vane left the chat *****

NAME Richard Vane
 EMAIL info@vane.us
 PHONE 8053003563
 LOCATION Ontario, California, United States
 URL <https://ca-ventura-efsp-prod.ecourt.com/public-portal/?q=user/882/MyEFSPFilings>
 DEPARTMENT eFiling
 SERVED BY Donald
 RATING —
 COMMENT —

Are you using Zendesk Chat yet? [Sign up free today](#)

1 Exhibit E: Declaration from Plaintiff summarizing communications and corrections.

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF VENTURA

3 **Case Name:** Richard H. Vane v. Ojai Valley Sanitary District

4 **Case Number:**

5 _____

6 **DECLARATION OF RICHARD H. VANE IN SUPPORT OF MOTION TO**

7 **PRESERVE ORIGINAL FILING DATE**

8 I, **Richard H. Vane**, declare as follows:

9 **I. INTRODUCTION**

10 1. I am the Plaintiff in the above-referenced matter. I have personal knowledge of the
11 facts stated herein and, if called as a witness, I could and would competently testify to
12 these facts.

13 _____

14 **II. TIMELINE OF EVENTS**

15 2. **Tuesday, December 3, 2024:**

16 I filed my complaint by placing it in the court’s physical drop box. The document was
17 date-stamped as received on this date.

18 3. **Thursday, December 5, 2024:**

19 I contacted the Ventura Superior Court at (805) 289-8525, option 3, and spoke with a
20 clerk named Joan. She informed me that filings were being processed manually and
21 that they were still working on submissions from November 24, 2024. Joan explained

1 that delays were partly due to the Thanksgiving holiday. She also stated that my
2 stamped copy with a case number would likely be available for pickup in the lobby,
3 as I had not included a prepaid, self-addressed envelope. When I asked if I should call
4 on Friday, December 6, 2024, to check on the status, she advised waiting until
5 Monday, December 9, 2024.

6 **4. Saturday, December 7, 2024:**

7 I received by mail a rejection notice from the court along with the returned copies of
8 my complaint. The notice cited the following issues:

- 9 ○ The complaint needed to be printed on standard letter-size paper.
- 10 ○ My name, address, and phone number needed to be in the upper-right corner
11 of the first page.
- 12 ○ I needed to include a summons for filing and issuance.

13 **5. Monday, December 9, 2024:**

14 I corrected the formatting issues and resubmitted my complaint electronically through
15 Journal Technologies as required by the court's newly implemented electronic filing
16 system.

17 **6. Tuesday, December 10, 2024:**

18 I checked the status of my complaint online, and it was marked as "Under Review."

19 **7. Wednesday, December 11, 2024:**

20 I checked the status again, and it remained "Under Review."

1 8. **Thursday, December 12, 2024:**

2 I was informed via the court's electronic filing system that my submission had been
3 rejected again for the following reasons:

- 4 ○ The filing was categorized as "Civil Petition – Other" instead of "Complaint."
- 5 ○ The Civil Case Cover Sheet was non-searchable.
- 6 ○ My name, address, and phone number needed to be moved to the top-left
7 corner of the page, contrary to the prior rejection notice.

8

9 **III. EFFORTS TO RESOLVE FILING ISSUES**

10 9. After the December 12 rejection, I contacted Journal Technologies via their online
11 support chat. Their representative confirmed that the proper "Complaint" category
12 was unavailable in the system and advised me to contact the court to resolve the issue.

13 10. I then called the court and spoke with a clerk named Nina, who referred me to Alex
14 Lopez, the clerk who had previously rejected my filings.

15 11. On December 12, 2024, Alex Lopez called me back and apologized for providing
16 incorrect instructions in the December 7 rejection notice, in which he had directed me
17 to place my information on the top-right corner of the first page. He informed me that
18 the original placement was correct but that I now needed to move the information to
19 the top-left corner.

20

21 **IV. GOOD FAITH COMPLIANCE**

1 12. Throughout this process, I have acted promptly and in good faith to comply with the
2 court's procedural requirements. All substantive content of my complaint has
3 remained unchanged since the original filing on December 3, 2024.

4 13. The procedural issues cited in the rejection notices were non-substantive formatting
5 errors and did not affect the content or validity of the complaint.

6

7 **V. IMPACT OF FILING DELAYS**

8 14. Based on my conversation with Alex Lopez on December 12, 2024, I was informed
9 that the filing date on the corrected complaint would not reflect the original filing date
10 of December 3, 2024.

11 15. This discrepancy could jeopardize my compliance with statutory deadlines and
12 adversely affect my case against the Ojai Valley Sanitary District.

13

14 **VI. REQUEST FOR RELIEF**

15 16. I respectfully request that this Court recognize December 3, 2024, as the original
16 filing date for my complaint to prevent undue prejudice caused by non-substantive
17 procedural issues.

18

1

2 **VII. CONCLUSION**

3 I declare under penalty of perjury under the laws of the State of California that the foregoing
4 is true and correct.

5 Executed this 12th day of December, 2024, in Oak View, California.

6

7 **Richard H. Vane**

8 /s/ Richard H. Vane

9 30 La Cumbra St.

10 Oak View, CA 93022

11 805-300-3563

12 info@vane.us