

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT

ZAHRA GHARRAEE,

Plaintiff and Appellant,

v.

TRADER JOE'S COMPANY,

Defendant and Appellant.

F091184

(Super. Ct. No. CV-21-005695)

OPINION

APPEAL from a judgment of the Superior Court of Stanislaus County. Sonny S. Sandhu, Judge.

Kahana & Feld, Sebastian Kaplan and Donald L. Hall III for Defendant and Appellant.

Levin & Nalbandyan and Harry Nalbandyan for Plaintiff and Appellant.

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Defendant and appellant Trader Joe's Company (Trader Joe's) appealed a civil judgment which found it negligent and required that it pay monetary damages to plaintiff and appellant Zahra Gharraee (Gharraee). Gharraee filed a motion to dismiss the appeal contending that Trader Joe's appeal was untimely. Trader Joe's disagrees and argues that the notice of appeal was timely because it was submitted to the superior court clerk for filing before the jurisdictional deadline. We conclude that the appeal was timely filed and deny Gharraee's motion to dismiss.

FACTUAL AND PROCEDURAL HISTORY

On October 3, 2025, a Stanislaus County Superior Court jury returned a verdict finding Trader Joe's negligent and that its negligence was a substantial factor in causing harm to Gharraee. The jury awarded Gharraee damages of \$23,509,165. The superior court entered judgment on October 8, 2025.

On October 29, 2025, Trader Joe's filed a notice of intention to move for new trial. On December 16, 2025, the superior court conditionally granted the motion for a new trial unless Gharraee agreed to accept a reduced award of \$10,809,165 no later than December 19, 2025. Gharraee accepted the reduced award on December 19, 2025, by her notice of consent to remittitur (Notice of Consent), which she filed and served on counsel for Trader Joe's that day. The superior court entered an amended judgment in the amount of the reduced award on December 19, 2025.

As explained below, the deadline to file the notice of appeal was January 20, 2026. On that day, at 5:29 p.m., counsel for Trader Joe's submitted its notice of appeal for filing to the superior court and received an e-mail confirmation that it had been submitted for a clerk's review.

On January 22, 2026, at approximately 3:01 p.m., a staff member employed by Trader Joe's legal counsel received a notification from the superior court's electronic filing service provider that the notice of appeal was rejected because "APPEAL DOCUMENTS CANNOT BE E-FILED." Ultimately, after several attempts to resubmit the notice of appeal electronically and in hard copy, the superior court filed the notice of appeal on February 17, 2026. The notice of appeal the superior court filed appears to be the same as the document submitted for filing on January 20, 2026.

On February 23, 2026, Gharraee filed the instant motion to dismiss appeal. On February 26, 2026, Trader Joe's submitted its opposition to respondent's motion to dismiss appeal and motion to deem appeal timely filed, which was filed on March 3, 2026.

DISCUSSION

A. Legal Framework

1. The Statute: Code of Civil Procedure Section 1010.6.

Code of Civil Procedure¹ section 1010.6, subdivision (e) authorizes trial courts to “adopt local rules permitting electronic filing of documents, subject to rules adopted by the Judicial Council” and certain conditions.² If the trial court adopts such a rule, “[a]ny document received electronically by the court between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed filed on that court day.” (§ 1010.6, subd. (e)(3).) The court, its electronic filing service provider, or its electronic filing manager must provide prompt confirmation of the receipt of a document submitted for filing that indicates the date and time of receipt to the party who submitted the document. (§ 1010.6, subd. (e)(4)(A).) If the submitted document complies with filing requirements and filing fees have been paid, the court is required to promptly send a confirmation to the party who submitted the document that it has been filed. (§ 1010.6, subd. (e)(4)(B).) If the clerk of the court rejects a document for filing because it does not comply with applicable filing requirements or the filing fee has not been paid, the court “shall promptly send notice of the rejection of the document for filing to the party or person who submitted the document ... [which] state[s] the reasons that the document was rejected for filing.” (§ 1010.6, subd. (e)(4)(C).)

The Judicial Council is required to adopt rules governing the electronic filing and service of documents in the trial courts. (§ 1010.6, subd. (h).) Those rules are found at California Rules of Court³, rules 2.250 through 2.261, and are discussed below.

¹ All further undesignated statutory references are to the Code of Civil Procedure.

² Section 1010.6, subdivision (g) authorizes trial courts to “require electronic filing in civil actions” subject to the conditions applicable to permissible electronic filing authorized by subdivision (e) and certain additional requirements.

³ All further undesignated rule references are to the California Rules of Court.

2. Rules 2.250–2.261

As a general principle of construction, the rules “must be construed to authorize and permit filing and service by electronic means to the extent feasible.” (Rule 2.250(a).) Among other things, those rules authorize trial courts to adopt permissive electronic filing or mandatory electronic filing of documents. (Rule 2.253(a)–(b).) If a trial court opts for mandatory electronic filing, it may require such mandatory filing in one or more of the following:

“(A) All civil cases;

“(B) All civil cases of a specific category, such as unlimited or limited civil cases;

“(C) All civil cases of a specific case type, including but not limited to, contract, collections, personal injury, or employment;

“(D) All civil cases assigned to a judge for all purposes;

“(E) All civil cases assigned to a specific department, courtroom or courthouse;

“(F) Any class actions, consolidated actions, or group of actions, coordinated actions, or actions that are complex under rule 3.403; or

“(G) Any combination of the cases described in subparagraphs (A) to (F), inclusive.” (Rule 2.253(b)(1).)

If a particular document cannot feasibly be converted to electronic form, a court may allow the party seeking to file that document to do so in paper form. (Rule 2.252(d).) “The effective date of filing any document received electronically is prescribed by ... section 1010.6.” (Rule 2.253(b)(6).)

3. Stanislaus County Superior Court, Local Rules, rule 1.14⁴

⁴ All further undesignated local rule references are to the Stanislaus County Superior Court Local Rules.

Stanislaus County Superior Court, Local Rules, rule 1.14(A)(2)⁵ provides that all documents “presented for filing [in civil cases, among others] must be electronically filed,” except as provided in subdivisions (G) and (H). Subdivision (G) refers the reader to the court’s website for “a complete list of documents which cannot be electronically filed,” and subdivision (H) imposes certain formatting requirements and grants the court authority to impose various “sanctions” for noncompliance with formatting requirements. Only subdivision (G) is at issue in the motion to dismiss.

On the court’s website, under the “Forms & Filing” tab, an “E-Filing” page has a section titled “Exceptions,” which states in pertinent part that:

“The following documents CANNOT be accepted via E-Filing at this time: Appeals [¶] Notice of Appeal (**ALL case types**) - Appellate Division **and** Court of Appeal Notices) [¶] Any/All appeal-related documents (**ALL case types**)” (Stanislaus County Superior Court <<https://www.stanislaus.courts.ca.gov/forms-filing/e-filing>> [as of Aug. 5, 2026] archived at <<https://perma.cc/J4DL-LUTG>>).⁶

The court’s website lists multiple other types of documents arising in “civil matters”, among others, that are ineligible for electronic filing. (*Ibid.*)

B. Parties’ Arguments

On April 23, 2026, we ordered the parties to file supplemental briefs addressing the following five questions:

⁵ In their supplemental briefs filed in response to our April 23, 2026 order, discussed below, the parties agree that we should take judicial notice of this local rule of the superior court. We agree and do so pursuant to Evidence Code section 452, subdivision (e), which permits this court to take judicial notice of “[r]ules of court of (1) any court of this state.”

⁶ In their supplemental briefs filed in response to our April 23, 2026 order, discussed below, the parties agree that we should take judicial notice of the superior court’s webpage that specifies which documents cannot be filed electronically. We agree and do so pursuant to Evidence Code section 452, subdivision (c), which permits this court to take judicial notice of “[o]fficial acts of the ... judicial department[] of ... any state of the United States.”

“1. Whether this court should take judicial notice of Stanislaus County Superior Court local rule ... 1.14 and the Superior Court’s webpage that specifies which documents cannot be filed electronically.

“2. Whether local rule 1.14, which mandates electronic filing, excluding notices of appeal and other “appeal-related documents” among other documents, is inconsistent with [California Rules of Court,] rule 2.253.

“3. If it is inconsistent, should this court invalidate it?

“4. If so, what effect, if any, would this court’s invalidation of local rule 1.14 have on the timeliness of the filing of defendant-appellant’s notice of appeal?

“5. Assuming that local rule 1.14 is consistent with rule 2.253, does Code of Civil Procedure section 575.2 apply to [Trader Joe’s] failure to comply with local rule 1.14? If it applies, what effect, if any, does section 575.2 have on the motion to dismiss the appeal as untimely and the motion to deem the appeal timely filed?”

On April 30, 2026, Gharraee filed her supplemental brief. On May 29, 2026, Trader Joe’s filed its supplemental brief.

Gharraee contends that we lack jurisdiction to hear this appeal because the notice of appeal was filed after the jurisdictional deadline. Gharraee explains that the triggering date for the filing of the notice of appeal was October 8, 2025, the date of service of the notice of entry of judgment. The original deadline to file the notice of appeal was 60 days thereafter, or December 8, 2025. The original deadline was extended by operation of rule 8.108(b)(2)(A) to January 20, 2026. Trader Joe’s notice of appeal was filed on February 17, 2026, after the jurisdictional deadline expired.

In response to our supplemental briefing order, Gharraee argues that local rule 1.14 is “not inconsistent with California Rules of Court, rule 2.253,” and “represents a valid and contemplated exercise of the authority delegated to trial courts to implement electronic filing systems under the statewide e-filing scheme.”⁷ Further, Gharraee argues

⁷ Because Gharraee contends that local rule 1.14 is consistent with Cal. Rules of Court, rule 2.253, she maintains that we should not invalidate it.

that “[n]othing in the text or legislative history of section 575.2, suggests any intent to affect appellate deadlines” and it “has no effect on the timeliness of the notice of appeal or on the pending motions.”

In its opposition to the motion to dismiss, Trader Joe’s argues that (1) it tendered the notice of appeal for filing within the jurisdictional time period, (2) the clerk of the superior court’s rejection of the notice of appeal did not negate its timely delivery to the clerk, (3) Trader Joe’s acted diligently at every stage, (4) there has been no prejudice to Gharraee, (5) the clerk wrongfully rejected the notice of appeal, and (6) the trial court’s refusal to file the notice of appeal electronically was inconsistent with statute and Judicial Council rules.

In its supplemental brief, Trader Joe’s argues that subdivision (G) of local rule 1.14 is inconsistent with rule 2.253, at least as applied to the notice of appeal that it filed. More specifically, Trader Joe’s argues that subdivision (G) of local rule 1.14 “is unenforceable to the extent that it authorized the clerk to reject a timely received notice of appeal based solely on a website-based e-filing exclusion.” (Boldface omitted.) More broadly, “subdivision (G) is also defective because the operative exclusion was never adopted as a local rule and because rule 2.253 authorizes implementation by case type, not categorical document exclusions.” (Boldface omitted.)

Trader Joe’s suggests that relief could be in the form of (1) declining to enforce local rule 1.14 as applied to its notice of appeal, (2) invalidating the local rule’s exclusions of certain documents from being filed electronically because those exclusions were not adopted as local rules, or (3) invalidating subdivision (G) itself because the document exclusions it describes are not authorized under Cal. Rules of Court, rule 2.253. Trader Joe’s argues that the court’s invalidation or nonenforcement of local rule 1.14 would confirm that its notice of appeal was timely filed. Finally, Trader Joe’s argues that even if this court finds that local rule 1.14 is consistent with Cal. Rules of

Court, rule 2.253, section 575.2 applies to its attorney’s failure to comply with local rule 1.14 by foreclosing dismissal of its appeal as a sanction.

C. Legal Analysis

1. *The Jurisdictional Deadline for Filing the Notice of Appeal.*

i. *The right to appeal is statutory and deadline is jurisdictional.*

“The right to appeal is wholly statutory.” (*Dana Point Safe Harbor Collective v. Superior Court* (2010) 51 Cal.4th 1, 5; *Pacific Gas Radiator Co. v. Superior Court of Los Angeles County* (1924) 70 Cal.App. 200, 202 [“[a]ppeals have no existence at common law, and any right of appeal must be based upon some provision of the [C]onstitution or of the statute”].) Appeals in civil cases are governed by the provisions of part 2, title 13 of sections 901–923. (§ 901.) Section 901 authorizes the Judicial Council to “prescribe rules for the practice and procedure on appeal” that are “not inconsistent” with title 13.

Chapter 2 of division 1 of title 8 of the California Rules of Court applies to civil appeals. To initiate an appeal of a superior court judgment or order, “an appellant must serve and file a notice of appeal in that superior court,” pay a filing fee or apply for a waiver of fees and costs, and submit a monetary deposit unless the superior court waives it. (Rule 8.100(a)(1), (b)(1)–(2).) The superior court clerk is required to file the notice of appeal, even if the appellant fails to pay the fee, deposit, or submit the application to waive fees and costs.⁸ (Rule 8.100(b)(3).)

Subject to certain narrow exceptions, the deadline to file⁹ a notice of appeal in a civil case is the earliest of (a) 60 days after the superior court clerk serves on the

⁸ An appellant who fails to pay fees and costs or submit an application for waiver must remedy this failure within the timelines set forth in rule 8.100 or suffer dismissal of the appeal unless good cause is shown. (Rule 8.100(c)(3), and (d)(3).)

⁹ “A document is ‘filed’ when it is actually delivered to the clerk of the court during office hours, even if the clerk erroneously refuses to file it.” (*Eliceche v. Federal Land Bank Assn.* (2002) 103 Cal.App.4th 1349, 1361; accord *United Farm Workers of America v. Agricultural Labor Relations Bd.* (1985) 37 Cal.3d 912, 918 [“ ‘filing’ for purposes of compliance with the [jurisdictional time limit] means what it does in all other contexts:

appellant a notice of entry of judgment or a filed-endorsed copy of the judgment showing the date it was served; or (b) 60 days after a party serves a notice of entry of judgment or a filed-endorsed copy of the judgment, accompanied by a proof of service, or (c) 180 days after entry of judgment. (Rule 8.104(a)(1)(A)–(C).) A notice of appeal filed after the deadline must be dismissed by the reviewing court. (Rule 8.104(b).) “This time limit is jurisdictional: ‘no court may extend the time to file a notice of appeal’ (rule 8.104(b)), and relief cannot be conferred by stipulation, waiver, or estoppel.” (*Meinhardt v. City of Sunnyvale* (2024) 16 Cal.5th 643, 649.)

In certain circumstances a motion for new trial can result in an extension of time to file a notice of appeal. Under section 657, a party may move for new trial based on the award of excessive or inadequate damages. (§ 657, subd. (5).) If the trial court finds that the damages were excessive or inadequate, it may give the non-moving party a choice to consent to an adjusted damages award or the motion will be granted. (§ 662.5, subd. (a).) If the non-moving party consents, the motion for new trial is denied and an amended judgment is entered. (See, e.g., *Pearl v. City of Los Angeles* (2019) 36 Cal.App.5th 475, 477–478 [plaintiff consented to remittitur, trial court denied new trial motion and entered judgment in the reduced amount]; *Boeken v. Philip Morris, Inc.* (2005) 127 Cal.App.4th 1640, 1650 [trial court conditionally granted new trial motion on the issue of punitive damages, subject to a condition that if plaintiff consented to a reduction in the amount of punitive damages the motion would be denied, and following the plaintiff’s consent to a reduced punitive damages award, the trial court entered an amended judgment].) If this occurs, the time for any party to file a notice of appeal is 30 days from the service of the party’s consent to the adjusted judgment amount. (Rule 8.108(b)(2)(A).)

actual delivery of the petition to the clerk at his place of business during office hours.”]; *Rapp v. Golden Eagle Ins. Co.* (1994) 24 Cal.App.4th 1167, 1172 [“[t]he act of delivering the document to the deputy clerk at the court during office hours constituted the act of filing.”]; *Pangilinan v. Palisoc* (2014) 227 Cal.App.4th 765, 770 [same].)

- ii. *The Deadline to File the Notice of Appeal was Tuesday, January 20, 2026.*

In their respective briefing on the motion to dismiss, the parties agree that the deadline to file a notice of appeal in this case was Tuesday, January 20, 2026. We concur.

As noted above, the trial court granted a motion for new trial on the issue of damages, subject to a condition that if Gharraee consented to a reduction in the damages award on or before December 19, 2025, the motion would be denied. Gharraee served her notice of consent on Friday, December 19, 2025. As a result, the deadline to appeal was extended to 30 days thereafter. The 30th day fell on Sunday, January 18, 2026. Both that day and the next day — the third Monday in January, and the day we honor the birth of Dr. Martin Luther King, Jr. — are judicial holidays on which courts are not open to receive filings. (Code Civ. Proc., § 135; Gov. Code, § 6700, subd. (a)(1), (3).) As a result, the time to file the notice of appeal is extended to and including the next day that is not a holiday. (§ 12a; rule 1.10(b).) Therefore, the last day to file a notice of appeal in this case was Tuesday, January 20, 2026.

2. *Local Rule 1.14 Is Inconsistent with State Law and Invalid.*

- i. *Local Rules Must Be Consistent with State Law.*

Courts are authorized to make rules to administer their operations and officers provided that such rules are not inconsistent with the law or rules adopted by the Judicial Council. (Gov. Code, § 68070, subd. (a).) Such rules are procedural in nature. (*Shipp v. Superior Court* (1992) 5 Cal.App.4th 147, 151.) These rules are typically called “ ‘[l]ocal rules’ ” and include “every rule, regulation, order, policy, form, or standard of general application adopted by a court to govern practice or procedure in that court or by a judge of the court to govern practice or procedure in that judge’s courtroom.” (Rule 10.613(a)(2).)

Where a local rule is inconsistent with higher law, including the constitution, statute, case law, or the rules of court, reviewing courts will “not hesitate[]” to strike them down. (*Elkins v. Superior Court* (2007) 41 Cal.4th 1337, 1352; *Cortez v. Bootsma* (1994) 27 Cal.App.4th 935, 938 [“[a]ny conflict between a local rule and a state statute invalidates the local rule”]; *Hall v. Superior Court* (2005) 133 Cal.App.4th 908, 916 [“even properly adopted local rules are only valid to the extent they do not conflict with existing law or the California Rules of Court.”]) “A common theme” in such cases, “is that a local court has advanced the goals of efficiency and conservation of judicial resources by adopting procedures that deviated from those established by statute, thereby impairing the countervailing interests of litigants as well as the interest of the public in being afforded access to justice, resolution of a controversy on the merits, and a fair proceeding.” (*Elkins*, at p. 1353.)

Courts have invalidated local rules in a variety of circumstances. In *Turlock Golf & Country Club v. Superior Court* (1966) 240 Cal.App.2d 693, 694–695, 699–701, this court found that a local rule that required the deposit of fees and costs in excess of the amount required by state statute was inconsistent with that statute and therefore invalid. Appellate courts have invalidated local rules that are inconsistent with rules of procedure established for summary judgment proceedings. (*Lokeijak v. City of Irvine* (1998) 65 Cal.App.4th 341, 344 [local policy of the Orange County Superior Court that encouraged an alternative to a summary judgment motion conflicted with section 437c and was therefore invalid]; *Thatcher v. Lucky Stores, Inc.* (2000) 79 Cal.App.4th 1081, 1086 [local rule authorizing trial court to grant summary judgment based on the absence of opposition was invalid].)

Courts have also invalidated local rules that conflict with California Rules of Court adopted by the Judicial Council. In *In re Marriage of Sharples* (2014) 223 Cal.App.4th 160, the superior court denied a wife’s motion for an order requiring that her husband pay her attorney’s fees and costs during dissolution proceedings. (*Id.* at p. 163.)

The court denied the motion because the wife failed to file a Judicial Council form which the court found was mandatory. (*Ibid.*) The Court of Appeal concluded that to the extent the local rule could be interpreted to require that a particular Judicial Council form be used, the local rule was invalid. (*Id.* at p. 167.) The Court of Appeal explained that the applicable rule of court required that certain information be provided by the party seeking fees and costs but made use of the Judicial Council form optional. (*Id.* at pp. 166–167.) “[T]o the extent the local rule could be construed as requiring a party to file [the Judicial Council form] to support a request for attorney fees and costs ... it was in conflict with the California Rules of Court and therefore invalid.” (*Id.* at p. 167.)

Further, courts have held that a litigant’s failure to comply with a local rule is not a valid basis for the court to refuse to file a document which has a jurisdictional deadline, such as a complaint. (*Rojas v. Cutsforth* (1998) 67 Cal.App.4th 774, 777–778 [Court of Appeal deemed complaint timely filed where complaint was submitted to the clerk within the jurisdictional deadline notwithstanding plaintiff’s imperfect compliance with local rules regarding completion of documents to be filed with the complaint].)

In *Carlson v. Department of Fish & Game* (1998) 68 Cal.App.4th 1268 (*Carlson*), plaintiff Carlson hired an out-of-county attorney to file a lawsuit on his behalf in Los Angeles County. (*Id.* at p. 1270.) The attorney transmitted the complaint to the superior court by Federal Express. (*Ibid.*) The complaint complied with the formatting requirements of the California Rules of Court and was received by the court prior to the expiration of the statute of limitations but was rejected for filing because it was not accompanied by a form required by a local rule. (*Ibid.*)

On appeal, division 2 of the Second District Court of Appeal held that the superior court “may not condition the filing of a complaint on local rule requirements.” (*Carlson, supra*,.) The court explained “that the only ‘proper basis’ on which a clerk can refuse to file a complaint is lack of compliance with [former] rule 201.” (*Id.* at p. 1276, fn. 7.) As

the Court of Appeal explained, however, the trial court is not without remedy for a litigant who fails to comply with its local rules:

“The conclusion that a clerk lacks authority to enforce the [superior court’s] local rules by rejecting papers that comply with [former] rule 201 does not mean that those local rules cannot be enforced. It simply means that they cannot be enforced by the method of rejecting filings which conform to state law. After a paper is filed, the panoply of possible sanctions provided for in section 575.2, [former] rule 227 and elsewhere become available to redress local rule violations. However, applying a sanction of the type authorized by the Code of Civil Procedure and the Rules is far different from rejecting a conforming paper and possibly causing the statute of limitations to run.” (*Carlson, supra*, 68 Cal.App.4th at pp. 1281–1282.)

3. *Local Rule 1.14, Subdivision (G) is Inconsistent with State Law and is Therefore Invalid.*

Rule 2.253(b)(1) authorizes superior courts to mandate electronic filing in civil cases but requires that the resulting local rule specify “the types or categories of civil actions in which parties ... are required to file ... documents electronically.” It does not authorize the superior court to adopt a local rule that mandates electronic filing in civil cases except for particular documents or categories of documents. This, however, is what local rule 1.14, subdivision (G) does. The inconsistency between the rule and local rule is readily apparent. For that reason, we find that local rule 1.14, subdivision (G) is inconsistent with rule 2.253 and therefore invalid.¹⁰

Moreover, like the complaint at issue in *Carlson*, Trader Joe’s failure to comply with the superior court’s local rule was not a valid basis to refuse to acknowledge the effective date of filing of the notice of appeal as the date it was originally received electronically. There is no evidence that the notice of appeal itself failed to comply with the filing requirements of rule 2.100 et seq., as evidenced by the fact that the superior

¹⁰ Because we determine that local rule 1.14 is inconsistent with state law, we do not reach the issue of whether section 575.2 applies to Trader Joe’s failure to comply with local rule 1.14.

court eventually accepted it as filed on February 17, 2026, in the same form in which it was originally received by the superior court clerk on January 20, 2026.

The effective date of filing of the notice of appeal submitted by Trader Joe’s was the date it was originally received by the superior court clerk—January 20, 2026. (§ 1010.6, subd. (e)(3); rule 2.253(b)(6); see also rule 1.20 [“[u]nless otherwise provided, a document is deemed filed on the date it is received by the court clerk”].) As a result, the notice of appeal was filed timely.

DISPOSITION

The motion to dismiss is denied.

FRANSON, Acting P. J.

WE CONCUR:

SNAUFFER, J.

DE SANTOS, J.