

CALIFORNIA COURT OF APPEAL, FIFTH APPELLATE DISTRICT

S.C. v. Doe 1

S.C. v. Doe 1 · No. F088296 · Decided October 17, 2025

SUMMARY

The California Court of Appeal, Fifth Appellate District, considers an appeal from summary judgment entered for Doe 1 in a childhood sexual assault action brought under former California Code of Civil Procedure section 340.1. The court holds that the certificate-of-merit requirement did not preclude S.C. from seeking leave to amend the complaint under section 473, subdivision (a)(1), after foster-care records revealed that the alleged abuse occurred during a different period than initially pleaded. The court reverses the summary judgment and the orders denying S.C.'s motions to amend.

CASE DETAILS

COURT	California Court of Appeal, Fifth Appellate District
WRITING FOR THE COURT	Ginoza? No; Detjen, J.; Levy, Acting P. J.; Fain, J.
JURISDICTION	California Court of Appeal, Fifth Appellate District
DECIDED	October 17, 2025
DOCKET	F088296
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a judgment granting summary judgment to Doe 1 and orders denying S.C.'s motions for leave to amend her complaint.
STANDARD OF REVIEW	Leave to amend is reviewed for abuse of discretion, except that statutory interpretation is reviewed independently. Summary judgment is reviewed under the applicable de novo standard, with the pleadings defining the issues to be resolved.
PRECEDENTIAL VALUE	published and precedential
PARTIES	S.C. v. Doe 1

TOPICS

- motion to amend
- summary judgment
- statutory interpretation
- civil procedure
- appellate procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- torts
- statutory interpretation

QUESTIONS PRESENTED

1. Whether former Code of Civil Procedure section 340.1's certificate-of-merit requirement prohibited S.C. from amending the factual allegations of her complaint under section 473, subdivision (a)(1).
2. Whether the superior court abused its discretion by denying S.C. leave to amend her complaint to correct the alleged dates of the assault.
3. Whether summary judgment was proper when it was based on the original complaint's incorrect allegation that S.C. was in Doe 1's custody in 1981.
4. Whether S.C. could file amended certificates of merit relating back to the timely filed original certificates.

HOLDINGS

1. Former section 340.1 did not exempt actions subject to its certificate-of-merit requirement from the generally applicable authority to amend pleadings under section 473, subdivision (a)(1). Its provisions concerning substitution of Doe defendants did not contain exclusivity language making that the only permissible amendment.
2. The superior court abused its discretion by denying S.C. leave to amend the complaint to correct the assault period from approximately 1981 to 1984 through 1986.
3. Summary judgment for Doe 1 was improper because it was based on the original complaint's 1981 allegation, and S.C. should have been permitted to file an amended complaint alleging that the assault occurred between 1984 and 1986 while she was in Doe 1's custody.
4. S.C. could file amended certificates of merit, and those certificates could relate back to the timely filed original certificates because the amendment arose from the same general set of facts.

KEY QUOTATIONS

“The foregoing provisions do not explicitly state a complaint filed in an action under former section 340.1 cannot be amended pursuant to section 473, subdivision (a)(1).” (15-16)

“Under this state’s liberal rules of pleading, the right of a party to amend to correct inadvertent misstatements of facts or erroneous allegations of terms cannot be denied.” (17)

“It is well settled that the pleadings set the boundaries of the issues to be resolved at summary judgment.” (19)

“As there are original certificates to which amended certificates can relate back, invoking the relation-back doctrine in the instant case would not constitute a duplicitous circumvention of former section 340.1’s statute of limitations or the 60-day period set forth in former subdivision (g)(3).” (21-22)

FACTUAL BACKGROUND

S.C. alleged that she was sexually assaulted in approximately 1981 while in foster care under Doe 1's custody, care, and control. After filing the action and obtaining access to her juvenile records, she learned that Doe 1 did not take her into protective custody until March 19, 1984, and that she was in foster care from 1984 to 1986. She

sought to amend the complaint to allege the assault occurred during that corrected period, but the superior court denied the motions and granted Doe 1 summary judgment based on the unamended 1981 allegation.

PROCEDURAL HISTORY

S.C. filed a civil action under former California Code of Civil Procedure section 340.1 alleging childhood sexual assault while she was in foster care under Doe 1's custody. After obtaining juvenile records showing that she was in Doe 1's custody from 1984 to 1986 rather than in 1981, S.C. moved for leave to amend the complaint. The superior court denied the amendment motions and granted Doe 1's summary judgment motion based on the original 1981 allegation. The Court of Appeal reversed the summary judgment and the orders denying leave to amend, and directed the superior court to permit the amendment and amended certificates of merit.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The superior court must enter an order granting S.C.'s motion for leave to amend, amending the complaint to allege that the childhood sexual assault occurred while S.C. was in Doe 1's custody, care, and control between 1984 and 1986, and permitting S.C. to file amended certificates of merit. The superior court may impose proper terms under section 473, subdivision (a)(1).

CASES CITED

- Klopstock v. Superior Court (1941) 17 Cal.2d 13, 19
- Ward v. Clay (1890) 82 Cal. 502, 509
- Hirsu v. Superior Court (1981) 118 Cal.App.3d 486, 488-489
- Frost v. Witter (1901) 132 Cal. 421, 424
- Tung v. Chicago Title Co. (2021) 63 Cal.App.5th 734, 747
- Nestle v. Santa Monica (1972) 6 Cal.3d 920, 939
- Douglas v. Superior Court (1989) 215 Cal.App.3d 155, 158
- Board of Trustees v. Superior Court (2007) 149 Cal.App.4th 1154, 1163
- Branick v. Downey Savings & Loan Assn. (2006) 39 Cal.4th 235, 242
- Cummins, Inc. v. Superior Court (2005) 36 Cal.4th 478, 487
- California State University, Fresno Assn., Inc. v. County of Fresno (2017) 9 Cal.App.5th 250, 266
- Voters for Responsible Retirement v. Board of Supervisors (1994) 8 Cal.4th 765, 779 fn. 3
- American Indian Model Schools v. Oakland Unified School Dist. (2014) 227 Cal.App.4th 258, 290
- Yeager v. Blue Cross of California (2009) 175 Cal.App.4th 1098, 1103
- People v. Superior Court (Zamudio) (2000) 23 Cal.4th 183, 199
- In re Greg F. (2012) 55 Cal.4th 393, 410
- Doe v. San Diego-Imperial Council (2017) 16 Cal.App.5th 301, 307

- People ex rel. Dept. of Transportation v. Muller (1984) 36 Cal.3d 263, 269
- Doe v. City of Los Angeles (2007) 42 Cal.4th 531, 536
- Dieckmann v. Superior Court (1985) 175 Cal.App.3d 345, 357
- Blakey v. Superior Court (1984) 153 Cal.App.3d 101, 107
- Kittredge Sports Co. v. Superior Court (1989) 213 Cal.App.3d 1045, 1048
- Mesler v. Bragg Management Co. (1985) 39 Cal.3d 290, 297
- Falcon v. Long Beach Genetics, Inc. (2014) 224 Cal.App.4th 1263, 1280
- City of Stanton v. Cox (1989) 207 Cal.App.3d 1557, 1564
- Melican v. Regents of the University of California (2007) 151 Cal.App.4th 168, 176
- Morgan v. Superior Court (1959) 172 Cal.App.2d 527, 530
- Vulk v. State Farm General Ins. Co. (2021) 69 Cal.App.5th 243, 255
- Foreman & Clark Corp. v. Fallon (1971) 3 Cal.3d 875, 884
- State Compensation Ins. Fund v. Superior Court (2010) 184 Cal.App.4th 1124, 1131
- Doyle v. Fenster (1996) 47 Cal.App.4th 1701, 1707
- Jackson v. Doe (2011) 192 Cal.App.4th 742, 755
- Curtis Engineering Corp. v. Superior Court (2017) 16 Cal.App.5th 542, 548, 551
- Roe v. Doe 1 (2023) 98 Cal.App.5th 965, 971, 973
- Committee for Sound Water & Land Development v. City of Seaside (2022) 79 Cal.App.5th 389, 401-402

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