

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Joshua Cuevas v. Ramos/Strong, Inc.

Cuevas · No. 1:25-cv-01216-JLT-CDB · Decided September 17, 2025

OPINION

Cuevas

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 JOSHUA CUEVAS, Case No. 1:25-cv-01216-JLT-CDB 12 Plaintiff, ORDER REQUIRING
PLAINTIFF TO

SHOW CAUSE RE SUPPLEMENTAL

13 v. JURISDICTION

14 RAMOS/STRONG, INC, September 24, 2025, Deadline 15 Defendant. 16 17 On September
15, 2025, Plaintiff Joshua Cuevas (“Plaintiff”) initiated this action with the 18 filing of a
complaint asserting claims against Defendant Ramos/Strong, Inc. (“Defendant”). (Doc. 19 1). By
his complaint, Plaintiff seeks injunctive relief under the Americans with Disabilities Act of 20
1990 (“ADA”), statutory damages under California’s Unruh Civil Rights Act (“Unruh Act”), and
21 damages for related state causes of action. Id. Plaintiff alleges that “[p]ursuant to pendant 22
jurisdiction, attendant and related causes of action, arising from the same nucleus of operative
facts, 23 are also brought under California law[.]” Id. ¶ 7. 24 Based upon the Court of Appeals’
opinion in *Vo v. Choi*, this Court will order Plaintiff to 25 show cause why the Court should not
decline to exercise supplemental jurisdiction over Plaintiff’s 26 Unruh Act claim. See 28 U.S.C. §
1367(c); *Vo v. Choi*, 49 F.4th 1167 (9th Cir. 2022) (holding the 27 district court properly declined
to exercise supplemental jurisdiction in a joint Unruh Act and ADA 28 case). 1 In the Unruh Act, a
state law cause of action expands the remedies available in a private 2 action. California, in
response to the resulting substantial volume of claims asserted under the 3 Unruh Act and the
concern that high-frequency litigants may be using the statute to obtain monetary 4 relief for
themselves without accompanying adjustments to locations to assure accessibility to 5 others,
enacted filing restrictions designed to address that concern. *Arroyo v. Rosas*, 19 F.4th 1202, 6
1211-12 (9th Cir. 2021). These heightened pleading requirements apply to actions alleging a 7
“construction-related accessibility claim,” which California law defines as “any civil claim in a 8
civil action with respect to a place of public accommodation, including but not limited to, a claim
9 brought under Section 51[], based wholly or in part on an alleged violation of any construction-

10 related accessibility standard.” Cal. Civ. Code § 55.52(a)(1). 11 California imposes additional limitations on “high-frequency litigants,” defined as: 12 A plaintiff who has filed 10 or more complaints alleging a construction-related accessibility violation within the 12-month 13 period immediately preceding the filing of the current complaint alleging a construction-related accessibility violation. 14 15 Cal. Civ. Proc. Code § 425.55(b)(1). Such “high-frequency litigants” are subject to a special filing 16 fee and further heightened pleading requirements. *Vo*, 49 F.4th at 1170. See Cal. Gov. Code § 17 70616.5; Cal. Civ. Proc. Code § 425.50(a)(4)(A). By enacting restrictions on the filing of 18 construction-related accessibility claims, California has expressed a desire to limit the financial 19 burdens California’s businesses may face for claims for statutory damages under the Unruh Act. 20 See *Arroyo*, 19 F.4th at 1206-07, 1212. The Court of Appeals has also expressed “concerns about 21 comity and fairness” by permitting plaintiffs to circumvent “California’s procedural requirements.” 22 *Vo*, 49 F.4th at 1171. Plaintiffs who file these actions in federal court evade these limits and pursue 23 state law damages in a manner inconsistent with the state law’s requirements. See generally, 24 *Arroyo*, 19 F.4th at 1211–12; *Vo*, 49 F.4th at 1171-72. 25 In an action over which a district court possesses original jurisdiction, that court “shall have 26 supplemental jurisdiction over all other claims that are so related to claims in the action within such 27 original jurisdiction that they form part of the same case or controversy under Article III of the 28 United States Constitution.” 28 U.S.C. § 1367(a). Even if supplemental jurisdiction exists, 1 | however, district courts have discretion to decline to exercise supplemental jurisdiction. 28 U.S.C. 2 | § 1367(c). Such discretion may be exercised “[d]epending on a host of factors” including “the 3 | circumstances of the particular case, the nature of the state law claims, the character of the 4 | governing state law, and the relationship between the state and federal claims.” *City of Chicago v. 5 | Int’l Coll. of Surgeons*, 522 U.S. 156, 173 (1997). 6 According to the undersigned’s review of filings in this Court and in the U.S. District Court 7 | for the Central District of California, Plaintiff Cuevas and his counsel have filed more than 10 cases 8 || asserting ADA and Unruh Act claims in these two districts within the previous 12 months. 9 Conclusion and Order 10 For these reasons, IT IS HEREBY ORDERED as follows: 11 1. Plaintiff shall show cause in writing no later than September 24, 2025, why the Court 12 should not decline supplemental jurisdiction over Plaintiff’s Unruh Act claim; 13 2. In responding to the show cause order, Plaintiff shall: 14 a. identify the amount of statutory damages Plaintiff seeks to recover; and 15 b. submit declarations from Plaintiff and Plaintiff’s counsel, signed under penalty 16 of perjury, providing all facts necessary for the Court to determine if each is a 17 “high-frequency litigant;” 18 3. Plaintiff is cautioned that the failure to respond may result in a recommendation to 19 dismiss of the entire action without prejudice. Fed. R. Civ. P. 41(b) (stating that 20 dismissal is warranted “[i]f the plaintiff fails to ... comply with ... a court □□□□□□□□ see 21 *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); and 22 4. Further, an inadequate response will result in the Court recommending that 23 supplemental jurisdiction over Plaintiff’s Unruh Act claim be declined and that the 24 Unruh Act and state law claims be

dismissed pursuant to 28 U.S.C. § 1367(c). 25 | IT IS SO ORDERED. 76 | Dated: _ September 17,
2025 | br Pr
7 UNITED STATES MAGISTRATE JUDGE
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