

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Theresa Brooke v. Shante Enterprises Inc.

Brooke · No. 2:25-cv-03618-SB-JPR · Decided April 28, 2025

SUMMARY

The United States District Court for the Central District of California ordered Plaintiff Theresa Brooke to show cause why her California Unruh Act claim should not be dismissed without prejudice under 28 U.S.C. § 1367(c)(4). The Court relied on Ninth Circuit precedent concerning federal-state comity and California's reforms addressing high-frequency litigants in ADA-based Unruh Act cases, and required Plaintiff to disclose damages and supporting facts within 14 days.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stanley Blumenfeld, Jr.
JURISDICTION	United States District Court for the Central District of California
DECIDED	April 28, 2025
DOCKET	2:25-cv-03618-SB-JPR
DISPOSITION	other
PROCEDURAL POSTURE	On its own initiative, the district court issued an order to show cause why Plaintiff's California Unruh Act claim should not be dismissed without prejudice for declining supplemental jurisdiction under 28 U.S.C. § 1367(c)(4).
STANDARD OF REVIEW	Discretionary review of whether to exercise supplemental jurisdiction under 28 U.S.C. § 1367(c); the court considered whether exceptional circumstances and federal-state comity justified declining jurisdiction.
PRECEDENTIAL VALUE	unknown

TOPICS

- subject matter jurisdiction
- civil procedure
- public accommodations discrimination
- ada / disability

PRACTICE AREAS

- civil procedure
- disability rights
- supplemental jurisdiction
- public accommodations discrimination

QUESTIONS PRESENTED

1. Whether the court should decline supplemental jurisdiction over Plaintiff's Unruh Act claim under 28 U.S.C. § 1367(c)(4) because exceptional circumstances and federal-state comity concerns identified in *Arroyo v. Rosas* may apply to ADA-based Unruh Act claims.
2. Whether Plaintiff should be required to identify the statutory damages sought and provide declarations addressing whether Plaintiff and her counsel qualify as high-frequency litigants under California law.

HOLDINGS

1. Because Plaintiff's Unruh Act claim is closely related to her ADA claim, the court has authority to exercise supplemental jurisdiction under 28 U.S.C. § 1367(a).
2. Under *Arroyo v. Rosas*, the effect of California's statutory reforms concerning high-frequency litigants and the resulting federal-state comity concerns may constitute exceptional circumstances under 28 U.S.C. § 1367(c)(4), potentially justifying declining supplemental jurisdiction over an ADA-based Unruh Act claim.

KEY QUOTATIONS

“retention of supplemental jurisdiction over ADA-based Unruh Act claims threatens to substantially thwart California’s carefully crafted reforms in this area and to deprive the state courts of their critical role in effectuating the policies underlying those reforms.” (19 F.4th at 1213)

“Accordingly, the Court ORDERS Plaintiff within 14 days after entry of this Order to show cause in writing why the Court should not dismiss without prejudice her Unruh Act claim under § 1367(c)(4).”

FACTUAL BACKGROUND

Plaintiff Theresa Brooke, who uses a wheelchair, alleged that Shante Enterprises Inc. failed to provide adequate parking facilities. The complaint asserted claims under the ADA and the California Unruh Act. Because the Unruh Act claim was closely related to the ADA claim, the court concluded that supplemental jurisdiction existed, but it had not adjudicated the merits of either claim.

PROCEDURAL HISTORY

Plaintiff filed an action alleging that Defendant failed to provide adequate wheelchair-accessible parking, asserting claims under the Americans with Disabilities Act and the California Unruh Civil Rights Act. The court had not yet addressed the merits of any claim and issued an order requiring Plaintiff to explain why the Unruh Act claim should not be dismissed without prejudice. The court stated that if Plaintiff did not respond within 14 days, the Unruh Act claim would be dismissed without prejudice without further order.

DISPOSITION

other

CASES CITED

- City of Chicago v. International College of Surgeons, 522 U.S. 156, 172 (1997)
- Arroyo v. Rosas, 19 F.4th 1202 (9th Cir. 2021)

OPINION

Theresa Brooke v. Shante Enterprises Inc.

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

THERESA BROOKE, Case No. 2:25-cv-03618-SB-JPR Plaintiff,

v. ORDER TO SHOW CAUSE

SHANTE ENTERPRISES INC.,

Defendant. Plaintiff Theresa Brooke, who requires the use of a wheelchair, filed this suit alleging that Defendant failed to provide adequate parking facilities, in violation of, inter alia, the Americans with Disabilities Act (ADA) and the Unruh Act. Dkt. No. 1. Because Plaintiff's Unruh Act claim is closely related to her ADA claim, the Court has authority to exercise supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(a). However, supplemental jurisdiction "is a doctrine of discretion, not of plaintiff's right," and district courts "can decline to exercise jurisdiction over pendent claims for a number of valid reasons." City of Chi. v. Int'l Coll. of Surgeons, 522 U.S. 156, 172 (1997) (internal quotation marks and citations omitted). This discretion is codified in § 1367(c): The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if—

(1) the claim raises a novel or complex issue of State law,

(2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction,

(3) the district court has dismissed all claims over which it has original jurisdiction, or

(4) in exceptional circumstances, there are other compelling

reasons for declining jurisdiction. 28 U.S.C. § 1367(c). In a published decision, the Ninth Circuit explained that the California Legislature's 2012 and 2015 amendments to the Unruh Act, which were intended to protect businesses from abusive litigation by high-frequency litigants bringing construction-related claims, had led to a surge of filings in federal courts of ADA cases seeking statutory damages under the Unruh Act. Arroyo v. Rosas, 19 F.4th 1202 (9th Cir. 2021). The Ninth Circuit agreed with the district court that this shift in filings from state courts to federal courts had circumvented the state legislature's goals and "rendered [the new statutory requirements] largely toothless, because they can now be readily evaded." Id. at 1213. The court explained that "retention of supplemental jurisdiction over ADA-based Unruh Act claims threatens to substantially thwart California's carefully crafted reforms in this area and to deprive the state courts of their critical role in effectuating the policies underlying those reforms." Id. Thus, the

court held that these circumstances are “exceptional” within the meaning of § 1367(c)(4) and therefore potentially justified declining supplemental jurisdiction over the plaintiff’s Unruh Act claim. See *id.* (“The district court did not abuse its discretion in concluding that this extraordinary situation threatens unusually significant damage to federal-state comity and presents ‘exceptional circumstances’ within the meaning of § 1367(c)(4).”). However, because the district court had waited to decline supplemental jurisdiction until after granting summary judgment on the plaintiff’s ADA claim, thereby effectively deciding the Unruh Act claim, the Ninth Circuit reversed the court’s decision to decline supplemental jurisdiction, holding that it had waited too long to invoke the comity interest. *Id.* at 1215–17. Unlike *Arroyo*, this case is still at a very early stage, and this Court has not yet addressed or adjudicated the merits of any of Plaintiff’s claims. This appears to be a case in which the Court should decline supplemental jurisdiction over Plaintiff’s Unruh Act claim under § 1367(c)(4) to protect the comity interests identified in *Arroyo*. Accordingly, the Court ORDERS Plaintiff within 14 days after entry of this Order to show cause in writing why the Court should not dismiss without prejudice her Unruh Act claim under § 1367(c)(4). Plaintiff’s response must identify the amount of statutory damages Plaintiff seeks to recover and must be supported by declarations, signed under penalty of perjury, providing all facts necessary for the Court to determine if Plaintiff and her counsel satisfy the definition of a “high-frequency litigant” as provided by Cal. Civ. Proc. Code § 425.55(b)(1)–(2). If Plaintiff fails to file a response within 14 days after entry of this Order, the Court will decline to exercise supplemental jurisdiction over her Unruh Act claim, and the Unruh Act claim will be automatically dismissed without prejudice without further order of the Court. Date: April 28, 2025

Stanley Blumenfeld, Jr. United States District Judge