

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Mister Bailey v. Marta Lidia Henriquez, et al.

Mister Bailey · No. CV 25-3556-MWF(MARx) · Decided April 24, 2025

SUMMARY

The United States District Court for the Central District of California ordered Plaintiff to show cause why the Court should exercise supplemental jurisdiction over claims under California’s Unruh Civil Rights Act and other state laws. The Court required information concerning the statutory damages sought and whether Plaintiff or counsel qualifies as a high-frequency litigant, warning that failure to respond could result in dismissal or declining supplemental jurisdiction.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Michael W. Fitzgerald
JURISDICTION	United States District Court for the Central District of California
DECIDED	April 24, 2025
DOCKET	CV 25-3556-MWF(MARx)
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause requiring Plaintiff to explain why the court should exercise supplemental jurisdiction over state-law claims.
STANDARD OF REVIEW	The court independently evaluates subject matter jurisdiction and may raise jurisdictional issues sua sponte at any time during the action.
PRECEDENTIAL VALUE	unknown
PARTIES	Mister Bailey v. Marta Lidia Henriquez, et al.

TOPICS

- subject matter jurisdiction
- civil procedure
- ada / disability
- civil rights

PRACTICE AREAS

- civil procedure
- civil rights
- disability discrimination

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over the Unruh Civil Rights Act claim and the other state-law claims.
2. What information Plaintiff must provide to enable the court to evaluate supplemental jurisdiction, including the amount of Unruh Act statutory damages sought and whether Plaintiff or counsel qualifies as a high-frequency litigant under California law.

HOLDINGS

1. A federal court may raise and examine the question of subject matter jurisdiction sua sponte at any time during the pendency of an action.
2. Under 28 U.S.C. § 1367(c), a district court may decline to exercise supplemental jurisdiction over an ADA-based Unruh Act claim when the circumstances identified by the statute warrant declining jurisdiction.

KEY QUOTATIONS

“This Court has a sua sponte obligation to confirm that it has subject matter jurisdiction.”

“Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the dismissal of the entire action without prejudice or the Court’s declining to exercise supplemental jurisdiction over the Unruh Act claim and the dismissal of that claim pursuant to 28 U.S.C. § 1367(c).”

FACTUAL BACKGROUND

The complaint alleges a violation of the Americans with Disabilities Act and seeks injunctive relief. It also asserts a claim for damages under California's Unruh Civil Rights Act and other state-law claims, with supplemental jurisdiction asserted as the basis for federal jurisdiction over those claims.

PROCEDURAL HISTORY

Plaintiff filed a complaint asserting an ADA claim for injunctive relief, an Unruh Civil Rights Act claim for damages, and other state-law claims. The court sua sponte questioned whether it should exercise supplemental jurisdiction over the state-law claims and ordered Plaintiff to respond by May 8, 2025.

DISPOSITION

other

CASES CITED

- Arroyo v. Rosas, 19 F.4th 1202, 1211–14 (9th Cir. 2021)
- Nevada v. Bank of Am. Corp., 672 F.3d 661, 673 (9th Cir. 2012)
- Snell v. Cleveland, Inc., 316 F.3d 822, 826 (9th Cir. 2002)

OPINION

Mister Bailey v. Marta Lidia Henriquez

PER CURIAM.

CIVIL MINUTES – GENERAL

Case No. CV 25-3556-MWF(MARx) Date: April 24, 2025 Title Mister Bailey v. Marta Lidia Henriquez, et al. Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge Rita Sanchez Not Reported Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants: Not Present Not Present Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE SUPPLEMENTAL JURISDICTION

The Complaint filed in this action asserts a claim for injunctive relief arising out of an alleged violation of the Americans With Disabilities Act (“ADA”), 42 U.S.C. §§ 12101-12213, a claim for damages pursuant to the Unruh Civil Rights Act (“Unruh Act”), Cal. Civ. Code §§ 51–53, and other state law claims alleged by Plaintiff. The sole basis for jurisdiction over the Unruh Act claim is supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a). The Court, however, may decline to exercise supplemental jurisdiction for the reasons delineated in § 1367(c). See also *Arroyo v. Rosas*, 19 F.4th 1202, 1211–14 (9th Cir. 2021) (holding district courts may decline supplemental jurisdiction over ADA-based Unruh Act claims because of “very substantial threat to federal-state comity” presented by plaintiffs’ use of federal courts to evade California’s Unruh Act reforms). This Court has a sua sponte obligation to confirm that it has subject matter jurisdiction. *Nevada v. Bank of Am. Corp.*, 672 F.3d 661, 673 (9th Cir. 2012) (“[I]t is well established that ‘a court may raise the question of subject matter jurisdiction, sua sponte, at any time during the pendency of the action’” (quoting *Snell v. Cleveland, Inc.*, 316 F.3d 822, 826 (9th Cir. 2002))). Therefore, to assist this Court in its duty, Plaintiff is ORDERED to SHOW CAUSE in writing as to why this Court should exercise supplemental jurisdiction

CIVIL MINUTES – GENERAL

Case No. CV 25-3556-MWF(MARx) Date: April 24, 2025 Title Mister Bailey v. Marta Lidia Henriquez, et al. over the Unruh Act claim and the other state law claims alleged by Plaintiff. The Response to the Order to Show Cause shall include (1) the amount of statutory damages sought pursuant to the Unruh Act; and (2) sufficient facts for the Court to determine whether Plaintiff or Plaintiff’s counsel meet the definition of a “high- frequency litigant” as defined in California Code of Civil Procedure section 425.55(b)(1) & (2). These facts shall be set forth in declarations signed under penalty of perjury. The Response shall be filed on or before MAY 8, 2025. Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the dismissal of the entire action without prejudice or the Court’s declining to exercise supplemental jurisdiction over the Unruh Act claim and the dismissal of that claim pursuant to 28 U.S.C. § 1367(c). IT IS SO ORDERED.

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