

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Brooke v. Paligroup Management LLC

Brooke · No. 3:24-cv-02003-JAH-VET · Decided August 7, 2025

SUMMARY

The United States District Court for the Southern District of California declined to exercise supplemental jurisdiction over Theresa Brooke’s California Unruh Civil Rights Act claim against Paligroup Management LLC. The court concluded that Brooke was a high-frequency litigant under California law and that filing the claim in federal court to avoid heightened state pleading requirements constituted an exceptional circumstance. The Unruh Act claim was dismissed without prejudice, while the court had not yet ruled on the federal Americans with Disabilities Act claims.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	John A. Houston
JURISDICTION	United States District Court for the Southern District of California
DECIDED	August 7, 2025
DOCKET	3:24-cv-02003-JAH-VET
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff moved for default judgment after the clerk entered default against Defendant. The Court ordered Plaintiff to show cause why it should not decline supplemental jurisdiction over her California Unruh Act claim and, after considering her response, dismissed that claim without prejudice.
STANDARD OF REVIEW	On a motion for default judgment, the district court has an affirmative duty to examine its subject-matter and personal jurisdiction. A decision to decline supplemental jurisdiction under 28 U.S.C. § 1367(c)(4) requires identification of exceptional circumstances and an explanation of why judicial economy, convenience, fairness, and comity favor declining jurisdiction.
PRECEDENTIAL VALUE	Unknown
PARTIES	Theresa Brooke v. Paligroup Management LLC

TOPICS

subject matter jurisdiction

default judgment

civil procedure

public accommodations discrimination

ada / disability

PRACTICE AREAS

Civil procedure

Federal jurisdiction

Americans with Disabilities Act

California Unruh Civil Rights Act

QUESTIONS PRESENTED

1. Whether Plaintiff qualified as a high-frequency litigant under California Code of Civil Procedure section 425.55(b)(1) when her attorney filed the complaints on her behalf and at her direction.
2. Whether exceptional circumstances and the relevant Gibbs factors justified declining supplemental jurisdiction over Plaintiff's California Unruh Act claim under 28 U.S.C. § 1367(c)(4).

HOLDINGS

1. A plaintiff qualifies as a high-frequency litigant when ten or more construction-related accessibility complaints were filed on the plaintiff's behalf and at the plaintiff's direction during the relevant twelve-month period; the fact that counsel physically or electronically filed the complaints does not exempt the plaintiff.
2. The Court declined to exercise supplemental jurisdiction over Plaintiff's Unruh Act claim under 28 U.S.C. § 1367(c)(4) and dismissed the claim without prejudice.

KEY QUOTATIONS

“However, this is a “doctrine of discretion, not of plaintiff’s rights.”” (at 3)

“it would frustrate Section 425.55’s purpose to allow plaintiffs to evade it by using others—lawyers, or even non-lawyer—to physically or electronically file their complaints” (at 2)

“it would be “an affront to the comity between federal and state courts to allow plaintiffs to evade California’s procedural requirements” and be unfair to defendants.” (at 25)

FACTUAL BACKGROUND

Plaintiff, who uses a wheelchair because of the loss of a leg, visited Defendant's San Diego hotel in October 2024 and alleged that the hotel's access aisle and ramp were noncompliant with the 2010 ADA Standards for Accessible Design. She alleged ADA and Unruh Act violations and stated that she planned to return to the hotel. Plaintiff acknowledged that her attorney had filed at least ten construction-related accessibility complaints on her behalf during the preceding twelve months.

PROCEDURAL HISTORY

Plaintiff filed an action asserting claims under Title III of the Americans with Disabilities Act and California's Unruh Civil Rights Act. Defendant failed to respond, the clerk entered default, and Plaintiff moved for default

judgment. Before ruling on that motion, the Court issued an order to show cause concerning supplemental jurisdiction over the Unruh claim, concluded that Plaintiff was a high-frequency litigant and that exceptional circumstances and the Gibbs factors supported declining jurisdiction, and dismissed the Unruh claim without prejudice.

DISPOSITION

dismissed

CASES CITED

- Symantec Corp. v. Glob. Impact, Inc., 559 F.3d 922, 923 (9th Cir. 2009)
- In re Tuli, 172 F.3d 707, 712 (9th Cir. 1999)
- United Mine Workers of Am. v. Gibbs, 383 U.S. 715, 725-26 (1966)
- San Pedro Hotel Co., Inc. v. L.A., 159 F.3d 470, 478 (9th Cir. 1998)
- Arroyo v. Rosas, 19 F.4th 1202, 1207, 1210-14 (9th Cir. 2021)
- Vo v. Choi, 49 F.4th 1167, 1168, 1171-74 (9th Cir. 2022)
- People v. Potter Handy, LLP, 97 Cal. App. 5th 938, 945 (2023)
- Brooke v. Sapphire Investments LLC, 2022 WL 18397389, at *1 (C.D. Cal. Nov. 9, 2022)
- Brooke v. Gehna, 2024 WL 4003157, at *1 (C.D. Cal. July 18, 2024)
- Brooke v. Onni 888 Olive St. LP, 2023 WL 9689134, at *2 (C.D. Cal. Nov. 29, 2023)
- Brooke v. Ferrado Hotels LLC, 2024 WL 1136402, at *2 (C.D. Cal. Feb. 8, 2024)