

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Theresa Brooke v. SVAG Realty LLC

Brooke · No. 1:25-cv-01146-JLT-CDB · Decided September 9, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered Theresa Brooke to show cause why the court should not decline supplemental jurisdiction over her California Unruh Civil Rights Act claim in an action also asserting claims under the Americans with Disabilities Act. The order cites Ninth Circuit decisions concerning California's filing restrictions for construction-related accessibility claims and directs Plaintiff to identify the statutory damages sought and provide declarations addressing high-frequency-litigant status. A response was due September 16, 2025, and failure to provide an adequate response could result in dismissal recommendations.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 9, 2025
DOCKET	1:25-cv-01146-JLT-CDB
DISPOSITION	other
PROCEDURAL POSTURE	At the outset of an action asserting claims under the Americans with Disabilities Act and California's Unruh Civil Rights Act, the magistrate judge ordered the plaintiff to show cause why the court should not decline supplemental jurisdiction over the Unruh Act claim.
STANDARD OF REVIEW	Discretionary exercise of supplemental jurisdiction under 28 U.S.C. § 1367(c), informed by the circumstances of the case, the nature of the state-law claims, the governing state law, and the relationship between the federal and state claims.
PRECEDENTIAL VALUE	Unknown; interlocutory show-cause order from a federal district court.
PARTIES	Theresa Brooke v. SVAG Realty LLC

TOPICS

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

PRACTICE AREAS

civil procedure

civil rights

disability discrimination

QUESTIONS PRESENTED

1. Whether the court should require plaintiff to show cause why supplemental jurisdiction over the Unruh Act claim should not be declined under 28 U.S.C. § 1367(c), in light of California's procedural restrictions on construction-related accessibility claims and plaintiff's apparent high-frequency litigation activity.
2. What information plaintiff must provide to permit the court to evaluate the amount of statutory damages sought and whether plaintiff and counsel qualify as high-frequency litigants.

HOLDINGS

1. Even when supplemental jurisdiction exists under 28 U.S.C. § 1367(a), a district court has discretion under § 1367(c) to decline to exercise that jurisdiction based on the circumstances of the case, the nature and governing law of the state claims, and the relationship between the state and federal claims.
2. The plaintiff must respond to the show-cause order by identifying the amount of statutory damages sought and submitting sworn declarations from plaintiff and counsel containing facts necessary to determine whether each is a high-frequency litigant.

KEY QUOTATIONS

“Even if supplemental jurisdiction exists, however, district courts have discretion to decline to exercise supplemental jurisdiction.” (at 1)

“The Court of Appeals has also expressed “concerns about comity and fairness” by permitting plaintiffs to circumvent “California’s procedural requirements.”” (at 1)

“Plaintiff is ORDERED to show cause, in writing, no later than September 16, 2025, why the Court should not decline to exercise supplemental jurisdiction over Plaintiffs Unruh Act claim;” (at 2)

FACTUAL BACKGROUND

Plaintiff Theresa Brooke brought ADA claims for injunctive relief and an Unruh Act claim for statutory damages against SVAG Realty LLC. The court noted that Brooke and her counsel filed ten ADA and Unruh Act cases in the Eastern District of California on September 7, 2025, and that Brooke had filed more than ten such cases in the Central District of California during 2025. California imposes special filing fees and heightened pleading requirements on high-frequency litigants asserting construction-related accessibility claims.

PROCEDURAL HISTORY

Plaintiff filed the action on September 7, 2025. The court identified plaintiff's filing of multiple ADA and Unruh Act cases and ordered a written response addressing supplemental jurisdiction, the amount of statutory damages sought, and whether plaintiff and counsel qualified as high-frequency litigants. The order warned that failure to

respond could result in a recommendation to dismiss the action without prejudice and that an inadequate response could result in a recommendation to decline supplemental jurisdiction and dismiss the state-law claims.

DISPOSITION

other

CASES CITED

- Vo v. Choi, 49 F.4th 1167 (9th Cir. 2022)
- Arroyo v. Rosas, 19 F.4th 1202 (9th Cir. 2021)
- City of Chicago v. International College of Surgeons, 522 U.S. 156, 173 (1997)
- Hells Canyon Preservation Council v. U.S. Forest Service, 403 F.3d 683, 689 (9th Cir. 2005)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 THERESA BROOKE, Case No. 1:25-cv-01146-JLT-CDB 12 Plaintiff,
ORDER REQUIRING PLAINTIFF TO SHOW CAUSE RE SUPPLEMENTAL 13 v.
JURISDICTION 14 SVAG REALTY LLC, 7-DAY DEADLINE 15 Defendant. 16 17 On
September 7, 2025, Plaintiff Theresa Brooke initiated this action against Defendant Svag 18
Realty LLC. (Doc.

1). The complaint asserts claims for injunctive relief under the Americans with 19 Disabilities Act
of 1990 (“ADA”) and a claim for statutory damages under California’s Unruh Civil 20 Rights Act
(“Unruh Act”). Id. Plaintiff includes in her complaint a conclusory assertion that 21 “supplemental
jurisdiction is appropriate over Plaintiff’s Unruh claim” as “there are no compelling 22 reasons to
decline jurisdiction.” Id. at 2.

23 Based upon the Court of Appeals’ opinion in Vo v. Choi, this Court will order Plaintiff to 24
show cause why the Court should not decline to exercise supplemental jurisdiction over Plaintiff’s
25 Unruh Act claim. See 28 U.S.C. § 1367(c); Vo v. Choi, 49 F.4th 1167 (9th Cir. 2022) (holding
the 26 district court properly declined to exercise supplemental jurisdiction in a joint Unruh Act
and ADA 27 case).

28 In the Unruh Act, a state law cause of action expands the remedies available in a private 1
action. California, in response to the resulting substantial volume of claims asserted under the 2
Unruh Act and the concern that high-frequency litigants may be using the statute to obtain
monetary 3 relief for themselves without accompanying adjustments to locations to assure
accessibility to 4 others, enacted filing restrictions designed to address that concern.

Arroyo v. Rosas, 19 F.4th 1202, 5 1211-12 (9th Cir. 2021). These heightened pleading
requirements apply to actions alleging a 6 “construction-related accessibility claim,” which

California law defines as “any civil claim in a 7 civil action with respect to a place of public accommodation, including but not limited to, a claim 8 brought under Section 51[], based wholly or in part on an alleged violation of any construction- 9 related accessibility standard.” Cal. Civ.

Code § 55.52(a)(1). 10 California imposes additional limitations on “high-frequency litigants,” defined as: 11 A plaintiff who has filed 10 or more complaints alleging a construction-related accessibility violation within the 12-month 12 period immediately preceding the filing of the current complaint alleging a construction-related accessibility violation.

13 14 Cal. Civ. Proc. Code § 425.55(b)(1). Such “high-frequency litigants” are subject to a special filing 15 fee and further heightened pleading requirements. Vo, 49 F.4th at 1170. See Cal. Gov. Code § 16 70616.5; Cal. Civ. Proc. Code § 425.50(a)(4)(A). By enacting restrictions on the filing of 17 construction-related accessibility claims, California has expressed a desire to limit the financial 18 burdens California’s businesses may face for claims for statutory damages under the Unruh Act.

19 See Arroyo, 19 F.4th at 1206-07, 1212. The Court of Appeals has also expressed “concerns about 20 comity and fairness” by permitting plaintiffs to circumvent “California’s procedural requirements.” 21 Vo, 49 F.4th at 1171. Plaintiffs who file these actions in federal court evade these limits and pursue 22 state law damages in a manner inconsistent with the state law’s requirements.

See generally, 23 Arroyo, 19 F.4th at 1211–12; Vo, 49 F.4th at 1171-72. 24 In an action over which a district court possesses original jurisdiction, that court “shall have 25 supplemental jurisdiction over all other claims that are so related to claims in the action within such 26 original jurisdiction that they form part of the same case or controversy under Article III of the 27 United States Constitution.” 28 U.S.C. § 1367(a).

Even if supplemental jurisdiction exists, 28 however, district courts have discretion to decline to exercise supplemental jurisdiction. 28 U.S.C. 1 | § 1367(c). Such discretion may be exercised “[d]epending on a host of factors” including “the 2 | circumstances of the particular case, the nature of the state law claims, the character of the 3 | governing state law, and the relationship between the state and federal claims.” City of Chicago v. 4 | Int’l Coll. of Surgeons, 522 U.S. 156, 173 (1997).

5 According to the undersigned’s review of filings within this Court, on September 7, 2025, 6 | Plaintiff Brooke and her attorney of record (Peter Kristofer Strojnik) filed 10 cases asserting ADA 7 | and Unruh claims in this district. Additionally, a review of the filings within the Central District 8 || of California shows over 10 such cases filed by Plaintiff in 2025.

9 For these reasons, IT IS HEREBY ORDERED as follows: 10 1. Plaintiff is ORDERED to show cause, in writing, no later than September 16, 2025, 11 || why the Court should not decline to

exercise supplemental jurisdiction over Plaintiffs Unruh Act 12 | claim; 13 2.

In responding to the show cause order, Plaintiff is further ORDERED to: 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 dismissal is 20 | warranted "[i]f the plaintiff fails to... comply with... a court order"); see Hells Canyon Pres. 21 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 Unruh Act and 24 | state law claims be dismissed pursuant to 28 U.S.C. § 1367(c).

25 | IT IS SO ORDERED. | Dated: _ September 9, 2025 | Wr bo 7 UNITED STATES
MAGISTRATE JUDGE 28