

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.

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 relief for themselves without accompanying adjustments to locations to assure accessibility to others, enacted filing restrictions designed to address that concern.

Arroyo v. Rosas, 19 F.4th 1202, 51211-12 (9th Cir. 2021). These heightened pleading requirements apply to actions alleging a “construction-related accessibility claim,” which California law defines as “any civil claim in a civil action with respect to a place of public accommodation, including but not limited to, a claim brought under Section 51[], based wholly or in part on an alleged violation of any construction-related accessibility standard.” Cal. Civ.

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

Cal. Civ. Proc. Code § 425.55(b)(1). Such “high-frequency litigants” are subject to a special filing fee and further heightened pleading requirements. *Vo*, 49 F.4th at 1170. See Cal. Gov. Code § 1670616.5; Cal. Civ. Proc. Code § 425.50(a)(4)(A). By enacting restrictions on the filing of construction-related accessibility claims, California has expressed a desire to limit the financial burdens California’s businesses may face for claims for statutory damages under the Unruh Act.

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

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

Even if supplemental jurisdiction exists, 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