

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)