

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

United African-Asian Abilities Club et al. v. Shapell Social Rental
Properties LLC

United African-Asian Abilities Club · No. 2:25-cv-02567-SB-KES · Decided March 26, 2025

SUMMARY

The United States District Court for the Central District of California ordered Plaintiffs to show cause why their California Unruh Civil Rights Act claim should not be dismissed without prejudice under 28 U.S.C. § 1367(c)(4). Relying on Ninth Circuit precedent concerning California’s reforms addressing high-frequency litigation, the Court indicated that declining supplemental jurisdiction may protect federal-state comity. Plaintiffs were ordered to identify the statutory damages sought and submit declarations addressing whether they and their counsel qualify as high-frequency litigants.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stanley Blumenfeld, Jr.
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 26, 2025
DOCKET	2:25-cv-02567-SB-KES
DISPOSITION	other
PROCEDURAL POSTURE	The court sua sponte issued an order to show cause why Plaintiffs' state-law Unruh Act claim should not be dismissed without prejudice for declining supplemental jurisdiction under 28 U.S.C. § 1367(c)(4).
STANDARD OF REVIEW	Abuse of discretion principles govern a district court's decision whether to exercise supplemental jurisdiction; the court's decision is guided by the discretionary factors in 28 U.S.C. § 1367(c).
PRECEDENTIAL VALUE	Unpublished federal district court order; persuasive but not generally binding precedent.

TOPICS

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

PRACTICE AREAS

Civil procedure

Disability discrimination

Supplemental jurisdiction

Americans with Disabilities Act

California Unruh Civil Rights Act

QUESTIONS PRESENTED

1. Whether the court had supplemental jurisdiction over Plaintiffs' Unruh Act claim because it was closely related to the ADA claim.
2. Whether the circumstances identified by the Ninth Circuit in *Arroyo v. Rosas* potentially warranted declining supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(c)(4).
3. Whether, because the case remained at an early stage and the court had not adjudicated the merits, Plaintiffs should be ordered to show cause why the Unruh Act claim should not be dismissed without prejudice.

HOLDINGS

1. Because the Unruh Act claim was closely related to the ADA claim, the court had authority to exercise supplemental jurisdiction over it under 28 U.S.C. § 1367(a).
2. The Ninth Circuit's identified concerns regarding federal-state comity and California's statutory reforms concerning high-frequency ADA-based Unruh Act claims constitute circumstances that may qualify as exceptional under 28 U.S.C. § 1367(c)(4), potentially justifying declination of supplemental jurisdiction.

KEY QUOTATIONS

“Unlike Arroyo, this case is still at a very early stage, and this Court has not yet addressed or adjudicated the merits of any of Plaintiffs’ claims.”

“Accordingly, the Court ORDERS Plaintiffs within 14 days after entry of this Order to show cause in writing why the Court should not dismiss without prejudice their Unruh Act claim under Section 1367(c)(4).”

FACTUAL BACKGROUND

Plaintiff United African-Asian Abilities Club and its member James Lee, who has a vision disability and uses a mobility device because he cannot walk, alleged that physical and communication barriers at Defendant's property and website prevented Lee's access. Plaintiffs asserted claims under the ADA and California's Unruh Act, among other authorities. The case was at an early stage, and the court had not adjudicated the merits of any claim.

PROCEDURAL HISTORY

Plaintiffs filed claims under the Americans with Disabilities Act, the California Unruh Civil Rights Act, and other authorities concerning alleged physical and communication barriers at Defendant's property and website. Before addressing the merits of any claim, the court determined that the Unruh Act claim was closely related to the ADA claim and fell within supplemental jurisdiction. Relying on Ninth Circuit precedent concerning high-

frequency ADA/Unruh Act litigation, the court ordered Plaintiffs to show cause within 14 days why the Unruh Act claim should not be dismissed without prejudice.

DISPOSITION

other

CASES CITED

- City of Chi. v. Int'l Coll. of Surgeons, 522 U.S. 156, 172 (1997)
- Arroyo v. Rosas, 19 F.4th 1202 (9th Cir. 2021)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA UNITED AFRICAN-ASIAN Case No. 2:25-cv-02567-SB-KES ABILITIES CLUB et al., Plaintiffs, ORDER TO SHOW CAUSE v. SHAPELL SOCAL RENTAL PROPERTIES LLC, Defendant. Plaintiffs United African-Asian Abilities Club and its member James Lee (who has a vision disability and uses a device for mobility because he is unable to walk) filed this suit alleging that physical and communication barriers at Defendant's property and website prevent Lee's access, in violation of, inter alia, the Americans with Disabilities Act (ADA) and the Unruh Act.

Dkt. No. 1. Because Plaintiffs' Unruh Act claim is closely related to their ADA claim, the Court has authority to exercise supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(a). However, supplemental jurisdiction "is a doctrine of discretion, not of plaintiff's right," and district courts "can decline to exercise jurisdiction over pendent claims for a number of valid reasons." City of Chi. v. Int'l Coll. of Surgeons, 522 U.S. 156, 172 (1997) (internal quotation marks and citations omitted).

This discretion is codified in § 1367(c): The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if— (1) the claim raises a novel or complex issue of State law, (2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction, (3) the district court has dismissed all claims over which it has original jurisdiction, or (4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.

28 U.S.C. § 1367(c). In a published decision, the Ninth Circuit explained that the California Legislature's 2012 and 2015 amendments to the Unruh Act, which were intended to protect businesses from abusive litigation by high-frequency litigants bringing construction-related claims, had led to a surge of filings in federal courts of ADA cases seeking statutory damages under the Unruh Act.

Arroyo v. Rosas, 19 F.4th 1202 (9th Cir. 2021). The Ninth Circuit agreed with the district court that this shift in filings from state courts to federal courts had circumvented the state legislature's goals and "rendered [the new statutory requirements] largely toothless, because they can now be readily evaded." Id. at 1213.

The court explained that "retention of supplemental jurisdiction over ADA-based Unruh Act claims threatens to substantially thwart California's carefully crafted reforms in this area and to deprive the state courts of their critical role in effectuating the policies underlying those reforms." Id. Thus, the court held that these circumstances are "exceptional" within the meaning of Section 1367(c)(4) and therefore potentially justified declining supplemental jurisdiction over the plaintiff's Unruh Act claim.

See id. ("The district court did not abuse its discretion in concluding that this extraordinary situation threatens unusually significant damage to federal-state comity and presents 'exceptional circumstances' within the meaning of § 1367(c)(4).").

However, because the district court had waited to decline supplemental jurisdiction until after granting summary judgment on the plaintiff's ADA claim, thereby effectively deciding the Unruh Act claim, the Ninth Circuit reversed the court's decision to decline supplemental jurisdiction, holding that it had waited too long to invoke the comity interest. Id. at 1215–17.

Unlike Arroyo, this case is still at a very early stage, and this Court has not yet addressed or adjudicated the merits of any of Plaintiffs' claims. This appears to be a case in which the Court should decline supplemental jurisdiction over Plaintiffs' Unruh Act claim under Section 1367(c)(4) to protect the comity interests identified in Arroyo.

Accordingly, the Court ORDERS Plaintiffs within 14 days after entry of this Order to show cause in writing why the Court should not dismiss without prejudice their Unruh Act claim under Section 1367(c)(4). Plaintiffs' response must identify the amount of statutory damages Plaintiffs seek to recover and must be supported by declarations, signed under penalty of perjury, providing all facts necessary for the Court to determine if Plaintiffs and their counsel satisfy the definition of a "high-frequency litigant" as provided by Cal. Code Civ.

Proc. § 425.55(b)(1)(2). If Plaintiffs fail to file a response within 14 days after entry of this Order, the Court will decline to exercise supplemental jurisdiction over their Unruh Act claim, and the Unruh Act claim will be automatically dismissed without prejudice without further order of the Court. Date: March 26, 2025 Stanley Blumenfeld, Jr. United States District Judge