

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Bernard Taruc v. Hector Cervantes et al.

Taruc v. Cervantes · No. 5:25-cv-01612-FLA-AJR · Decided July 25, 2025

SUMMARY

The United States District Court for the Central District of California ordered the plaintiff to show cause why the court should exercise supplemental jurisdiction over claims under California’s Unruh Civil Rights Act and related state law. The order discusses discretionary jurisdiction under 28 U.S.C. § 1367, California’s heightened pleading requirements for construction-access claims, and the potential relevance of high-frequency-litigant provisions.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando L. Aenlle-Rocha
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 25, 2025
DOCKET	5:25-cv-01612-FLA-AJR
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause why it should exercise supplemental jurisdiction over Plaintiff's state-law Unruh Civil Rights Act claim and related state-law claims.
STANDARD OF REVIEW	Discretionary determination under 28 U.S.C. § 1367(c), informed by judicial economy, convenience, fairness, and comity.
PRECEDENTIAL VALUE	Unknown; district-court order to show cause
PARTIES	Bernard Taruc v. Hector Cervantes et al.

TOPICS

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

PRACTICE AREAS

- civil procedure
- civil rights
- disability discrimination
- supplemental jurisdiction

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over Plaintiff's Unruh Civil Rights Act claim and any related state-law claims.
2. What information Plaintiff and counsel must provide for the court to evaluate whether declining supplemental jurisdiction is warranted under 28 U.S.C. § 1367(c).

HOLDINGS

1. Supplemental jurisdiction is discretionary, and a district court may decline to exercise it when one of the circumstances identified in 28 U.S.C. § 1367(c) exists, including dismissal of all claims within original jurisdiction or exceptional circumstances presenting compelling reasons to decline jurisdiction.
2. Plaintiff must respond within fourteen days, identify the amount of statutory damages sought, and provide declarations under penalty of perjury containing facts necessary to determine whether Plaintiff and counsel qualify under California's high-frequency-litigant provisions.

KEY QUOTATIONS

“The United States Supreme Court has recognized supplemental jurisdiction “is a doctrine of discretion, not of plaintiff’s right, and that district courts can decline to exercise jurisdiction over pendent claims for a number of valid reasons.””

“In responding to this Order to Show Cause, Plaintiff shall identify the amount of statutory damages Plaintiff seeks to recover.”

FACTUAL BACKGROUND

The complaint alleges a violation of the Americans with Disabilities Act and seeks injunctive relief, along with damages under California's Unruh Civil Rights Act. The state-law claims appear to involve construction-related accessibility allegations. The court noted California's heightened pleading requirements and high-frequency-litigant fee provisions for certain Unruh Act disability-access lawsuits.

PROCEDURAL HISTORY

Plaintiff filed a complaint asserting an ADA claim for injunctive relief and an Unruh Civil Rights Act claim for damages. Plaintiff requested supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367. Before deciding whether to exercise that jurisdiction, the court ordered Plaintiff to submit a written response and supporting declarations concerning the statutory damages sought and whether Plaintiff and counsel satisfied California's high-frequency-litigant requirements.

DISPOSITION

other

CASES CITED

- City of Chi. v. Int'l Coll. of Surgeons, 522 U.S. 156, 172-73 (1997)

- *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)
- *Acri v. Varian Assocs.*, 114 F.3d 999, 1000 (9th Cir. 1997)
- *Schutza v. Cuddeback*, 262 F. Supp. 3d 1025, 1031 (S.D. Cal. 2017)

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