

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Bernard Taruc v. Mount Olive Storage, LLC

Taruc · No. CV 25-1504-MWF(JDEx) · Decided February 25, 2025

SUMMARY

The court issued an order to show cause concerning whether it should exercise supplemental jurisdiction over the plaintiff’s claims under California’s Unruh Civil Rights Act and other state laws. The order requires the plaintiff to provide the amount of Unruh Act statutory damages sought and facts concerning whether the plaintiff or counsel qualifies as a high-frequency litigant under California law, with a response due March 11, 2025.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Michael W. Fitzgerald
DECIDED	February 25, 2025
DOCKET	CV 25-1504-MWF(JDEx)
DISPOSITION	other
PROCEDURAL POSTURE	The district court, acting sua sponte, issued an order to show cause requiring Plaintiff to explain why the court should exercise supplemental jurisdiction over the Unruh Civil Rights Act and other state-law claims.
STANDARD OF REVIEW	The court has a sua sponte obligation to confirm subject matter jurisdiction and may raise the issue at any time during the pendency of the action.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated.
PARTIES	Bernard Taruc v. Mount Olive Storage, LLC, et al.

TOPICS

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

PRACTICE AREAS

- Civil procedure
- Federal jurisdiction
- Americans with Disabilities Act
- California Unruh Civil Rights Act

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction under 28 U.S.C. § 1367 over Plaintiff's Unruh Civil Rights Act claim and other state-law claims.
2. What information Plaintiff must provide concerning the amount of Unruh Act statutory damages and whether Plaintiff or counsel qualifies as a high-frequency litigant.

HOLDINGS

1. A federal court may raise and examine subject matter jurisdiction sua sponte at any time during the pendency of the action.
2. The court may decline to exercise supplemental jurisdiction over the Unruh Act and other state-law claims for reasons identified in 28 U.S.C. § 1367(c), including concerns about federal-state comity.

KEY QUOTATIONS

“This Court has a sua sponte obligation to confirm that it has subject matter jurisdiction.”

“Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the dismissal of the entire action without prejudice or the Court’s declining to exercise supplemental jurisdiction over the Unruh Act claim and the dismissal of that claim pursuant to 28 U.S.C. § 1367(c).”

FACTUAL BACKGROUND

The complaint alleges a violation of the Americans with Disabilities Act and seeks injunctive relief. It also asserts a damages claim under California's Unruh Civil Rights Act and other state-law claims. The court was concerned that exercising supplemental jurisdiction over the Unruh Act claim could implicate California's reforms concerning high-frequency litigants and federal-state comity.

PROCEDURAL HISTORY

Plaintiff filed a complaint asserting an ADA claim for injunctive relief, an Unruh Civil Rights Act damages claim, and other state-law claims. The court noted that the Unruh Act claim relied on supplemental jurisdiction and ordered Plaintiff to submit declarations and briefing addressing the amount of statutory damages and whether Plaintiff or counsel qualified as high-frequency litigants. The response was ordered by March 11, 2025; no final jurisdictional disposition was entered in this order.

DISPOSITION

other

CASES CITED

- Arroyo v. Rosas, 19 F.4th 1202, 1211-14 (9th Cir. 2021)
- Nevada v. Bank of Am. Corp., 672 F.3d 661, 673 (9th Cir. 2012)
- Snell v. Cleveland, Inc., 316 F.3d 822, 826 (9th Cir. 2002)

OPINION

CIVIL MINUTES – GENERAL Case No. CV 25-1504-MWF(JDEx) Date: February 25, 2025 Title Bernard Taruc v. Mount Olive Storage, LLC, et al. Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge Rita Sanchez Not Reported Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants: Not Present Not Present Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE SUPPLEMENTAL JURISDICTION The Complaint filed in this action asserts a claim for injunctive relief arising out of an alleged violation of the Americans With Disabilities Act (“ADA”), 42 U.S.C. §§ 12101-12213, a claim for damages pursuant to the Unruh Civil Rights Act (“Unruh Act”), Cal. Civ.

Code §§ 51–53, and other state law claims alleged by Plaintiff. The sole basis for jurisdiction over the Unruh Act claim is supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a). The Court, however, may decline to exercise supplemental jurisdiction for the reasons delineated in § 1367(c). See also *Arroyo v. Rosas*, 19 F.4th 1202, 1211–14 (9th Cir. 2021) (holding district courts may decline supplemental jurisdiction over ADA-based Unruh Act claims because of “very substantial threat to federal-state comity” presented by plaintiffs’ use of federal courts to evade California’s Unruh Act reforms).

This Court has a sua sponte obligation to confirm that it has subject matter jurisdiction. *Nevada v. Bank of Am. Corp.*, 672 F.3d 661, 673 (9th Cir. 2012) (“[I]t is well established that ‘a court may raise the question of subject matter jurisdiction, sua sponte, at any time during the pendency of the action....’” (quoting *Snell v. Cleveland, Inc.*, 316 F.3d 822, 826 (9th Cir.

2002))). Therefore, to assist this Court in its duty, Plaintiff is ORDERED to SHOW CAUSE in writing as to why this Court should exercise supplemental jurisdiction CIVIL MINUTES – GENERAL Case No. CV 25-1504-MWF(JDEx) Date: February 25, 2025 Title Bernard Taruc v. Mount Olive Storage, LLC, et al. over the Unruh Act claim and the other state law claims alleged by Plaintiff.

The Response to the Order to Show Cause shall include (1) the amount of statutory damages sought pursuant to the Unruh Act; and (2) sufficient facts for the Court to determine whether Plaintiff or Plaintiff’s counsel meet the definition of a “high- frequency litigant” as defined in California Code of Civil Procedure section 425.55(b)(1) & (2). These facts shall be set forth in declarations signed under penalty of perjury.

The Response shall be filed on or before MARCH 11, 2025. Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the dismissal of the entire action without prejudice or the Court’s declining to exercise supplemental jurisdiction over the Unruh Act claim and the dismissal of that claim pursuant to 28 U.S.C. § 1367(c).

IT IS SO ORDERED.

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