

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Kevin Cox v. May Enterprises, LLC

Cox v. May Enterprises · No. 2:25-CV-08309-PD · Decided November 3, 2025

SUMMARY

This civil minutes order directs the plaintiff to show cause why the court should exercise supplemental jurisdiction over claims under California disability-access and related state laws. The court discusses 28 U.S.C. § 1367(c), California’s heightened pleading and high-frequency-litigant provisions, and concerns of fairness and comity. Plaintiff must respond by November 17, 2025, including the amount of statutory damages sought and declarations addressing high-frequency-litigant status.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Patricia Donahue
JURISDICTION	United States federal court
DECIDED	November 3, 2025
DOCKET	2:25-CV-08309-PD
DISPOSITION	other
PROCEDURAL POSTURE	On its own initiative, the district court issued an order to show cause why it should exercise supplemental jurisdiction over the plaintiff's California state-law claims accompanying an ADA claim.
STANDARD OF REVIEW	Discretionary review under 28 U.S.C. § 1367(c), guided by judicial economy, convenience, fairness, and comity.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

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

PRACTICE AREAS

- civil procedure
- supplemental jurisdiction
- Americans with Disabilities Act
- California disability-access litigation

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over the Unruh Civil Rights Act claim and other California state-law claims under 28 U.S.C. § 1367.
2. Whether plaintiff and counsel must provide information and declarations concerning statutory damages and their status or potential status as high-frequency litigants before the court decides whether to exercise supplemental jurisdiction.

HOLDINGS

1. The court did not make a final determination on supplemental jurisdiction; instead, it ordered plaintiff to show cause why the court should exercise supplemental jurisdiction over the Unruh Act claim and any other state-law claim.
2. Plaintiff must identify the statutory damages sought and plaintiff and counsel must submit declarations under penalty of perjury providing facts relevant to whether they satisfy California's high-frequency-litigant definition.

KEY QUOTATIONS

“supplemental jurisdiction “is a doctrine of discretion, not of plaintiffs right,” and district courts “can decline to exercise jurisdiction over pendent claims for a number of valid reasons.”” (522 U.S. at 172)

“In light of the foregoing, the Court ORDERS Plaintiff to show cause in writing why the court should exercise supplemental jurisdiction over the Unruh Act claim and any other state law claim asserted in the Complaint.” (Order to Show Cause section)

“Failure to timely or adequately respond to this Order to Show Cause may result in the court declining to exercise supplemental jurisdiction over the Unruh Act claim and any related state law claims and dismissing such claim or claims without further notice, pursuant to 28 U.S.C. § 1367(c).” (Order to Show Cause section)

FACTUAL BACKGROUND

The complaint alleges an ADA violation and seeks injunctive relief, while also asserting California statutory and negligence claims for damages. The state-law claims include an Unruh Act construction-related accessibility claim. The court focused on California's statutory requirements for verified complaints alleging specific barriers and dates, as well as California's high-frequency-litigant provisions intended to discourage abusive disability-access litigation.

PROCEDURAL HISTORY

Plaintiff filed a complaint asserting an ADA claim for injunctive relief and state-law claims under California's Unruh Civil Rights Act, Disabled Persons Act, California Health and Safety Code, and negligence. Although the complaint requested supplemental jurisdiction under 28 U.S.C. § 1367(a), the court required plaintiff to explain why supplemental jurisdiction should be exercised, particularly in light of California's heightened pleading requirements and high-frequency-litigant provisions for construction-related accessibility claims. The court ordered a written response and declarations by November 17, 2025, and warned that inadequate or untimely responses could result in declining jurisdiction and dismissing the state-law claims.

DISPOSITION

other

CASES CITED

- City of Chicago v. International College of Surgeons, 522 U.S. 156, 172-73 (1997)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 (1988)
- Schutza v. Cuddeback, 262 F. Supp. 3d 1025, 1031 (S.D. Cal. 2017)

OPINION

CIVIL MINUTES – GENERAL Case No. 2:25-CV-08309-PD Date: November 3, 2025 Title Kevin Cox v. May Enterprises, LLC Present: The Honorable: Patricia Donahue, United States Magistrate Judge Isabel Verduzco N/A Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiff: Attorneys Present for Defendants: N/A N/A Proceedings (In Chambers): Order to Show Cause Why the Court Should Exercise Supplemental Jurisdiction Over the State Law Claims The Complaint filed in this action asserts a claim for injunctive relief arising out of an alleged violation of the Americans with Disabilities Act (the “ADA”) and claims for damages pursuant to California’s Unruh Civil Rights Act (the “Unruh Act”), Disabled Persons Act, California Health and Safety Code, and negligence.

In the Complaint, Plaintiff requests the court exercise supplemental jurisdiction over the California state law and negligence claims. See 28 U.S.C. § 1367(a). The supplemental jurisdiction statute “reflects the understanding that, when deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in each case, and at every stage of the litigation, the values of judicial economy, convenience, fairness, and comity.’” City of Chicago v. Int’l Coll. of Surgeons, 522 U.S. 156, 173 (1997) (quoting Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 (1988)).

However, supplemental jurisdiction “is a doctrine of discretion, not of plaintiffs right,” and district courts “can decline to exercise jurisdiction over pendent claims for a number of valid CIVIL MINUTES – GENERAL Case No. 2:25-CV-08309-PD Date: November 3, 2025 Title Kevin Cox v. May Enterprises, LLC reasons.” Id. at 172 (internal quotation marks and citations omitted).

This discretion is codified in section 1367(c): (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 2012, California adopted a heightened pleading standard for lawsuits brought under the Unruh Act to combat the influx of baseless claims and vexatious litigation in the disability access litigation sphere. Cal. Code Civ. Proc. § 425.50.

The stricter pleading standard requires a plaintiff bringing construction access claims¹ to file a verified complaint alleging specific facts 1 “ ‘Construction-related accessibility claim’ means any civil claim in a civil action with respect to a place of public accommodation, including, but not limited to, a claim brought under [Cal. Civ. Code] Section 51, 54, 54.1, or 55, based wholly or in part on an alleged violation of any construction-related accessibility standard, as defined in paragraph (6).” Cal. Civ.

Code § 55.52(a)(1). “ ‘Construction-related accessibility standard’ means a provision, standard, or regulation under state or federal law requiring compliance with standards for making new construction and existing facilities accessible to persons with disabilities, including, but not limited to, any provision, standard, or regulation set forth in Section 51, 54, 54.1, or 55 of CIVIL MINUTES – GENERAL Case No. 2:25-CV-08309-PD Date: November 3, 2025 Title Kevin Cox v. May Enterprises, LLC concerning the plaintiff’s claim, including the specific barriers encountered or how the plaintiff was deterred and each date on which the plaintiff encountered each barrier or was deterred.

See id. § 425.50(a). California also imposed a “high-frequency litigant fee” in 2015 in response to the “special and unique circumstances” presented by certain plaintiffs and law firms filing an outsized number of Unruh Act lawsuits. Cal. Gov’t Code § 70616.5; Cal. Civ. Proc. Code § 425.55.

In recognition of California’s efforts to reduce the abuse of California’s disability access laws, district courts within the state have determined that the interests of fairness and comity counsel against exercising supplemental jurisdiction over construction-access claims brought under the Unruh Act. See, e.g., *Schutza v. Cuddeback*, 262 F. Supp. 3d 1025, 1031 (S.D.

Cal. 2017) (“[T]he Court finds it would be improper to allow Plaintiff [a high frequency litigant] to use federal court as an end-around to California’s pleading requirements. Therefore, as a matter of comity, and in deference to California’s substantial interest in discouraging unverified disability discrimination claims, the Court declines supplemental jurisdiction over Plaintiff’s Unruh Act claim.”).

In light of the foregoing, the Court ORDERS Plaintiff to show cause in writing why the court should exercise supplemental jurisdiction over the Unruh Act claim and any other state law claim asserted in the Complaint. See 28 U.S.C. § 1367(c).

In responding to this Order to Show Cause, Plaintiff shall identify the amount of statutory damages Plaintiff seeks to recover. Plaintiff and his or her counsel also shall support their

responses to the Order to Show Cause with declarations, signed under penalty of perjury, providing all facts this code, Section 19955.5 of the Health and Safety Code, the California Building Standards Code (Title 24 of the California Code of Regulations), the federal Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), and the federal Americans with Disabilities Act Accessibility Guidelines (Appendix A to Part 36, of Title 28, of the Code of Federal Regulations).” Cal. Civ.

Code § 55.52(a)(6). CIVIL MINUTES – GENERAL Case No. 2:25-CV-08309-PD Date: November 3, 2025 Title Kevin Cox v. May Enterprises, LLC necessary for the court to determine if they satisfy the definition of a “high- frequency litigant” as provided by Cal. Code Civ. Proc. § 425.55(b)(1) & (2). This includes, but is not limited to, (1) the number of construction-related accessibility claims filed by Plaintiff in the twelve months preceding the filing of the present claim, and (2) the number of construction-related accessibility claims in which Plaintiff’s counsel has represented high-frequency litigant plaintiffs in the twelve months preceding the filing of the present claim.

Plaintiff shall file a written Response to this Order to Show Cause by no later than November 17, 2025. Failure to timely or adequately respond to this Order to Show Cause may result in the court declining to exercise supplemental jurisdiction over the Unruh Act claim and any related state law claims and dismissing such claim or claims without further notice, pursuant to 28 U.S.C. § 1367(c).

The Court may set a hearing on the Order to Show Cause after reviewing the parties’ responses, if necessary. IT IS SO ORDERED. Initials of Preparer iv