

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PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown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)

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