

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Colton Bryant v. Monkish Brewing Co. LLC et al.

Bryant v. Monkish Brewing Co. · No. 2:25-cv-10489-SVW-SSC · Decided November 4, 2025

SUMMARY

The Central District of California ordered the parties to file a joint status report addressing alleged ADA barriers, any remedial measures, and potential summary judgment motions. The court also ordered the plaintiff to show cause why it should exercise supplemental jurisdiction over the Unruh Act and other state-law claims and to provide information concerning requested statutory damages and high-frequency litigant status. The plaintiff was directed to respond within 14 days, with failure to respond potentially resulting in dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stephen V. Wilson
DECIDED	November 4, 2025
DOCKET	2:25-cv-10489-SVW-SSC
DISPOSITION	other
PROCEDURAL POSTURE	Order to show cause and order for joint status report in an ADA action involving alleged architectural barriers and related state-law claims.
PRECEDENTIAL VALUE	nonprecedential order
PARTIES	Colton Bryant v. Monkish Brewing Co. LLC et al.

TOPICS

- ada / disability
- public accommodations discrimination
- civil procedure
- summary judgment
- attorney fees

PRACTICE AREAS

- Civil procedure
- Americans with Disabilities Act
- Civil rights
- Remedies

QUESTIONS PRESENTED

- Whether the court should require the parties to report on investigation or remediation of alleged ADA barriers and their anticipated summary-judgment motions.

2. Whether the plaintiff should show cause why the court should exercise supplemental jurisdiction over the Unruh Act and other state-law claims.
3. Whether the plaintiff and counsel must provide declarations addressing the California high-frequency-litigant definition and the amount of statutory damages sought.

HOLDINGS

1. When a defendant removes alleged ADA barriers and demonstrates that the barriers could not reasonably be expected to arise again, the ADA claim may be rendered moot and dismissed.
2. Nominal damages are not available under Title III of the ADA; therefore, pleading nominal damages does not prevent mootness caused by remediation.
3. If the ADA claims are mooted and dismissed, the court has discretion to decline supplemental jurisdiction over related state-law claims under 28 U.S.C. § 1367(c).
4. When an ADA claim is mooted and dismissed before trial, the plaintiff is not entitled to attorney's fees under the circumstances described in the order.

KEY QUOTATIONS

“a defendant’s voluntary removal of alleged barriers prior to trial can have the effect of mootting a plaintiff’s ADA claim.” (at 1)

“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.” (at 2)

FACTUAL BACKGROUND

The complaint asserts claims under Title III of the Americans with Disabilities Act based on alleged barriers and invokes supplemental jurisdiction over state-law claims, including an Unruh Act claim. The order does not identify the alleged barriers or describe any completed remediation; instead, it directs the defendant to report measures taken to investigate or remedy them. The court also required information concerning the amount of statutory damages sought and whether the plaintiff and counsel meet California's definition of high-frequency litigant.

PROCEDURAL HISTORY

The action was pending in the Central District of California before the initial status conference. The court ordered the parties to submit a joint status report addressing any remedial measures, the parties' positions concerning those measures, and whether and when they intend to seek summary judgment. The court also ordered the plaintiff to show cause why it should exercise supplemental jurisdiction over the Unruh Act and other state-law claims and warned that failure to respond could result in dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Oliver v. Ralphs Grocery Co., 654 F.3d 903, 905 (9th Cir. 2011)
- Am. Cargo Transp., Inc. v. United States, 625 F.3d 1176, 1179 (9th Cir. 2010)
- Hillesheim v. Holiday Stationstores, Inc., 953 F.3d 1059, 1062 (8th Cir. 2020)
- G. v. Fay Sch., 931 F.3d 1, 11 (1st Cir. 2019)
- Brooke v. A-Ventures, LLC, 2017 WL 5624941, at *5 (D. Ariz. Nov. 22, 2017)
- Oliver v. Ralphs Grocery Co., 654 F.3d 903, 911 (9th Cir. 2011)
- Buckhannon Bd. & Care Home, Inc. v. W. Va. Dep't of Health & Hum. Res., 532 U.S. 598 (2001)
- Molski v. Foster Freeze Paso Robles, 267 F. App'x 631, 632 (9th Cir. 2008)
- City of Chicago v. Int'l Coll. of Surgeons, 522 U.S. 156, 173 (1997)
- Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 (1988)

OPINION

CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES - GENERAL Case No. 2:25-cv-10489-SVW-SSC Date November 4, 2025 Title Colton Bryant v. Monkish Brewing Co. LLC et al Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE Daniel Tamayo N/A Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: N/A Attorneys Present for Defendants: N/A Proceedings: ORDER TO SHOW CAUSE AND ORDER FOR JOINT STATUS REPORT It is the policy of this Court to encourage expedient resolution of civil litigation.

Cf. Fed. R. Civ. P. 1 (noting that rules of civil procedure should be construed to “secure the just, speedy, and inexpensive determination of every action and proceeding”). In accordance with that policy, the Court reminds the parties that “a defendant’s voluntary removal of alleged barriers prior to trial can have the effect of moot[ing] a plaintiff’s ADA claim.” Oliver v. Ralphs Grocery Co., 654 F.3d 903, 905 (9th Cir.

2011). If the defendant in an ADA case removes the alleged barriers and demonstrates that the alleged barriers could not reasonably be expected to arise again, the ADA claim may be dismissed. See *id.*; see also Am. Cargo Transp., Inc. v. United States, 625 F.3d 1176, 1179 (9th Cir. 2010). This is true even if a plaintiff pleads nominal damages, because nominal damages are not available under Title III of the ADA.

See Hillesheim v. Holiday Stationstores, Inc., 953 F.3d 1059, 1062 (8th Cir. 2020); G. v. Fay Sch., 931 F.3d 1, 11 (1st Cir. 2019); Brooke v. A-Ventures, LLC, 2017 WL 5624941, at *5 (D. Ariz. Nov. 22, 2017). If an ADA claim is mooted and dismissed at an early stage, the Court has the discretion to decline supplemental jurisdiction over state law claims. See Oliver, 654 F.3d at 911 (finding no abuse of discretion where district court declined supplemental jurisdiction after ADA claims were moot).

Additionally, if an ADA claim is mooted and dismissed, the plaintiff is not entitled to attorney's fees. See *Buckhannon Bd. & Care Home, Inc. v. W. Va. Dept. of Health & Human Resources*, 532 U.S. 598 (2001) (affirming denial of attorney's fees where ADA claim rendered moot prior to trial); see also *Molski v. Foster Freeze Paso Robles*, 267 Fed.Appx. 631, 632 (9th Cir.

2008) (citing *Buckhannon*, 532 U.S. 598; CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES - GENERAL Case No. 2:25-cv-10489-SVW-SSC Date November 4, 2025 Title Colton Bryant v. Monkish Brewing Co. LLC et al U.S. at 605) (affirming district court's order dismissing ADA claims as moot, dismissing supplemental state claims, and denying attorney's fees).

In light of the foregoing, the parties are ORDERED to issue a joint status report at least 7 days prior to the initial status conference. In that status report, Defendant should describe the measures it has taken to investigate and/or remedy the alleged barriers. If Defendant implemented remedial measures, Plaintiff should state their position regarding those measures.

Both parties should state whether and when they intend to move for summary judgment. Further, it appears that Plaintiff has invoked the Court's supplemental jurisdiction to assert state law 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) (emphasis added) (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)).

The Court therefore further 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 Plaintiff's counsel shall also support their responses to the Order to Show Cause with declarations, signed under penalty of perjury, providing all facts necessary for the Court to determine if they satisfy the definition of a "high-frequency litigant" as provided by California Civil Procedure Code sections 425.55(b)(1) & (2).

Plaintiff shall file a Response to this Order to Show Cause within 14 days of this order. 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 declining to exercise supplemental jurisdiction over the state law claims and the dismissal of any such claims pursuant to 28 U.S.C. § 1367(c).

IT IS SO ORDERED.

