

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Kenneth Davidson v. 2550 S. Soto Street II LLC

Davidson · No. 2:25-cv-05254-SB-E · Decided June 10, 2025

SUMMARY

The United States District Court for the Central District of California orders Plaintiff Kenneth Davidson to show cause why his California Unruh Act claim should not be dismissed without prejudice under 28 U.S.C. § 1367(c)(4). Relying on the Ninth Circuit’s decision in *Arroyo v. Rosas*, the Court explains that retaining supplemental jurisdiction could undermine California’s reforms concerning high-frequency litigants and affect federal-state comity. Plaintiff must identify the statutory damages sought and provide sworn declarations addressing whether he and his counsel qualify as high-frequency litigants.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stanley Blumenfeld, Jr.
JURISDICTION	United States District Court for the Central District of California
DECIDED	June 10, 2025
DOCKET	2:25-cv-05254-SB-E
DISPOSITION	other
PROCEDURAL POSTURE	At the early pleading stage of an action asserting claims under the Americans with Disabilities Act and California's Unruh Act, the court issued an order to show cause why the Unruh Act claim should not be dismissed without prejudice for lack of supplemental jurisdiction.
STANDARD OF REVIEW	Abuse-of-discretion principles govern a district court's decision whether to exercise supplemental jurisdiction; the court has discretion to decline supplemental jurisdiction under 28 U.S.C. § 1367(c).
PRECEDENTIAL VALUE	Unpublished district court order to show cause; nonprecedential and of limited persuasive value.
PARTIES	Kenneth Davidson v. 2550 S. Soto Street II LLC

TOPICS

subject matter jurisdiction

civil procedure

ada / disability

public accommodations discrimination

PRACTICE AREAS

Civil procedure

Disability rights

Americans with Disabilities Act

Supplemental jurisdiction

QUESTIONS PRESENTED

1. Whether the district court should decline supplemental jurisdiction over Plaintiff's Unruh Act claim under 28 U.S.C. § 1367(c)(4) because retaining the claim could undermine California's statutory reforms concerning construction-related disability-access litigation and impair federal-state comity.
2. Whether Plaintiff should be required to identify the statutory damages sought and provide sworn factual information relevant to whether Plaintiff and his counsel qualify as high-frequency litigants under California law.

HOLDINGS

1. A district court has discretion to decline supplemental jurisdiction over an ADA-based Unruh Act claim when exceptional circumstances, including the federal-state comity concerns identified in *Arroyo v. Rosas*, are present. Because this case is at an early stage and the merits have not been adjudicated, the court indicated that such circumstances appear to justify declining supplemental jurisdiction, subject to Plaintiff's response to the order to show cause.
2. The court ordered Plaintiff to show cause within 14 days and required a response identifying the statutory damages sought and supplying declarations under penalty of perjury containing facts necessary to determine whether Plaintiff and his counsel satisfy California's definition of a high-frequency litigant.

KEY QUOTATIONS

“retention of supplemental jurisdiction over ADA-based Unruh Act claims threatens to substantially thwart California’s carefully crafted reforms in this area and to deprive the state courts of their critical role in effectuating the policies underlying those reforms.” (1213)

“Accordingly, the Court ORDERS Plaintiff within 14 days after entry of this Order to show cause in writing why the Court should not dismiss without prejudice his Unruh Act claim under § 1367(c)(4).” (Order to Show Cause)

FACTUAL BACKGROUND

Kenneth Davidson requires a wheelchair while traveling in public. He alleged that Defendant's facilities contain physical barriers that impede his access, violating the ADA and California's Unruh Act. The court noted that the case was at a very early stage and that it had not adjudicated the merits of any claim.

PROCEDURAL HISTORY

Plaintiff filed suit alleging that physical barriers at Defendant's facilities impeded his wheelchair access, asserting ADA and Unruh Act claims. Before adjudicating the merits of any claim, the district court ordered

Plaintiff to show cause why it should not decline supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(c)(4).

DISPOSITION

other

CASES CITED

- City of Chi. v. Int'l Coll. of Surgeons, 522 U.S. 156, 172 (1997)
- Arroyo v. Rosas, 19 F.4th 1202 (9th Cir. 2021)

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