

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Melanie Delapaz v. Lennox Barber Salon et al.

Delapaz · No. 2:25-cv-05534-SB-MAR · Decided June 20, 2025

SUMMARY

The United States District Court for the Central District of California issued an order to show cause concerning Plaintiff Melanie Delapaz’s Unruh Act claim arising from alleged ADA accessibility barriers at Lennox Barber Salon. The Court indicated that it may decline supplemental jurisdiction under 28 U.S.C. § 1367(c)(4) based on the comity concerns identified in Arroyo v. Rosas. Plaintiff was ordered to explain within 14 days why the Unruh Act claim should not be dismissed without prejudice and to provide information concerning statutory damages and high-frequency-litigant status.

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 20, 2025
DOCKET	2:25-cv-05534-SB-MAR
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause directing Plaintiff to explain why her Unruh Act claim should not be dismissed without prejudice for lack of supplemental jurisdiction under 28 U.S.C. § 1367(c)(4).
STANDARD OF REVIEW	Discretionary supplemental-jurisdiction analysis under 28 U.S.C. § 1367(c), including whether exceptional circumstances and considerations of federal-state comity justify declining jurisdiction.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should decline supplemental jurisdiction over Plaintiff's ADA-based Unruh Act claim under 28 U.S.C. § 1367(c)(4) because of exceptional circumstances and federal-state comity concerns identified in *Arroyo v. Rosas*.
2. Whether Plaintiff must provide information concerning the statutory damages sought and facts relevant to the high-frequency-litigant definition under California Code of Civil Procedure § 425.55(b)(1)-(2).

HOLDINGS

1. The court preliminarily determined that the circumstances identified in *Arroyo v. Rosas* appear to warrant declining supplemental jurisdiction over Plaintiff's Unruh Act claim under 28 U.S.C. § 1367(c)(4), because retaining the claim may undermine California's statutory reforms and federal-state comity. The court did not yet dismiss the claim, instead ordering Plaintiff to show cause.
2. Plaintiff was ordered to identify the amount of statutory damages sought and submit declarations under penalty of perjury containing facts necessary to determine whether Plaintiff and her counsel qualify as high-frequency litigants under California Code of Civil Procedure § 425.55(b)(1)-(2).

KEY QUOTATIONS

“supplemental jurisdiction “is a doctrine of discretion, not of plaintiff’s right,” and district courts “can decline to exercise jurisdiction over pendent claims for a number of valid reasons.””

“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)

FACTUAL BACKGROUND

Plaintiff requires a wheelchair while traveling in public. She alleged that Defendants' facilities impose physical barriers impeding her access, in violation of the ADA and the California Unruh Act. The court noted that the case remained at an early stage and that it had not adjudicated the merits of any claim.

PROCEDURAL HISTORY

Plaintiff filed an action alleging that Defendants' facilities contain physical barriers violating the Americans with Disabilities Act and the California Unruh Civil Rights Act. Before adjudicating the merits of any claim, the district court determined that the Unruh Act claim was closely related to the ADA claim but preliminarily concluded that the exceptional circumstances identified by the Ninth Circuit in *Arroyo v. Rosas* may warrant declining supplemental jurisdiction. The court ordered Plaintiff to respond within 14 days and stated that failure to respond would result in dismissal of the Unruh Act claim without prejudice without further order.

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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