

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Bernard Taruc v. Blue Seal Investments LLC, et al.

Taruc · No. 2:25-cv-01409-DSF-MAA · Decided February 28, 2025

SUMMARY

The United States District Court for the Central District of California ordered the plaintiff to show cause why the court should exercise supplemental jurisdiction over claims under California’s Unruh Civil Rights Act and any other state-law claims. The order requires the plaintiff to identify the statutory damages sought and submit declarations addressing whether the plaintiff and counsel qualify as high-frequency litigants under California law.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Dale S. Fischer
JURISDICTION	United States District Court for the Central District of California
DECIDED	February 28, 2025
DOCKET	2:25-cv-01409-DSF-MAA
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause during the initial litigation of an action asserting a federal Americans with Disabilities Act claim and a California Unruh Civil Rights Act claim.
STANDARD OF REVIEW	Discretionary consideration of whether to exercise supplemental jurisdiction under 28 U.S.C. § 1367(c), including consideration of judicial economy, convenience, fairness, and comity.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated
PARTIES	Bernard Taruc v. Blue Seal Investments LLC, et al.

TOPICS

- civil procedure
- ada / disability
- public accommodations discrimination
- injunctions
- damages

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over plaintiff's Unruh Civil Rights Act claim and any other state-law claims.
2. Whether plaintiff and plaintiff's counsel must provide declarations and other information sufficient to determine whether they qualify as high-frequency litigants under California law.

HOLDINGS

1. The court ordered plaintiff to show cause why it should exercise supplemental jurisdiction over the Unruh Act claim and any other state-law claim, and required plaintiff and counsel to provide information relevant to the high-frequency-litigant provisions of California law.

KEY QUOTATIONS

"The Court therefore 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."

FACTUAL BACKGROUND

The complaint alleges a violation of the Americans with Disabilities Act and seeks injunctive relief. It also asserts an Unruh Civil Rights Act claim and potentially other state-law claims for which federal jurisdiction would be supplemental. The court identified California statutes regulating disability-access claims by high-frequency litigants and required information concerning plaintiff's statutory damages demand and litigation history.

PROCEDURAL HISTORY

Plaintiff filed a complaint alleging an ADA claim for injunctive relief and an Unruh Act claim for damages. The court questioned whether it should exercise supplemental jurisdiction over the state-law claims and ordered plaintiff and counsel to provide written responses and sworn declarations concerning the claims and whether they qualify as high-frequency litigants under California law.

DISPOSITION

other

CASES CITED

- City of Chicago v. International College of Surgeons, 522 U.S. 156, 173 (1997)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 (1988)
- Vo v. Choi, 49 F.4th 1167 (9th Cir. 2022)
- Arroyo v. Rosas, 19 F.4th 1202 (9th Cir. 2021)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA BERNARD TARUC 2:25-cv-01409-DSF-MAA Plaintiff(s), ORDER TO SHOW CAUSE v. BLUE SEAL INVESTMENTS LLC, et al. Defendant(s). The Complaint filed in this action asserts a claim for injunctive relief arising out of an alleged violation of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12010-12213, and a claim for damages pursuant to California's Unruh Civil Rights Act (Unruh Act), Cal. Civ.

Code §§ 51-53. It appears that the Court possesses only supplemental jurisdiction over the Unruh Act claim, and any other state law claim that plaintiff may have alleged pursuant to the Court's supplemental jurisdiction. 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)).

California has a statutory regime to address "high-frequency litigants" bringing construction-related disability access claims. This includes specific pleading requirements and a higher filing fee for litigants who meet certain criteria. See Cal. Civ. Code § 55.31(b); Cal. Civ. Proc. Code § 425.50; Cal. Civ. Proc. Code § 425.55; Cal. Gov't Code § 70616.5. Numerous district courts have found that this California legislative attempt to regulate the prosecution of disability access cases by certain high-frequency plaintiffs provides "compelling reasons" and constitutes an "exceptional circumstance" justifying the decline of supplemental jurisdiction over disability state law claims in certain cases.

This approach has been upheld by the Ninth Circuit multiple times. See *Vo v. Choi*, 49 F.4th 1167 (9th Cir. 2022); *Arroyo v. Rosas*, 19 F.4th 1202 (9th Cir. 2021). The Court therefore 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 by no later than March 14, 2025. 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 Unruh Act and other state law claims, if any, and the dismissal of any such claims pursuant to 28 U.S.C. § 1367(c).

IT IS SO ORDERED. Admitted Date: February 28, 2025 Dale S. Fischer United States District Judge

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