

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Bernard Taruc v. Kimlan T. Nguyen

Taruc v. Nguyen · No. CV 25-6473-MWF(RAOx) · Decided July 21, 2025

SUMMARY

The court issued an order to show cause regarding whether it should exercise supplemental jurisdiction over the plaintiff’s Unruh Civil Rights Act and other state-law claims. The order requires the plaintiff to address the amount of statutory damages sought and provide declarations concerning whether the plaintiff or counsel qualifies as a high-frequency litigant under California law, with a response due August 4, 2025.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Michael W. Fitzgerald
DECIDED	July 21, 2025
DOCKET	CV 25-6473-MWF(RAOx)
DISPOSITION	other
PROCEDURAL POSTURE	The district court sua sponte issued an order to show cause requiring Plaintiff to explain why the court should exercise supplemental jurisdiction over the Unruh Civil Rights Act claim and other state-law claims.
STANDARD OF REVIEW	The district court has a sua sponte obligation to confirm subject matter jurisdiction and may consider supplemental-jurisdiction issues under 28 U.S.C. § 1367(c).
PRECEDENTIAL VALUE	unpublished
PARTIES	Bernard Taruc v. Kimlan T. Nguyen, et al.

TOPICS

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

PRACTICE AREAS

- civil procedure
- civil rights
- disability discrimination

QUESTIONS PRESENTED

1. Whether the district court should exercise supplemental jurisdiction over the Unruh Civil Rights Act claim and other state-law claims.
2. Whether Plaintiff must provide information concerning the amount of Unruh Act statutory damages sought and whether Plaintiff or Plaintiff's counsel is a high-frequency litigant under California Code of Civil Procedure section 425.55.

HOLDINGS

1. A federal court may raise and examine the question of subject matter jurisdiction sua sponte at any time during the pendency of an action.
2. The court may decline to exercise supplemental jurisdiction for the reasons provided in 28 U.S.C. § 1367(c), including substantial federal-state comity concerns associated with ADA-based Unruh Act claims.

KEY QUOTATIONS

“a court may raise the question of subject matter jurisdiction, sua sponte, at any time during the pendency of the action” (at 1)

“very substantial threat to federal-state comity” (at 1)

FACTUAL BACKGROUND

The complaint alleges a violation of the Americans with Disabilities Act and seeks injunctive relief. It also asserts a claim for damages under California's Unruh Civil Rights Act and other state-law claims. The court identified supplemental jurisdiction under 28 U.S.C. § 1367(a) as the sole stated basis for jurisdiction over the Unruh Act claim.

PROCEDURAL HISTORY

Plaintiff filed a complaint asserting an ADA claim for injunctive relief, an Unruh Civil Rights Act claim for damages, and other state-law claims. The court determined that supplemental jurisdiction under 28 U.S.C. § 1367(a) was the sole stated basis for jurisdiction over the Unruh Act claim and ordered Plaintiff to submit a written response addressing the statutory damages sought and whether Plaintiff or counsel qualified as a high-frequency litigant. The response was ordered by August 4, 2025; the court warned that failure to respond could lead to dismissal without prejudice or declining supplemental jurisdiction and dismissing the state-law claims.

DISPOSITION

other

CASES CITED

- Arroyo v. Rosas, 19 F.4th 1202, 1211-14 (9th Cir. 2021)
- Nevada v. Bank of Am. Corp., 672 F.3d 661, 673 (9th Cir. 2012)

- Snell v. Cleveland, Inc., 316 F.3d 822, 826 (9th Cir. 2002)

OPINION

Bernard Taruc v. Kimlan T. Nguyen

PER CURIAM.

CIVIL MINUTES – GENERAL

Case No. CV 25-6473-MWF(RAOx) Date: July 21, 2025 Title Bernard Taruc v. Kimlan T. Nguyen, et al. Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge Rita Sanchez Not Reported Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants: Not Present Not Present Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE SUPPLEMENTAL JURISDICTION

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. §§ 12101-12213, a claim for damages pursuant to the Unruh Civil Rights Act (“Unruh Act”), Cal. Civ. Code §§ 51–53, and other state law claims alleged by Plaintiff. The sole basis for jurisdiction over the Unruh Act claim is supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a). The Court, however, may decline to exercise supplemental jurisdiction for the reasons delineated in § 1367(c). See also *Arroyo v. Rosas*, 19 F.4th 1202, 1211–14 (9th Cir. 2021) (holding district courts may decline supplemental jurisdiction over ADA-based Unruh Act claims because of “very substantial threat to federal-state comity” presented by plaintiffs’ use of federal courts to evade California’s Unruh Act reforms). This Court has a sua sponte obligation to confirm that it has subject matter jurisdiction. *Nevada v. Bank of Am. Corp.*, 672 F.3d 661, 673 (9th Cir. 2012) (“[I]t is well established that ‘a court may raise the question of subject matter jurisdiction, sua sponte, at any time during the pendency of the action’” (quoting *Snell v. Cleveland, Inc.*, 316 F.3d 822, 826 (9th Cir. 2002))). Therefore, to assist this Court in its duty, Plaintiff is ORDERED to SHOW CAUSE in writing as to why this Court should exercise supplemental jurisdiction

CIVIL MINUTES – GENERAL

Case No. CV 25-6473-MWF(RAOx) Date: July 21, 2025 Title Bernard Taruc v. Kimlan T. Nguyen, et al. over the Unruh Act claim and the other state law claims alleged by Plaintiff. The Response to the Order to Show Cause shall include (1) the amount of statutory damages sought pursuant to the Unruh Act; and (2) sufficient facts for the Court to determine whether Plaintiff or Plaintiff’s counsel meet the definition of a “high- frequency litigant” as defined in California Code of Civil Procedure section 425.55(b)(1) & (2). These facts shall be set forth in declarations signed under penalty of perjury. The Response shall be filed on or before AUGUST 4, 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’s declining to exercise

supplemental jurisdiction over the Unruh Act claim and the dismissal of that claim pursuant to 28 U.S.C. § 1367(c). IT IS SO ORDERED.

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