

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Theresa Brooke v. Jade Group Indio LLC

No. EDCV 25-1927-MWF(SPx) (C.D. Cal. Aug. 7, 2025) · No. EDCV 25-1927-MWF(SPx) · Decided August 7, 2025

SUMMARY

The United States District Court for the Central District of California ordered Plaintiff Theresa Brooke to show cause why the Court should exercise supplemental jurisdiction over claims under California’s Unruh Civil Rights Act and other state laws. The Court required information concerning the statutory damages sought and whether Plaintiff or counsel qualifies as a high-frequency litigant, warning that failure to respond could result in dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Michael W. Fitzgerald
JURISDICTION	United States District Court for the Central District of California
DECIDED	August 7, 2025
DOCKET	EDCV 25-1927-MWF(SPx)
DISPOSITION	other
PROCEDURAL POSTURE	The court sua sponte issued an order to show cause directing 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	A federal court may examine subject matter jurisdiction sua sponte at any time during the pendency of an action. The court may decline supplemental jurisdiction under 28 U.S.C. § 1367(c).
PRECEDENTIAL VALUE	Nonprecedential district court order

TOPICS

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

PRACTICE AREAS

- Civil procedure
- Americans with Disabilities Act
- Supplemental jurisdiction
- Unruh Civil Rights Act

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over the Unruh Civil Rights Act claim and the other state-law claims.
2. Whether Plaintiff must provide information concerning the amount of Unruh Act statutory damages sought and whether Plaintiff or counsel qualifies as 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 while the action is pending.
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 implicated by ADA-based Unruh Act claims.

KEY QUOTATIONS

“it 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’” (672 F.3d at 673)

FACTUAL BACKGROUND

The complaint alleged a violation of the Americans with Disabilities Act and sought injunctive relief. It also asserted a claim for damages under California's Unruh Civil Rights Act and other state-law claims, with supplemental jurisdiction under 28 U.S.C. § 1367(a) identified as the sole basis for federal 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 questioned supplemental subject matter jurisdiction and ordered Plaintiff to respond by August 21, 2025, warning that failure to respond could result in dismissal without prejudice or declining supplemental jurisdiction over 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

CIVIL MINUTES – GENERAL Case No. EDCV 25-1927-MWF(SPx) Date: August 7, 2025 Title Theresa Brooke v. Jade Group Indio LLC 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. EDCV 25-1927-MWF(SPx) Date: August 7, 2025 Title Theresa Brooke v. Jade Group Indio LLC 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 21, 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.

