

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Moises Villalobos v. Ramcast Ornamental Supply Company, Inc.;
Ismael Ramirez as General Partner of Ramirez Properties, a General
Partnership; and Does 1 to 10

Villalobos v. Ramcast Ornamental Supply Co. · No. 2:25-cv-02384-MEMF-AS · Decided April 3, 2025

SUMMARY

The United States District Court for the Central District of California orders Plaintiff Moises Villalobos to show cause why the Court should exercise supplemental jurisdiction over his state-law claims arising from alleged disability-access violations. The Court requests information about the statutory damages sought and declarations addressing whether Plaintiff or his counsel qualifies as a high-frequency litigant under California law, warning that inadequate compliance may result in declining supplemental jurisdiction.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Maame Ewusi-Mensah Frimpong
JURISDICTION	United States District Court for the Central District of California
DECIDED	April 3, 2025
DOCKET	2:25-cv-02384-MEMF-AS
DISPOSITION	other
PROCEDURAL POSTURE	The plaintiff filed a federal ADA claim and related California state-law claims. The court issued an order to show cause why it should not decline to exercise supplemental jurisdiction over the state-law claims.
STANDARD OF REVIEW	Whether to exercise supplemental jurisdiction under 28 U.S.C. § 1367 is discretionary and requires consideration of judicial economy, convenience, fairness, and comity.
PRECEDENTIAL VALUE	Unpublished federal district court order; nonprecedential

TOPICS

subject matter jurisdiction

civil procedure

public accommodations discrimination

ada / disability

pleadings

PRACTICE AREAS

Civil procedure

Americans with Disabilities Act

Supplemental jurisdiction

Civil rights

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over Villalobos's Unruh Act, California Disabled Persons Act, California Health and Safety Code, and negligence claims.
2. Whether Villalobos and his counsel must provide information and declarations concerning statutory damages and their status under California's high-frequency-litigant provisions.

HOLDINGS

1. The court did not yet decide whether to exercise supplemental jurisdiction; instead, it ordered Villalobos to show cause in writing why the court should retain the state-law claims and warned that failure to respond could result in declining supplemental jurisdiction under 28 U.S.C. § 1367(c).
2. The court ordered Villalobos and his counsel to support their response with declarations under penalty of perjury addressing the number of construction-related accessibility claims filed by Villalobos and the number of such claims in which counsel represented high-frequency-litigant plaintiffs during the preceding twelve months.

KEY QUOTATIONS

“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.’” (at 1)

FACTUAL BACKGROUND

Villalobos alleged that defendants violated the Americans with Disabilities Act through construction-related accessibility barriers. He asserted related California claims seeking damages and, for some claims, injunctive relief. The complaint did not provide the information the court considered necessary to evaluate California's heightened pleading and high-frequency-litigant requirements, including the number of similar claims filed by Villalobos and represented by his counsel.

PROCEDURAL HISTORY

On March 18, 2025, Villalobos filed a complaint asserting an ADA claim for injunctive relief and claims under the California Unruh Civil Rights Act, California Disabled Persons Act, California Health and Safety Code, and negligence. The court sua sponte ordered Villalobos to explain why supplemental jurisdiction should be exercised over the state-law claims and directed him and his counsel to provide declarations addressing California's high-frequency-litigant requirements.

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)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 Case No.: 2:25-cv-02384-MEMF-AS 11 MOISES VILLALOBOS, 12 Plaintiff,
ORDER TO SHOW CAUSE WHY THE COURT SHOULD NOT DECLINE TO 13 v.
EXERCISE SUPPLEMENTAL JURISDICTION OV ER PLAINTIFF’S 14 STATE LAW
CLAIMS RAMCAST ORNAMENTAL SUPPLY 15 COMPANY, INC.; ISMAEL RAMIREZ AS
16 GENERAL PARTNER OF RAMIREZ PROPERTIES, A GENERAL PARTNERSHIP; 17 and
DOES 1 to 10, 18 Defendants.

19 20 21 On March 18, 2025, Moises Villalobos filed a Complaint against Ramcast Ornamental 22
Supply Company, Inc; Ismael Ramirez as general partner of Ramirez Properties, a general 23
partnership; and DOES 1 to 10 (collectively, “Defendants”), asserting: (1) a claim for injunctive
24 relief arising out of an alleged violation of the Americans with Disabilities Act (“ADA”), 42
U.S.C. 25 §§ 12010–12213; (2) a claim for damages pursuant to California’s Unruh Civil Rights
Act (“Unruh 26 Act”), Cal. Civ.

Code §§ 51–52, et seq.; (3) a claim for damages pursuant to the California Disabled 27 Persons
Act, Cal. Civ. Code §§ 54, et seq.; (4) a claim for damages and injunctive relief based on 28
California Health and Safety Code § 19955, et seq.; (5) a claim for damages for negligence. ECF
No. 1 1.

The Complaint alleges that this Court has jurisdiction over the ADA claim pursuant to 28 U.S.C. 2
§§ 1331 and 1343, and that the state law claims are brought “pursuant to pendant [sic]
jurisdiction.” 3 Id. at ¶¶ 6–7. 4 Principles of pendent jurisdiction have been codified in the
supplemental jurisdiction statute, 5 28 U.S.C. § 1367.

The supplemental jurisdiction statute “reflects the understanding that, when 6 deciding whether to
exercise supplemental jurisdiction, ‘a federal court should consider and weigh in 7 each case, and
at every stage of the litigation, the values of judicial economy, convenience, fairness, 8 and
comity.’” City of Chicago v. Int’l Coll. of Surgeons, 522 U.S. 156, 173 (1997) (emphasis added) 9
(quoting Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 (1988)).

10 California law sets forth a heightened pleading standard for a limited group of lawsuits 11 brought under the Unruh Act. See Cal. Civ. Proc. Code §§ 425.55(a)(2) & (3). The stricter pleading 12 standard requires certain plaintiffs bringing construction-access claims like the one in the instant 13 case to file a verified complaint alleging specific facts concerning the plaintiff's claim, including the 14 specific barriers encountered or how the plaintiff was deterred and each date on which the plaintiff 15 encountered each barrier or was deterred.

See Cal. Civ. Proc. Code § 425.50(a). A “high-frequency 16 litigant fee” is also imposed on certain plaintiffs and law firms bringing these claims. See Cal. Gov't 17 Code § 70616.5. A “high-frequency litigant” is “a plaintiff who has filed 10 or more complaints 18 alleging a construction-related accessibility violation within the 12-month period immediately 19 preceding the filing of the current complaint alleging a construction-related accessibility violation” 20 and “an attorney who has represented as attorney of record 10 or more high-frequency litigant 21 plaintiffs in actions that were resolved within the 12-month period immediately preceding the filing 22 of the current complaint alleging a construction-related accessibility violation.” Cal. Civ.

Proc. Code 23 §§ 425.55(b)(1) & (2). High frequency litigants are also required to state: (1) whether the complaint 24 is filed by, or on behalf of, a high-frequency litigant; (2) in the case of a high-frequency litigant who 25 is a plaintiff, the number of complaints alleging construction-related accessibility claim filed by the 26 high-frequency litigant during the 12 months prior to filing the instant complaint; (3) the reason the 27 individual was in the geographic area of the defendant's business; and (4) the reason why the 28 individual desired to access the defendant's business.” See id. § 425.50(a)(4)(A).

1 In light of the foregoing, the Court orders Moises Villalobos to show cause in writing why 2 || the Court should exercise supplemental jurisdiction over the Unruh Act claim, the California 3 || Disabled Persons Act claim, the California Health and Safety Code claim, and the negligence claim. 4 || See 28 U.S.C. § 1367(c).

In responding to this Order to Show Cause: 5 1. Moises Villalobos shall identify the amount of statutory damages Moises Villalobos seeks to 6 recover. 7 2. Moises Villalobos and Moises Villalobos' counsel shall also support their responses to the 8 Order to Show Cause with declarations, signed under penalty of perjury, providing all facts 9 necessary for the Court to determine if they satisfy the definition of a “high-frequency 10 litigant” as provided by California Code of Civil Procedure §§ 425.55(b)(1) & (2).

This 11 includes, but is not limited to: 12 a. the number of construction-related accessibility claims filed by Moises Villalobos in 13 the twelve months preceding the filing of the present claim; and 14 b. the number of construction-related accessibility claims in which Moises Villalobos' 15 counsel has represented high-frequency litigant plaintiffs in the twelve months 16 preceding the filing of the present claim.

17 Moises Villalobos shall file a Response to this Order to Show Cause by no later than fourteen
18 || days from the date of this order. The failure to timely or adequately respond to this Order to
Show 19 | Cause may, without further warning, result in the Court declining to exercise
supplemental 20 Jurisdiction over the Unruh Act claim, the California Disabled Persons Act claim,
the California 21 || Health and Safety Code claim, and the negligence claim pursuant to 28 U.S.C.
§ 1367(c).

22 23 IT IS SO ORDERED. 24 □ 25 Dated: April 3, 2025 26 MAAME EWUSI-MENSAH
FRIMPONG 27 United States District Judge 28