

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

OPINION

Moises Villalobos v. Ramcast Ornamental Supply Company, Inc.

PER CURIAM.

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