

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Michael Rhambo v. Thomas Alan Kerr et al.

Rhambo · No. 2:25-cv-09173-SB-RAO · Decided October 8, 2025

SUMMARY

The Central District of California ordered Plaintiff Michael Rhambo to show cause why his Unruh Act claim should not be dismissed without prejudice under 28 U.S.C. § 1367(c)(4). The order relies on Ninth Circuit precedent concerning exceptional circumstances and federal-state comity in ADA-based Unruh Act claims, and requires Plaintiff to disclose the statutory damages sought and provide information relevant to high-frequency-litigant status.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stanley Blumenfeld, Jr.
JURISDICTION	United States District Court for the Central District of California
DECIDED	October 8, 2025
DOCKET	2:25-cv-09173-SB-RAO
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought an action alleging that a musical instrument store contains physical barriers violating the Americans with Disabilities Act and the California Unruh Civil Rights Act. Before adjudicating the merits, the district court issued an order to show cause why the Unruh Act claim should not be dismissed without prejudice for lack of supplemental jurisdiction.
STANDARD OF REVIEW	Discretionary review of whether to exercise supplemental jurisdiction under 28 U.S.C. § 1367(c), including whether exceptional circumstances and compelling reasons justify declining jurisdiction.
PRECEDENTIAL VALUE	Unpublished or nonprecedential district court order; the opinion is an order to show cause rather than a final merits decision.

TOPICS

subject matter jurisdiction

civil procedure

public accommodations discrimination

architectural barriers

ada / disability

PRACTICE AREAS

Civil procedure

Disability rights

Americans with Disabilities Act

State supplemental jurisdiction

QUESTIONS PRESENTED

1. Whether the court has supplemental jurisdiction over Plaintiff's closely related Unruh Act claim under 28 U.S.C. § 1367(a).
2. Whether exceptional circumstances and compelling reasons under 28 U.S.C. § 1367(c)(4), including the federal-state comity concerns identified in *Arroyo v. Rosas*, justify declining supplemental jurisdiction over the Unruh Act claim at this early stage.

HOLDINGS

1. Because the Unruh Act claim is closely related to the ADA claim, the court has authority under 28 U.S.C. § 1367(a) to exercise supplemental jurisdiction over it.
2. Under 28 U.S.C. § 1367(c)(4), the federal-state comity concerns identified in *Arroyo v. Rosas* may constitute exceptional circumstances and compelling reasons to decline supplemental jurisdiction over an ADA-based Unruh Act claim, particularly when the case remains at an early stage and the state claim has not been adjudicated.

FACTUAL BACKGROUND

Plaintiff Michael Rhambo uses a wheelchair and alleges that Defendants' musical instrument store has physical barriers impeding his access. He asserted claims under the Americans with Disabilities Act and the California Unruh Civil Rights Act, including a request for statutory damages under the Unruh Act.

PROCEDURAL HISTORY

The case was pending at an early stage in the Central District of California, and the court had not addressed or adjudicated the merits of any claim. The court issued an order requiring Plaintiff to explain within 14 days why the Unruh Act claim should not be dismissed without prejudice under 28 U.S.C. § 1367(c)(4), warning that failure to respond would result in dismissal without further order.

DISPOSITION

other

CASES CITED

- *City of Chicago v. International College of Surgeons*, 522 U.S. 156, 172 (1997)
- *Arroyo v. Rosas*, 19 F.4th 1202, 1213, 1215-17 (9th Cir. 2021)

OPINION

Michael Rhambo v. Thomas Alan Kerr et al.

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MICHAEL RHAMBO, Case No. 2:25-cv-09173-SB-RAO Plaintiff,

v. ORDER TO SHOW CAUSE

THOMAS ALAN KERR et al., Defendants. Plaintiff Michael Rhambo, who requires the use of a wheelchair, filed this suit alleging that Defendants' musical instrument store imposes physical barriers that impede his access, in violation of, inter alia, the Americans with Disabilities Act (ADA) and the Unruh Act. Because Plaintiff's Unruh Act claim is closely related to his ADA claim, the Court has authority to exercise supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(a). However, supplemental jurisdiction "is a doctrine of discretion, not of plaintiff's right," and district courts "can decline to exercise jurisdiction over pendent claims for a number of valid reasons." *City of Chi. v. Int'l Coll. of Surgeons*, 522 U.S. 156, 172 (1997) (internal quotation marks and citations omitted). This discretion is codified in § 1367(c): The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if—

- (1) the claim raises a novel or complex issue of State law,
- (2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction,
- (3) the district court has dismissed all claims over which it has original jurisdiction, or

(4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction. 28 U.S.C. § 1367(c). In a published decision, the Ninth Circuit explained that the California Legislature's 2012 and 2015 amendments to the Unruh Act, which were intended to protect businesses from abusive litigation by high-frequency litigants bringing construction-related claims, had led to a surge of filings in federal courts of ADA cases seeking statutory damages under the Unruh Act. *Arroyo v. Rosas*, 19 F.4th 1202 (9th Cir. 2021). The Ninth Circuit agreed with the district court that this shift in filings from state courts to federal courts had circumvented the state legislature's goals and "rendered [the new statutory requirements] largely toothless, because they can now be readily evaded." *Id.* at 1213. The court explained that "retention of supplemental jurisdiction over ADA-based Unruh Act claims threatens to substantially thwart California's carefully crafted reforms in this area and to deprive the state courts of their critical role in effectuating the policies underlying those reforms." *Id.* Thus, the court held that these circumstances are "exceptional" within the meaning of § 1367(c)(4) and therefore potentially justified declining supplemental jurisdiction over the plaintiff's Unruh Act claim. See *id.* ("The district court did not abuse its discretion in concluding that this extraordinary

situation threatens unusually significant damage to federal-state comity and presents ‘exceptional circumstances’ within the meaning of § 1367(c)(4).”). However, because the district court had waited to decline supplemental jurisdiction until after granting summary judgment on the plaintiff’s ADA claim, thereby effectively deciding the Unruh Act claim, the Ninth Circuit reversed the court’s decision to decline supplemental jurisdiction, holding that it had waited too long to invoke the comity interest. *Id.* at 1215–17. Unlike *Arroyo*, this case is still at a very early stage, and this Court has not yet addressed or adjudicated the merits of any of Plaintiff’s claims. This appears to be a case in which the Court should decline supplemental jurisdiction over Plaintiff’s Unruh Act claim under § 1367(c)(4) to protect the comity interests identified in *Arroyo*. Accordingly, the Court ORDERS Plaintiff within 14 days after entry of this Order to show cause in writing why the Court should not dismiss without prejudice his Unruh Act claim under § 1367(c)(4). Plaintiff’s response must identify the amount of statutory damages Plaintiff seeks to recover and must be supported by declarations, signed under penalty of perjury, providing all facts necessary for the Court to determine if Plaintiff and his counsel satisfy the definition of a “high-frequency litigant” as provided by Cal. Civ. Proc. Code § 425.55(b)(1)–(2). If Plaintiff fails to file a response within 14 days after entry of this Order, the Court will decline to exercise supplemental jurisdiction over his Unruh Act claim, and the Unruh Act claim will be automatically dismissed without prejudice without further order of the Court. Date: October 8, 2025

Stanley Blumenfeld, Jr. United States District Judge