

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Marquise Bailey v. AMKO Restaurant Furniture, Inc., et al.

Bailey v. AMKO Restaurant Furniture · No. CV 25-5343-DMG (SKx) · Decided June 13, 2025

SUMMARY

The United States District Court for the Central District of California ordered the plaintiff to show cause why the court should exercise supplemental jurisdiction over state-law disability-access and negligence claims. The order discusses California’s heightened pleading requirements and high-frequency litigant provisions, directs the plaintiff and counsel to provide declarations and identify the statutory damages sought, and sets a response deadline of June 25, 2025.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Dolly M. Gee
JURISDICTION	United States District Court for the Central District of California
DECIDED	June 13, 2025
DOCKET	CV 25-5343-DMG (SKx)
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause why it should not decline to exercise supplemental jurisdiction over the plaintiff's California statutory and negligence 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; § 1367(c)(4) permits declining jurisdiction in exceptional circumstances.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order
PARTIES	Marquise Bailey v. AMKO Restaurant Furniture, Inc., et al.

TOPICS

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

PRACTICE AREAS

civil procedure

federal jurisdiction

disability rights

accessibility discrimination

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over the plaintiff's Unruh Act, California Disabled Persons Act, California Health and Safety Code, and negligence claims.
2. Whether the plaintiff must provide information about the statutory damages sought and declarations establishing whether plaintiff and counsel qualify as high-frequency litigants under California law.

HOLDINGS

1. The court did not make a final determination concerning supplemental jurisdiction; instead, it ordered plaintiff to show cause why the court should exercise jurisdiction over the state-law claims.
2. Plaintiff was required to identify the amount of statutory damages sought and plaintiff and counsel were required to submit declarations under penalty of perjury addressing whether they satisfy California's definition of high-frequency litigant.

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.’” (1)

“Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the Court declining to exercise supplemental jurisdiction over the Unruh Act, California Disabled Persons Act, California Health & Safety Code, and Negligence claims, and the dismissal of any such claims pursuant to 28 U.S.C. section 1367(c).” (2)

FACTUAL BACKGROUND

The complaint alleges a violation of the Americans with Disabilities Act and seeks injunctive relief. It also asserts claims under the California Unruh Civil Rights Act, the California Disabled Persons Act, California Health and Safety Code provisions, and negligence, apparently based on alleged construction-access barriers. The order does not resolve the truth of those allegations.

PROCEDURAL HISTORY

Plaintiff filed a federal action asserting an ADA claim for injunctive relief and state-law claims for damages and related relief under California law. Before resolving the state-law claims, the court ordered plaintiff to explain why supplemental jurisdiction should be exercised and to provide information concerning the amount of damages sought and whether plaintiff and counsel qualify as high-frequency litigants.

DISPOSITION

other

CASES CITED

- City of Chicago v. International College of Surgeons, 522 U.S. 156, 173, 118 S. Ct. 523, 534 (1997)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 (1988)
- Schutza v. Cuddeback, 262 F. Supp. 3d 1025, 1031 (S.D. Cal. 2017)
- Arroyo v. Rosas, 19 F.4th 1202, 1211 (9th Cir. 2021)

OPINION

Marquise Bailey v. AMKO Restaurant Furniture, Inc.

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

Case No. CV 25-5343-DMG (SKx) Date June 13, 2025 Title Marquise Bailey v. AMKO Restaurant Furniture, Inc., et al. Page 1 of 2 Present: The Honorable DOLLY M. GEE, CHIEF UNITED STATES DISTRICT JUDGE

DEREK DAVIS NOT REPORTED

Deputy Clerk Court Reporter Attorneys Present for Plaintiff(s) Attorneys Present for Defendant(s) None Present None Present Proceedings: IN CHAMBERS— ORDER TO SHOW CAUSE WHY THE COURT

SHOULD NOT DECLINE TO EXERCISE SUPPLEMENTAL

JURISDICTION OVER PLAINTIFF’S STATE LAW CLAIMS

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. sections 12010- 12213, and a claim for damages pursuant to California’s Unruh Civil Rights Act (“Unruh Act”), Cal. Civ. Code sections 51-53. It appears that the Court has supplemental jurisdiction over the Unruh Act, California Disabled Persons Act, California Health & Safety Code, and Negligence claims. See 28 U.S.C. section 1367(a). 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.’” City of Chicago v. Int’l Coll. of Surgeons, 522 U.S. 156, 173, 118 S. Ct. 523, 534

(1997) (emphasis added) (quoting Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 (1988)).

In 2012, California adopted a heightened pleading standard for lawsuits brought under the Unruh Act to combat the influx of baseless claims and vexatious litigation in the disability access litigation sphere. Cal. Civ. Code § 55.52(a)(1). The stricter pleading standard requires a plaintiff bringing construction-access claims to file a verified complaint alleging specific facts concerning the plaintiff’s claim, including the specific barriers encountered or how the plaintiff was deterred and each date on which the plaintiff encountered each barrier or was deterred. See Cal. Civ. Proc.

Code § 425.50(a). California also imposed a “high-frequency litigant fee” in 2015 in response to the “special and unique circumstances” presented by certain plaintiffs and law firms filing an outsized number of Unruh Act lawsuits. Cal. Gov’t Code § 70616.5. In recognition of California’s efforts to reduce the abuse of California’s disability access laws, some district courts within the state have determined that the interests of fairness and comity,

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CIVIL MINUTES—GENERAL

Case No. CV 25-5343-DMG (SKx) Date June 13, 2025 Title Marquise Bailey v. AMKO Restaurant Furniture, Inc., et al. Page 2 of 2 counsel against exercising supplemental jurisdiction over construction-access claims brought under the Unruh Act. See, e.g., *Schutza v. Cuddeback*, 262 F. Supp. 3d 1025, 1031 (S.D. Cal. 2017) (“[T]he Court finds it would be improper to allow Plaintiff [a high frequency litigant] to use federal court as an end-around to California’s pleading requirements. Therefore, as a matter of comity, and in deference to California’s substantial interest in discouraging unverified disability discrimination claims, the Court declines supplemental jurisdiction over Plaintiff’s Unruh Act claim.”); see also *Arroyo v. Rosas*, 19 F.4th 1202, 1211 (9th Cir. 2021) (“The district court’s principal justification for declining supplemental jurisdiction was that the distinctive configuration of California-law rules . . . would be rendered ineffectual if the district court were to exercise supplemental jurisdiction. We hold that the district court did not abuse its discretion in concluding that, for this reason, this case presents ‘exceptional circumstances’ within the meaning of § 1367(c)(4).”). In light of the foregoing, the Court orders Plaintiff to show cause in writing why the Court should exercise supplemental jurisdiction over the Unruh Act, California Disabled Persons Act, California Health & Safety Code, and Negligence claims. See 28 U.S.C. § 1367(c). In responding to this Order to Show Cause, Plaintiff shall identify the amount of statutory damages Plaintiff seeks to recover. Plaintiff and his counsel shall also support their responses to the Order to Show Cause with declarations, signed under penalty of perjury, providing all facts necessary for the Court to determine if they satisfy the definition of a “high-frequency litigant” as provided by California Civil Procedure Code sections 425.55(b)(1) & (2). Plaintiff shall file a Response to this Order to Show Cause by June 25, 2025. Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the Court declining to exercise supplemental jurisdiction over the Unruh Act, California Disabled Persons Act, California Health & Safety Code, and Negligence claims, and the dismissal of any such claims pursuant to 28 U.S.C. section 1367(c). IT IS SO ORDERED.