

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

K. Phillip Taylor v. William M. Westenberber, et al.

No. EDCV 25-1847-MWF(ASx) (C.D. Cal. July 30, 2025) · No. EDCV 25-1847-MWF(ASx) · Decided July 30, 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 claims under California's Unruh Civil Rights Act and other state laws. The order requires information concerning statutory damages and whether the plaintiff or counsel qualifies as a high-frequency litigant, and warns that failure to respond may 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	July 30, 2025
DOCKET	EDCV 25-1847-MWF(ASx)
DISPOSITION	other
PROCEDURAL POSTURE	The district court sua sponte issued an order to show cause concerning whether it should exercise supplemental jurisdiction over the plaintiff's Unruh Civil Rights Act and other state-law claims.
STANDARD OF REVIEW	The court independently confirms subject-matter jurisdiction and may raise jurisdictional issues sua sponte at any time during the action.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status not stated.
PARTIES	K. Phillip Taylor v. William M. Westenberber, et al.

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over the Unruh Civil Rights Act claim and the other state-law claims.
2. What information plaintiff must provide to show cause why supplemental jurisdiction should be exercised, including the amount of Unruh Act statutory damages sought and facts concerning whether plaintiff or plaintiff's counsel are high-frequency litigants.

HOLDINGS

1. The court may raise the issue of subject-matter jurisdiction sua sponte during the pendency of the action and may require plaintiff to show cause why supplemental jurisdiction should be exercised.
2. Plaintiff was ordered to submit a written response explaining why the court should exercise supplemental jurisdiction over the Unruh Act and other state-law claims, including the amount of statutory damages sought and facts relevant to the high-frequency-litigant definition.

KEY QUOTATIONS

“a court may raise the question of subject matter jurisdiction, sua sponte, at any time during the pendency of the action”

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, for which the asserted jurisdictional basis was supplemental jurisdiction.

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 ordered plaintiff to show cause why supplemental jurisdiction should be exercised and warned that failure to respond could result in dismissal without prejudice or declination of supplemental jurisdiction.

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

K. Phillip Taylor v. William M. Westenberber

PER CURIAM.

CIVIL MINUTES – GENERAL

Case No. EDCV 25-1847-MWF(ASx) Date: July 30, 2025 Title K. Phillip Taylor v. William M. Westenberber, et al. 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 25-1847-MWF(ASx) Date: July 30, 2025 Title K. Phillip Taylor v. William M. Westenberber, et al. 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 13, 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.

