

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

K. Phillip Taylor v. Walter T. Anderson, as Trustee of the Anderson-
McChristy Family Trust, and Does 1 to 10

Taylor v. Anderson · No. 5:25-cv-01312-JAK (SPx) · Decided June 12, 2025

SUMMARY

The United States District Court for the Central District of California ordered Plaintiff K. Phillip Taylor to show cause why the Court should not decline supplemental jurisdiction over his California-law claims accompanying his Americans with Disabilities Act claims. The Court directed Plaintiff to identify the statutory damages sought and provide a declaration addressing whether he qualifies as a high-frequency litigant, with responses due July 7, 2025, and warned that failure to respond could result in dismissal of the state-law claims without prejudice.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	John A. Kronstadt
JURISDICTION	United States District Court for the Central District of California
DECIDED	June 12, 2025
DOCKET	5:25-cv-01312-JAK (SPx)
DISPOSITION	other
PROCEDURAL POSTURE	The court, on review of the complaint, issued an order to show cause why it should not decline supplemental jurisdiction over the plaintiff's California state-law claims.
STANDARD OF REVIEW	Under 28 U.S.C. § 1367, supplemental jurisdiction is discretionary, and the court must consider judicial economy, convenience, fairness, and comity at every stage of the litigation.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- subject matter jurisdiction
- civil procedure
- ada / disability

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should decline to exercise supplemental jurisdiction over the Unruh Act and other state-law claims under 28 U.S.C. § 1367.
2. Whether plaintiff should be required to show cause and provide information concerning his statutory-damages demand and status as a potential high-frequency litigant before the court decides whether to exercise supplemental jurisdiction.

HOLDINGS

1. Supplemental jurisdiction over state-law claims within the same Article III case or controversy is discretionary rather than a right of the plaintiff, and the court must consider judicial economy, convenience, fairness, and comity at every stage of the litigation.
2. Plaintiff must file a timely response addressing the statutory damages sought and submit a declaration providing evidence relevant to whether he qualifies as a high-frequency litigant under California law.

KEY QUOTATIONS

“This “is a doctrine of discretion, not of plaintiff’s right.”” (at 1)

“In order to decide whether to exercise jurisdiction over pendent state law claims, a district court should consider . . . at every stage of the litigation, the values of judicial economy, convenience, fairness, and comity.” (at 1)

FACTUAL BACKGROUND

The complaint asserted ADA claims and California Unruh Act claims involving alleged construction-related accessibility violations. A docket review showed that plaintiff had filed more than ten actions advancing construction-related accessibility claims during the year preceding this action. The court noted that California law imposes heightened pleading requirements and a high-frequency litigant fee for qualifying construction-related accessibility claims.

PROCEDURAL HISTORY

Plaintiff filed a federal action alleging violations of the Americans with Disabilities Act and California's Unruh Civil Rights Act, invoking supplemental jurisdiction over the state-law claims. Before resolving the jurisdictional issue, the court ordered plaintiff to file a response addressing the amount of statutory damages sought and whether he qualified as a high-frequency litigant. The court warned that failure to respond could result in dismissal without prejudice of the state-law claims.

DISPOSITION

other

CASES CITED

- United Mine Workers v. Gibbs, 383 U.S. 715, 726 (1966)
- Nishimoto v. Federman-Bachrach & Assocs., 903 F.2d 709, 715 (9th Cir. 1990)
- Whitaker v. RCP Belmont Shore LLC, No. LA CV19-09561 JAK (JEMx), 2020 WL 3800449, at *6-*8 (C.D. Cal. Mar. 30, 2020)
- Garibay v. Rodriguez, No. 2:18-cv-09187-PA (AFMx), 2019 WL 5204294, at *1-*6 (C.D. Cal. Aug. 27, 2019)
- Perri v. Thrifty Payless, No. 2:19-CV-07829-CJC (SKx), 2019 WL 7882068, at *2 (C.D. Cal. Oct. 8, 2019)

OPINION

K. Phillip Taylor v. Walter T Anderson

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 K PHILLIP TAYLOR, No. 5:25-cv-01312-JAK (SPx) 11 Plaintiff, ORDER RE TO SHOW
CAUSE RE:

12 SUPPLEMENTAL JURISDICTION

v. OVER STATE-LAW CLAIMS

13

WALTER T ANDERSON, AS

14 TRUSTEE OF THE ANDERSON-

MCCHRISTY FAMILY TRUST, and

15 DOES 1 to 10 16 Defendants. 17 18 19 20 21 22 23 24 25 26 27 1 Based on a review of the
Complaint (Dkt. 1), the following determinations are 2 made: 3 The Complaint alleges violations
of the Americans with Disabilities Act, 42 4 U.S.C. § 12101 et seq. (the “ADA”), the Unruh Civil
Rights Act (the “Unruh Act”), Cal. 5 Civ. Code §§ 51–55 and other provisions of California law.
Supplemental jurisdiction is 6 the basis for the state-law claims. Dkt. 1 ¶ 7. 7 District courts may
exercise “supplemental jurisdiction over all other claims that 8 are so related to claims in the
action within such original jurisdiction that they form part 9 of the same case or controversy under
Article III of the United States Constitution.” 28 10 U.S.C. § 1367(a). This “is a doctrine of
discretion, not of plaintiff’s right.” United Mine 11 Workers v. Gibbs, 383 U.S. 715, 726 (1966).
“In order to decide whether to exercise 12 jurisdiction over pendent state law claims, a district
court should consider . . . at every 13 stage of the litigation, the values of judicial economy,
convenience, fairness, and 14 comity.” Nishimoto v. Federman-Bachrach & Assocs., 903 F.2d 709,
715 (9th Cir. 1990) 15 (citation omitted).

16 In 2012, California imposed heightened pleading requirements for Unruh Act

17 claims. Cal. Civ. Code § 55.52(a)(1); Cal. Code Civ. Proc. § 425.50(a). In 2015, 18 California

also imposed a “high-frequency litigant fee” for plaintiffs and law firms that 19 have brought large numbers of construction-related accessibility claims. Cal. Gov’t Code 20 70616.5. As detailed in previous orders by this Court and other district courts in 21 California, these reforms addressed the small number of plaintiffs and counsel who bring 22 a significant percentage of construction-related accessibility claims. E.g., *Whitaker v. 23 RCP Belmont Shore LLC*, No. LA CV19-09561 JAK (JEMx), 2020 WL 3800449, at *6– 24 8 (Mar. 30, 2020); *Garibay v. Rodriguez*, No. 2:18-cv-09187-PA (AFMx), 2019 WL 25 5204294, at *1–6 (C.D. Cal. Aug. 27, 2019). These statutes impose special requirements 26 for construction-related accessibility claims brought by high-frequency plaintiffs 27 pursuant to the Unruh Act. Because accepting supplemental jurisdiction over such claims 1 would permit high-frequency plaintiffs to side-step those state-law requirements by 2 pursuing the claims in a federal forum, many district courts, including this one, have 3 declined to exercise such jurisdiction. E.g., *Whitaker*, 2020 WL 3800449, at *6–8; 4 *Garibay*, 2019 WL 5204294, at *1–6. 5 A review of the docket in this District shows that, in the one-year period preceding 6 the filing of the Complaint, Plaintiff has filed more than ten actions in which he has 7 advanced construction-related accessibility claims. In a California Superior Court, 8 Plaintiff would be deemed a high-frequency litigant. Therefore, “California’s recent 9 legislative enactments confirm that the state has a substantial interest in this case.” *Perri 10 v. Thrifty Payless*, No. 2:19-CV-07829-CJC (SKx), 2019 WL 7882068, at *2 (C.D. Cal. 11 Oct. 8, 2019).

12 In light of the foregoing, Plaintiff is ORDERED TO SHOW CAUSE why the 13 Court should not decline to exercise supplemental jurisdiction over the state-law claims. 14 Plaintiff shall file a response to this Order to Show Cause, not to exceed ten pages, on or 15 before July 7, 2025. In responding to this Order to Show Cause, Plaintiff shall identify 16 the amount of statutory damages Plaintiff seeks to recover. Plaintiff shall also present a 17 declaration, signed under penalty of perjury, providing the evidence necessary for the 18 Court to determine if Plaintiff meets the definition of a “high-frequency litigant” as 19 defined in Cal. Code Civ. Proc. § 425.50(b)(1) & (2). Failure to file a timely response to 20 this Order to Show Cause may result in the dismissal of the state-law claims without 21 prejudice by declining to exercise supplemental jurisdiction over them, pursuant to 28 22 U.S.C. § 1367(c). Defendant may also file a response to this Order to Show Cause, not to 23 exceed ten pages, on or before July 21, 2025. 24 25 26 27 1 Upon receipt of the response(s), the matter will be taken under submission, and a 2 || written order will issue. 3 4 || ITISSO ORDERED. 5 te VE 7 || Dated: June 12, 2025 C) 8 John A. Kronstadt 9 United States District Judge 10 11 12 13 14 15 16 17 18 19