

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Yeong Lee v. Young Wan Choi

No. 8:25-cv-00876-JAK (KESx) · No. No. 8:25-cv-00876-JAK (KESx) · Decided May 12, 2025

SUMMARY

The United States District Court for the Central District of California ordered the plaintiff to show cause why the court should not decline supplemental jurisdiction over state-law claims asserted alongside claims under the Americans with Disabilities Act. The order discusses California’s heightened pleading requirements and high-frequency litigant provisions for construction-related accessibility claims. Plaintiff was directed to identify the statutory damages sought and submit a declaration addressing whether she qualifies as a high-frequency litigant.

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	May 12, 2025
DOCKET	No. 8:25-cv-00876-JAK (KESx)
DISPOSITION	other
PROCEDURAL POSTURE	The district 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	The court applied the discretionary supplemental-jurisdiction standard under 28 U.S.C. § 1367(a) and § 1367(c), considering judicial economy, convenience, fairness, and comity.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district-court order; final precedential status is not stated in the opinion.

TOPICS

- subject matter jurisdiction
- pleadings
- civil procedure
- ada / disability
- construction law

PRACTICE AREAS

Civil procedure

Americans with Disabilities Act

Unruh Civil Rights Act

Construction-related accessibility claims

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over the plaintiff's California state-law claims.
2. Whether the plaintiff should be required to demonstrate whether she qualifies as a high-frequency litigant under California law before the court determines whether to retain the state-law claims.

HOLDINGS

1. The court did not decide whether to retain supplemental jurisdiction; instead, it ordered plaintiff to show cause why the court should not decline supplemental jurisdiction over the state-law claims.

KEY QUOTATIONS

"This "is a doctrine of discretion, not of plaintiff's right." (at 1)

"Because accepting supplemental jurisdiction over such claims would permit high-frequency plaintiffs to side-step those state-law requirements by pursuing the claims in a federal forum, many district courts, including this one, have declined to exercise such jurisdiction." (at 2)

FACTUAL BACKGROUND

The complaint alleged violations of the Americans with Disabilities Act, the Unruh Civil Rights Act, and other California laws arising from construction-related accessibility claims. The court observed that plaintiff had filed more than ten construction-related accessibility actions in the preceding year and would therefore qualify as a high-frequency litigant in California Superior Court. California law imposes heightened pleading requirements and a high-frequency-litigant fee for certain Unruh Act accessibility claims.

PROCEDURAL HISTORY

Plaintiff filed a federal action asserting claims under the Americans with Disabilities Act, the Unruh Civil Rights Act, and other California law. The complaint invoked supplemental jurisdiction for the state-law claims. Before resolving jurisdiction, the court ordered plaintiff to show cause why the state-law claims should not be dismissed without prejudice under 28 U.S.C. § 1367(c).

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

Yeong Lee v. Young Wan Choi

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 YEONG LEE, No. 8:25-cv-00876-JAK (KESx) 11 Plaintiff, ORDER RE TO SHOW CAUSE
RE:

12 SUPPLEMENTAL JURISDICTION

v. OVER STATE-LAW CLAIMS

13

YOUNG WAN CHOI, AS TRUSTEE OF

14 THE CHOI FAMILY REVOCABLE

LIVING TRUST; and DOES 1 to 10, 15 Defendants. 16 17 18 Based on a review of the Complaint (Dkt. 1), the following determinations are 19 made: 20 The Complaint alleges violations of the Americans with Disabilities Act, 42 21 U.S.C. § 12131 et seq. (the “ADA”), the Unruh Civil Rights Act (the “Unruh Act”), Cal. 22 Civ. Code §§ 51–52, and other provisions of California law. Supplemental jurisdiction is 23 the basis for the state-law claims. Dkt. 1 ¶ 7. 24 District courts may exercise “supplemental jurisdiction over all other claims that 25 are so related to claims in the action within such original jurisdiction that they form part 26 of the same case or controversy under Article III of the United States Constitution.” 28 27 U.S.C. § 1367(a). This “is a doctrine of discretion, not of plaintiff’s right.” United Mine 1 Workers v. Gibbs, 383 U.S. 715, 726 (1966). “In order to decide whether to exercise 2 jurisdiction over pendent state law claims, a district court should consider . . . at every 3 stage of the litigation, the values of judicial economy, convenience, fairness, and 4 comity.” Nishimoto v. Federman-Bachrach & Assocs., 903 F.2d 709, 715 (9th Cir. 1990) 5 (citation omitted).

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

7 claims. Cal. Civ. Code § 55.52(a)(1); Cal. Code Civ. Proc. § 425.50(a). In 2015, 8 California also imposed a “high-frequency litigant fee” for plaintiffs and law firms that 9 have brought large numbers of construction-related accessibility claims. Cal. Gov’t Code 10 70616.5. As detailed in previous orders by this Court and other district courts in 11 California, these reforms addressed the small number of plaintiffs and counsel who bring 12 a significant percentage of construction-related accessibility claims. E.g., Whitaker v. 13 RCP Belmont Shore LLC, No. LA CV19-09561

JAK (JEMx), 2020 WL 3800449, at *6– 14 8 (Mar. 30, 2020); Garibay v. Rodriguez, No. 2:18-cv-09187-PA (AFMx), 2019 WL 15 5204294, at *1–6 (C.D. Cal. Aug. 27, 2019). These statutes impose special requirements 16 for construction-related accessibility claims brought by high-frequency plaintiffs 17 pursuant to the Unruh Act. Because accepting supplemental jurisdiction over such claims 18 would permit high-frequency plaintiffs to side-step those state-law requirements by 19 pursuing the claims in a federal forum, many district courts, including this one, have 20 declined to exercise such jurisdiction. E.g., Whitaker, 2020 WL 3800449, at *6–8; 21 Garibay, 2019 WL 5204294, at *1–6. 22 A review of the docket in this District shows that, in the one-year period preceding 23 the filing of the Complaint, Plaintiff has filed more than ten actions in which she has 24 advanced construction-related accessibility claims. In a California Superior Court, 25 Plaintiff would be deemed a high-frequency litigant. Therefore, “California’s recent 26 legislative enactments confirm that the state has a substantial interest in this case.” Perri 27 1 || v. Thrifty Payless, No. 2:19-CV-07829-CJC (SKx), 2019 WL 7882068, at *2 (C.D. Cal. 2 || Oct. 8, 2019). 3 In light of the foregoing, Plaintiff is ORDERED TO SHOW CAUSE why the 4 | Court should not decline to exercise supplemental jurisdiction over the state-law claims. 5 || Plaintiff shall file a response to this Order to Show Cause, not to exceed ten pages, on or 6 || before May 27, 2025. In responding to this Order to Show Cause, Plaintiff shall identify 7 || the amount of statutory damages Plaintiff seeks to recover. Plaintiff shall also present a 8 || declaration, signed under penalty of perjury, providing the evidence necessary for the 9 | Court to determine if Plaintiff meets the definition of a “high-frequency litigant” as defined in Cal. Code Civ. Proc. § 425.50(b)(1) & (2). Failure to file a timely response to 11 || this Order to Show Cause may result in the dismissal of the state-law claims without 12 || prejudice by declining to exercise supplemental jurisdiction over them, pursuant to 28

13. || U.S.C. § 1367(c). Defendant may also file a response to this Order to Show Cause, not to || exceed ten pages, on or before June 3, 2025. Upon receipt of the response(s), the matter 15 will be taken under submission, and a written order will issue. 16

17. | ITISSO ORDERED.

18 19 □□□ Dated: May 12, 2025 C} I John A. Kronstadt United States District Judge