

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.

OPINION

1 2 3 4 5 6 7 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

