

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Oscar Ramos v. Man de Yuan Enterprises, Inc., Individually and
DBA The Mandarin Restaurant, et al.**

Ramos · No. 2:24-cv-03348-CSK · Decided November 4, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 OSCAR RAMOS, Case No. 2:24-cv-03348-CSK 12 Plaintiff, ORDER AND
FINDINGS AND RECOMMENDATIONS DECLINING 13 v. SUPPLEMENTAL
JURISDICTION & DENYING MOTION FOR DEFAULT 14 MAN DE YUAN ENTERPRISES,
INC., JUDGEMENT INDIVIDUALLY AND DBA THE 15 MANDARIN RESTAURANT, et al.,
(ECF Nos. 8, 12) 16 Defendants.

17 18 On December 2, 2024, Plaintiff Oscar Ramos filed this action against Defendant 19 Man de
Yuan Enterprises, Inc., individually and dba (“doing business as”) The Mandarin 20 Restaurant,
and Doe Defendants 1-50, alleging the following causes of action: 21 (1) violation of the
Americans with Disabilities Act of 1990 pursuant to 42 U.S.C. 22 § 12101, et seq. (“ADA”); (2)
violation of California’s Health and Safety Code § 19955, et 23 seq.; (3) violation of California’s
Disabled Person Act pursuant to Cal. Civ.

Code §§ 54, 24 54.1, and 54.3; and (4) violation of California’s Unruh Civil Rights Act pursuant
to Cal. 25 Civ. Code §§ 51 and 51.5.1 Compl. ¶¶ 7, 9, 18-71 (ECF No. 1). These claims stem from
26 alleged barriers Plaintiff encountered while he visited The Mandarin Restaurant, which is 27 1
This action was randomly assigned to the undersigned pursuant to Appendix A sub.

28 (m) of the court’s Local Rules. 1 owned and operated by Defendant Man de Yuan Enterprises,
Inc. Compl. ¶¶ 3-5. On 2 March 14, 2025, Plaintiff requested a Clerk’s entry of default as to
Defendant Man de 3 Yuan Enterprises, Inc., which was entered on March 31, 2025. (ECF Nos. 6,
7.)

On April 4 12, 2025, Plaintiff filed a motion for default judgment and set a hearing for May 27,
2025 5 before the undersigned. Pl. Mot. (ECF No. 8.). Defendant was served with the motion on 6
the same day. (ECF No. 8-3.)

On April 30, 2025, after Defendant had failed to oppose 7 the motion, the Court vacated the
hearing date and took the motion under submission. 8 4/30/2025 Order (ECF No. 11). To date,
Defendant has not responded or appeared in 9 this action.2 10 On August 22, 2025, the Court

ordered Plaintiff to show cause why the Court 11 should not decline to exercise supplemental jurisdiction over his state law claims.

12 8/22/2025 Order to Show Cause (ECF No. 12). Plaintiff was also directed to address 13 whether Doe Defendants 1-50 will be dismissed by Plaintiff. Id. On September 6, 2025, 14 Plaintiff filed a response to the Court's order to show cause. Pl. Resp. (ECF No. 13.) 15 Although Plaintiff's response was filed one day after the Court's deadline, the Court will 16 consider his response.

17 For the reasons that follow, the Court recommends declining to exercise 18 supplemental jurisdiction over Plaintiff's state law claims: Claim 2, for violation of 19 California's Health and Safety Code § 19955; Claim 3, for violation of California's 20 Disabled Person Act; and Claim 4, for violation of California's Unruh Act.

The Court 21 further recommends the state law claims be dismissed without prejudice; the motion for 22 default judgment (ECF No. 8) be denied without prejudice, subject to renewal as to 23 Plaintiff's remaining ADA claim (Claim 1); and dismissal of Doe Defendants 1-50. 24 I. THE COMPLAINT 25 The Complaint alleges Plaintiff is a physically disabled person who has no legs 26 2 Plaintiff has not requested that default judgment be entered against any Doe 27 Defendants.

See Docket. Plaintiff has not served process on any Doe Defendants as required by Federal Rule of Civil Procedure 4. Id. The Clerk of the Court has also not 28 entered default as to any Doe Defendants pursuant to Rule 55(a). Id. 1 due to a catastrophic accident that led to the amputation of his legs and now requires the 2 use of a wheelchair. Compl. ¶ 6. Defendant Man de Yuan Enterprises, Inc. owns and 3 operates a business, known as The Mandarin Restaurant, located at 219 Texas St., 4 Fairfield, California.

Id. ¶¶ 7, 11. On or about March 9, 2024 and September 27, 2024, 5 Plaintiff visited The Mandarin Restaurant "for the purpose of buying food and drink." Id. 6 ¶ 12. Plaintiff alleges he encountered architectural barriers that denied him access to 7 public accommodations in violation of state and federal laws. Id. ¶¶ 13, 15-17. 8 Specifically, Plaintiff alleges Defendant's designated disabled-accessible parking space 9 was defective, the path of travel from the designated disabled-accessible parking and 10 from the public sidewalk was not in compliance, the dining seating inside The Mandarin 11 Restaurant was not accessible to disabled users with wheelchairs, and the bar dining 12 area inside The Mandarin Restaurant did not offer a lowered section or seating for 13 disabled persons.

Id. ¶ 4. Plaintiff further alleges he was deterred from visiting The 14 Mandarin Restaurant on November 15, 2024. Id. ¶ 12. Based on these visits, Plaintiff 15 seeks damages and injunctive relief. Id. at 21-22. 16 II. LEGAL STANDARDS 17 A court that has original jurisdiction over a civil action "shall have supplemental 18 jurisdiction over all other claims that are so related to

claims in the action within such 19 original jurisdiction that they form part of the same case or controversy under Article III of 20 the United States Constitution.” 28 U.S.C. § 1367(a).

Notably, the Ninth Circuit has held 21 that claims asserted under the ADA and Unruh Act, “derive from a common nucleus of 22 operative fact and are such that a plaintiff would ordinarily be expected to try them in one 23 judicial proceeding, they form part of the same case or controversy for purposes of 24 § 1367(a).” *Arroyo v. Rosas*, 19 F.4th 1202, 1209 (9th Cir.

2021) (internal quotation 25 marks and citations omitted). However, supplemental jurisdiction “is a doctrine of 26 discretion, not of plaintiff’s rights” and district courts “can decline to exercise jurisdiction 27 over pendant claims for a number of valid reasons.” *City of Chicago v. Int’l Coll. of 28 Surgeons*, 522 U.S. 156, 172 (1997) (citing *United Mine Workers of Am. v. Gibbs*, 383 1 U.S. 715, 726 (1966)).

Under 28 U.S.C. § 1367(c), a district court may decline 2 supplemental jurisdiction over a claim if: 3 (1) the claim raises a novel or complex issue of State law, 4 (2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction, 5 (3) the district court has dismissed all claims over which it has 6 original jurisdiction, or 7 (4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.

8 9 28 U.S.C. § 1367(c)(1)-(4). The Ninth Circuit does not require an “explanation for a 10 district court’s reasons [for declining supplemental jurisdiction] when the district court 11 acts under the first three provisions.” *San Pedro Hotel Co. v. City of Los Angeles*, 159 12 F.3d 470, 478 (9th Cir. 1998).

However, a district court is required to identify why 13 circumstances may be “exceptional” when declining jurisdiction under § 1367(c)(4). 14 *Arroyo v. Rosas*, 19 F.4th at 1210. 15 A district court’s inquiry as to whether to decline jurisdiction under 16 28 U.S.C. § 1367(c)(4) involves a two-party inquiry. *Arroyo*, 19 F.4th at 1210.

First, the 17 district court must identify “why the circumstances of the case are exceptional within the 18 meaning of § 1367(c)(4).” *Id.* (citation omitted). Second, to evaluate “whether there are 19 ‘compelling reasons for declining jurisdiction’ in a given case, the court should consider 20 what ‘best serves the principles of economy, convenience, fairness, and comity which 21 underlie the pendent jurisdiction doctrine’ articulated in *Gibbs*.” *Id.* (citing *Int’l Coll. of 22 Surgeons*, 522 U.S. at 172-73).

These two inquiries are “not particularly burdensome.” 23 *Id.* (citation omitted). 24 III. DISCUSSION 25 As to the first inquiry, the Court finds circumstances here are exceptional within 26 the meaning of 28 U.S.C. § 1367(c)(4).

The Ninth Circuit in *Arroyo* recognized the 27 “recent changes in California law governing Unruh Act claims” and the California 28 Legislature’s imposition of “additional procedural requirements on construction-related 1 accessibility claims’ in order to address what it believed was continued abuse by ‘high- 2 frequency litigants.’” 19 F.4th at 1205, 1207 (quoting Cal. Civ.

Proc. § 425.55(a)(2), (b)). 3 Under California law, “high-frequency litigants,” are defined as “[a] plaintiff who has filed 4 10 or more complaints alleging a construction-related accessibility violation within the 12- 5 month period immediately preceding the filing of the current complaint alleging a 6 construction-related accessibility violation.” Cal. Civ.

Proc. § 425.55(b)(1). “High- 7 frequency litigants” are subject to a special filing fee and further heightened pleading 8 requirements. See Cal. Govt. Code § 70616.5; Cal. Civ. Proc. Code § 425.50(a)(4)(A). 9 The requirements apply not just to claims brought under the Unruh Act, but also to 10 claims related to disability access under the California’s Health and Safety Code and 11 California’s Disabled Person Act.

See *Gilbert v. Singh*, 2023 WL 2239335, at *2 (E.D. 12 Cal. Feb. 27, 2023) (holding claims brought under California Health and Safety Code are 13 “construction-related accessibility claims” that are subject to the same pleading and filing 14 requirements as a claim under the Unruh Act) (citing *Vo v. Choi*, 49 F.4th 1167, 1172-74 15 (9th Cir. 2022); *Arroyo*, 19 F.4th at 1211-14); *Sepulveda v. Kobaree*, 2023 WL 5020267, 16 at *2 (N.D.

Cal. Aug. 4, 2023) (holding California Health and Safety Code claims are 17 “subject to the same procedural requirements as Unruh Act and Disabled Person Act 18 claims”). As a result, the Ninth Circuit has explained that “[t]he resulting differences 19 between state court and federal court have produced significant consequences for the 20 filing of ADA-based Unruh claims” and because “the significant expense and burden of 21 California’s newly imposed rules for ‘construction-related accessibility claims’ can be 22 avoided by pairing the Unruh Act claim with a parallel federal ADA claim and then filing 23 the suit in federal court” there has been a large increase in the number of ADA cases 24 filed in federal court.

Arroyo, 19 F.4th at 1207. Accordingly, “plaintiffs can circumvent the 25 restrictions on high-frequency litigants by filing their complaints in federal court, asserting 26 federal question jurisdiction over the ADA claim and supplemental jurisdiction of the 27 state law claims.” *Shayler v. 1310 PCH, LLC*, 51 F.4th 1015, 1018 (9th Cir. 2022) (citing 28 *Arroyo* 19, F.4th at 1207).

Therefore, the Ninth Circuit has had “little difficulty” in reaching 1 the conclusion that “the legal landscape” concerning Unruh Act actions constitute 2 exceptional circumstances within the meaning of 28 U.S.C. § 1367(c)(4). See *Vo*, 49 3 F.4th at 1169 (citing *Arroyo*, 19 F.4th at 1214). 4 Here, the Court’s review of its records shows Plaintiff has filed ten or more 5 complaints alleging

a construction-related accessibility violation within the twelve-month 6 period immediately preceding the filing of the current complaint.

See *Sykes v. Rios*, 2024 7 WL 5186841, at *1 n.1 (E.D. Cal. Dec. 20, 2024) (“It is well established that a court can 8 take judicial notice of its own files and records under [Federal Rule of Evidence] 201.”). 9 Plaintiff also does not dispute he is a high-frequency litigant and would therefore be 10 subject to California’s heightened pleading and procedural standards that apply to high- 11 frequency litigants in state court.

See generally Pl. Resp. Consistent with Ninth Circuit 12 precedent, the Court finds exceptional circumstances are present here within the 13 meaning of 28 U.S.C. § 1367(c)(4). 14 As to the second inquiry, the Court finds compelling reasons for declining 15 supplemental jurisdiction within the meaning of 28 U.S.C. § 1367(c)(4).

In its evaluation 16 of this inquiry, the Court considers the Gibbs values of economy, convenience, fairness, 17 and comity. See *Vo*, 49 F.4th at 1171. Plaintiff argues the Court’s increasing tendency to 18 decline to exercise supplemental jurisdiction since *Arroyo* and *Vo* have resulted in 19 smaller awards for default judgments and has led defendants to “come to the conclusion 20 that ignoring the lawsuit and being ordered to pay a few thousand dollars in attorney’s 21 fees (and nothing in *Unruh* damages) in a judgment is cheaper than responding to the 22 lawsuit and/or removing the barriers to disabled access.” Pl.

Resp. at 2-3. Plaintiff further 23 argues that Court’s “automatic” declination to exercise supplemental jurisdiction is unfair 24 against the disabled community because it renders default judgments in the ADA context 25 “toothless to get the attention of ADA defendants or to cause them to remedy barriers to 26 disabled access.” *Id.* at 2.

Finally, Plaintiff argues *Arroyo* and *Vo* sought to address 27 abusive practices by high frequency litigants who filed hundreds of cases far away from 28 their homes, whereas here, Plaintiff lives only three miles away from The Mandarin 1 Restaurant. *Id.* 2 The Court disagrees.

First, Plaintiff’s contentions that declining supplemental 3 jurisdiction has allowed defendants to intentionally ignore such lawsuits and rendered 4 default judgment to be ineffective are based on mere speculation and without support. 5 Moreover, Plaintiff continues to have the option to dismiss this action and refile it in a 6 state court in accordance with the requirements California has imposed on such actions.

7 It is California’s prerogative to impose a heightened filing fee for high frequency litigants, 8 which Plaintiff does not dispute, in an effort to curb abuses of the *Unruh* Act. 9 Consequently, it would not be fair, nor would comity be served, if Plaintiff was able to 10 proceed on his state law claims in this Court and “wholly thwart” California’s policy 11 objectives in this area.

See Arroyo, 19 F.4th at 1214 (noting “comity-based concerns that 12 California’s policy objectives in this area were being wholly thwarted and its courts were 13 being deprived of their crucial role in carrying out the Legislature’s reforms of the Unruh 14 Act.”).

For these reasons, the Court finds declining to exercise supplemental jurisdiction 15 over Plaintiff’s state law claims is appropriate and consistent with Ninth Circuit law. See 16 Garcia v. Maciel, 2022 WL 395316, at *5 (N.D. Cal. Feb. 9, 2022) (“Under the 17 circumstances of this case, which has not progressed beyond threshold questions of 18 standing and jurisdiction, the strong comity concerns identified by the Ninth Circuit in 19 Arroyo outweigh any countervailing considerations of economy and efficiency that might 20 be adversely affected by requiring [plaintiff] to refile his Unruh Act claim in state court.”).

21 This is also consistent with the approach taken by district courts in California declining to 22 exercise supplemental jurisdiction over state law claims brought under the Unruh Act 23 and other California disability access statutes. See, e.g., Sepulveda v. Taqueria y 24 Carniceria Martinez LLC, 2024 WL 69066, at *2 (N.D. Cal. Jan. 5, 2024); Gilbert v. 25 Singh, 2023 WL 2239335, at *2; Sepulveda v. Kobaree, 2023 WL 5020267, at *2.

26 Accordingly, the Court finds circumstances in this action are exceptional and there 27 are other compelling reasons to decline exercising supplemental jurisdiction over 28 Plaintiff’s Unruh Act and related state law claims pursuant to 28 U.S.C. § 1367(c)(4).

The 1 Court therefore recommends dismissal of Plaintiff’s Health and Safety Code § 19955 2 claim (Claim 2), Disabled Person Act claim (Claim 3), and Unruh Act claim (Claim 4), 3 without prejudice to the refiling of these claims in state court. 4 IV. DOE DEFENDANTS 5 In the Court’s August 22, 2025 order to show cause, Plaintiff was directed to 6 address whether Doe Defendants 1-50 will be dismissed by Plaintiff.

8/22/2025 Order to 7 Show Cause at 4. Plaintiff did not address this in his response. See generally Pl. Resp. 8 Here, the Complaint names Doe Defendants 1-50. See Compl. ¶ 9. The inclusion of 9 such “Doe” defendants is generally disfavored in the Ninth Circuit. *Soo Park v. 10 Thompson*, 851 F.3d 910, 928 n.21 (9th Cir. 2017) (citing *Gillespie v. Civiletti*, 629 F.2d 11 637, 642 (9th Cir.

1980)). In light of Plaintiff’s lack of response and Ninth Circuit case 12 law, the Court recommends dismissing Doe Defendants 1-50 from this action. 13 V. CONCLUSION 14 In conclusion, IT IS HEREBY ORDERED that the Clerk of Court randomly assign 15 a district judge to this action. 16 Further, based upon the findings above, it is RECOMMENDED: 17 1.

The Court DECLINE to exercise supplemental jurisdiction over Plaintiff’s 18 Claim 2 for violation of California’s Health and Safety Code § 19955, et 19 seq., Claim 3 for violation of California’s Disabled Person Act pursuant to 20 Cal. Civ. Code §§ 54, 54.1, and 54.3, and Claim 4

for violation of 21 California's Unruh Act, and that these claims be DISMISSED without 22 prejudice pursuant to 28 U.S.C. § 1367(c)(4); 23 2.

Plaintiff's motion for default judgment (ECF No. 8) be DENIED without 24 prejudice, subject to renewal as to Plaintiff's remaining ADA claim (Claim 25 1); 26 3. The Court dismiss Doe Defendants 1-50 from this action; and 27 4. Plaintiff be GRANTED thirty (30) days to file a second motion for default 28 judgment. 1 These findings and recommendations are submitted to the United States District 2 || Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).

Within 3 | 14 days after being served with these findings and recommendations, any party may file 4 | written objections with the Court and serve a copy on all parties. This document should 5 || be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any 6 || reply to the objections shall be served on all parties and filed with the Court within 14 7 | days after service of the objections.

Failure to file objections within the specified time 8 || may waive the right to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 9 | 455 (9th Cir. 1998); *Martinez v. Yist*, 951 F.2d 1153, 1156-57 (9th Cir. 1991). 10 11 Dated: November 4, 2025 C iy S \U 12 CHI SOO KIM 43 UNITED STATES MAGISTRATE JUDGE 14 || 4, ramo3348.24 15 16 17 18 19 20 21 22 23 24 25 26 27 28