

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Cesar Acevedo v. Avraham Yechezkel et al.

Acevedo v. Yechezkel · No. 2:25-cv-08858-SB-SK · Decided September 24, 2025

SUMMARY

The United States District Court for the Central District of California issued an order to show cause concerning Plaintiff Cesar Acevedo’s Unruh Act claim, which accompanies his Americans with Disabilities Act claims. Citing 28 U.S.C. § 1367(c)(4) and *Arroyo v. Rosas*, the Court indicated that it may decline supplemental jurisdiction to protect California’s interests in regulating high-frequency disability-access litigation. The Court ordered Plaintiff to explain within 14 days why the Unruh Act claim should not be dismissed without prejudice and to provide information concerning statutory damages and high-frequency-litigant status.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stanley Blumenfeld, Jr.
JURISDICTION	United States District Court for the Central District of California
DECIDED	September 24, 2025
DOCKET	2:25-cv-08858-SB-SK
DISPOSITION	other
PROCEDURAL POSTURE	The plaintiff brought claims under the Americans with Disabilities Act and California’s Unruh Civil Rights Act. Before adjudicating the merits, the district court issued an order to show cause why the Unruh Act claim should not be dismissed without prejudice for lack of supplemental jurisdiction.
STANDARD OF REVIEW	Supplemental jurisdiction under 28 U.S.C. § 1367 is discretionary; a district court may decline jurisdiction when the statutory grounds in § 1367(c), including exceptional circumstances and compelling reasons, are present.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

subject matter jurisdiction

civil procedure

public accommodations discrimination

ada / disability

PRACTICE AREAS

civil procedure

civil rights

disability discrimination

supplemental jurisdiction

QUESTIONS PRESENTED

1. Whether the Unruh Act claim falls within the court's supplemental jurisdiction because it is closely related to the ADA claim.
2. Whether exceptional circumstances and federal-state comity concerns identified in *Arroyo v. Rosas* warrant declining supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(c)(4).
3. Whether plaintiff should be required to show cause why the Unruh Act claim should not be dismissed without prejudice.

HOLDINGS

1. Because the Unruh Act claim is closely related to the ADA claim, the court has authority to exercise supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(a).
2. The court may decline supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(c)(4) when the circumstances create exceptional federal-state comity concerns, including concerns that federal ADA litigation may undermine California's statutory reforms governing high-frequency Unruh Act litigants.

KEY QUOTATIONS

“supplemental jurisdiction “is a doctrine of discretion, not of plaintiff’s right,””

“retention of supplemental jurisdiction over ADA-based Unruh Act claims threatens to substantially thwart California’s carefully crafted reforms in this area and to deprive the state courts of their critical role in effectuating the policies underlying those reforms.” (1213)

“Accordingly, the Court ORDERS Plaintiff within 14 days after entry of this Order to show cause in writing why the Court should not dismiss without prejudice his Unruh Act claim under § 1367(c)(4).”

FACTUAL BACKGROUND

Plaintiff requires a wheelchair while traveling in public and alleges that defendants' facilities contain physical barriers that impede his access. He asserts claims under the ADA and the California Unruh Civil Rights Act, including a claim seeking statutory damages. The court noted that the case remained at an early stage and that it had not adjudicated the merits of any claim.

PROCEDURAL HISTORY

Plaintiff Cesar Acevedo filed suit alleging that defendants' facilities contain physical barriers impeding wheelchair access, in violation of the ADA and the Unruh Act. The court concluded that the Unruh Act claim

was sufficiently related to the ADA claim to fall within supplemental jurisdiction, but ordered plaintiff to show cause why the court should not decline that jurisdiction under 28 U.S.C. § 1367(c)(4).

DISPOSITION

other

CASES CITED

- City of Chicago v. International College of Surgeons, 522 U.S. 156, 172 (1997)
- Arroyo v. Rosas, 19 F.4th 1202 (9th Cir. 2021)

OPINION

Cesar Acevedo v. Avraham Yechezkel

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CESAR ACEVEDO, Case No. 2:25-cv-08858-SB-SK Plaintiff,

v. ORDER TO SHOW CAUSE

AVRAHAM YECHEZKEL et al., Defendants. Plaintiff Cesar Acevedo, who requires the use of a wheelchair while traveling in public, filed this suit alleging that Defendants’ facilities impose physical barriers that impede his access, in violation of, inter alia, the Americans with Disabilities Act (ADA) and the Unruh Act. Because Plaintiff’s Unruh Act claim is closely related to his ADA claim, the Court has authority to exercise supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(a). However, supplemental jurisdiction “is a doctrine of discretion, not of plaintiff’s right,” and district courts “can decline to exercise jurisdiction over pendent claims for a number of valid reasons.” City of Chi. v. Int’l Coll. of Surgeons, 522 U.S. 156, 172 (1997) (internal quotation marks and citations omitted). This discretion is codified in § 1367(c): The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if—

(1) the claim raises a novel or complex issue of State law,

(2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction,

(3) the district court has dismissed all claims over which it has original jurisdiction, or

(4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction. 28 U.S.C. § 1367(c). In a published decision, the Ninth Circuit explained that the California Legislature’s 2012 and 2015 amendments to the Unruh Act, which were intended to protect businesses from abusive litigation by high-frequency litigants bringing construction-related claims, had led to a surge of filings in federal courts of ADA cases seeking

statutory damages under the Unruh Act. *Arroyo v. Rosas*, 19 F.4th 1202 (9th Cir. 2021). The Ninth Circuit agreed with the district court that this shift in filings from state courts to federal courts had circumvented the state legislature's goals and "rendered [the new statutory requirements] largely toothless, because they can now be readily evaded." *Id.* at 1213. The court explained that "retention of supplemental jurisdiction over ADA-based Unruh Act claims threatens to substantially thwart California's carefully crafted reforms in this area and to deprive the state courts of their critical role in effectuating the policies underlying those reforms." *Id.* Thus, the court held that these circumstances are "exceptional" within the meaning of § 1367(c)(4) and therefore potentially justified declining supplemental jurisdiction over the plaintiff's Unruh Act claim. See *id.* ("The district court did not abuse its discretion in concluding that this extraordinary situation threatens unusually significant damage to federal-state comity and presents 'exceptional circumstances' within the meaning of § 1367(c)(4)."). However, because the district court had waited to decline supplemental jurisdiction until after granting summary judgment on the plaintiff's ADA claim, thereby effectively deciding the Unruh Act claim, the Ninth Circuit reversed the court's decision to decline supplemental jurisdiction, holding that it had waited too long to invoke the comity interest. *Id.* at 1215–17. Unlike *Arroyo*, this case is still at a very early stage, and this Court has not yet addressed or adjudicated the merits of any of Plaintiff's claims. This appears to be a case in which the Court should decline supplemental jurisdiction over Plaintiff's Unruh Act claim under § 1367(c)(4) to protect the comity interests identified in *Arroyo*. Accordingly, the Court ORDERS Plaintiff within 14 days after entry of this Order to show cause in writing why the Court should not dismiss without prejudice his Unruh Act claim under § 1367(c)(4). Plaintiff's response must identify the amount of statutory damages Plaintiff seeks to recover and must be supported by declarations, signed under penalty of perjury, providing all facts necessary for the Court to determine if Plaintiff and his counsel satisfy the definition of a "high-frequency litigant" as provided by Cal. Civ. Proc. Code § 425.55(b)(1)–(2). If Plaintiff fails to file a response within 14 days after entry of this Order, the Court will decline to exercise supplemental jurisdiction over his Unruh Act claim, and the Unruh Act claim will be automatically dismissed without prejudice without further order of the Court. Date: September 24, 2025

Stanley Blumenfeld, Jr. United States District Judge