

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Marquise Bailey v. ATN Building Materials, Inc.

Bailey v. ATN Building Materials · No. 2:25-cv-02564-JLS-DFM · Decided April 2, 2025

SUMMARY

The United States District Court for the Central District of California orders the plaintiff to show cause why the court should not decline supplemental jurisdiction over claims under California’s Unruh Act and other state laws. The order discusses California’s heightened pleading and filing requirements for construction-related accessibility claims and high-frequency litigants. It requires the plaintiff to identify the statutory damages sought and submit declarations addressing whether the plaintiff and counsel qualify as high-frequency litigants, warning that failure to respond or an inadequate response may result in dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Josephine L. Staton
JURISDICTION	United States District Court for the Central District of California
DECIDED	April 2, 2025
DOCKET	2:25-cv-02564-JLS-DFM
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause requiring Plaintiff to explain why the court should not decline supplemental jurisdiction over the Unruh Act and other state-law claims arising alongside the federal Americans with Disabilities Act claim.
PRECEDENTIAL VALUE	Unknown; district court civil minutes order with no reporter citation.
PARTIES	Marquise Bailey v. ATN Building Materials, Inc.

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should decline to exercise supplemental jurisdiction over Plaintiff's Unruh Act and other state-law claims under 28 U.S.C. § 1367(c).
2. Whether Plaintiff and Plaintiff's counsel qualify as high-frequency litigants under California law and whether the complaint seeks statutory damages subject to California's heightened requirements.

HOLDINGS

1. The court did not make a final determination on supplemental jurisdiction; instead, it ordered Plaintiff to show cause why the court should not decline to exercise supplemental jurisdiction over the state-law claims.
2. The court ordered Plaintiff to identify the statutory damages sought and to submit sworn declarations from Plaintiff and counsel providing facts necessary to determine whether either qualifies as a high-frequency litigant under California law.

KEY QUOTATIONS

“Even if supplemental jurisdiction exists, however, district courts have discretion to decline to exercise supplemental jurisdiction.” (Order at 1)

“Failure to respond may, without further warning, result in dismissal of the entire action without prejudice.” (Order at 3)

FACTUAL BACKGROUND

The complaint alleges a violation of the federal Americans with Disabilities Act involving accessibility and seeks injunctive relief. Plaintiff also seeks statutory damages under California's Unruh Act and asserts other state-law claims, apparently based on alleged construction-related accessibility violations.

PROCEDURAL HISTORY

Plaintiff filed a federal complaint asserting an ADA claim for injunctive relief and California Unruh Act and other state-law claims for damages. The district court ordered Plaintiff to respond within ten days and provide information concerning the amount of statutory damages and whether Plaintiff or counsel qualified as high-frequency litigants. The court warned that failure to respond could result in dismissal of the entire action without prejudice and that an inadequate response would result in dismissal of the state-law claims under 28 U.S.C. § 1367(c).

DISPOSITION

other

CASES CITED

- Velez v. Il Fornaio (America) Corp., CV 3:18-1840 CAB (MDD), 2018 WL 6446169, at *6 (S.D. Cal. Dec. 10, 2018)
- City of Chicago v. International College of Surgeons, 522 U.S. 156, 173 (1997)
- Link v. Wabash Railroad Co., 370 U.S. 626, 629-633 (1962)
- Hells Canyon Preservation Council v. U.S. Forest Service, 403 F.3d 683, 689 (9th Cir. 2005)

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