

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Dennis Cooper v. Hesperia 2001, LLC et al.

Cooper · No. EDCV 23-413 JGB (KKx; 5:23-cv-00413-JGB-KK) · Decided March 13, 2023

SUMMARY

The United States District Court for the Central District of California ordered the plaintiff to show cause why the court should exercise supplemental jurisdiction over claims under California's Unruh Civil Rights Act and any other state-law claims. The court also required disclosures concerning the amount of statutory damages sought and whether the plaintiff and counsel qualified as high-frequency litigants under California law.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Jesus G. Bernal
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 13, 2023
DOCKET	EDCV 23-413 JGB (KKx; 5:23-cv-00413-JGB-KK)
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause in an action asserting an ADA claim for injunctive relief, a California Unruh Civil Rights Act damages claim, and other state-law claims.
PRECEDENTIAL VALUE	Unpublished district court order to show cause; limited precedential value.
PARTIES	Dennis Cooper v. Hesperia 2001, LLC et al.

TOPICS

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

PRACTICE AREAS

- federal civil procedure
- supplemental jurisdiction
- Americans with Disabilities Act
- California Unruh Civil Rights Act

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over the Unruh Civil Rights Act claim and any other state-law claims asserted in the complaint.
2. Whether Plaintiff must provide information concerning the amount of statutory damages sought and whether Plaintiff and counsel qualify as high-frequency litigants under California law.

HOLDINGS

1. The court did not make a final determination whether to exercise supplemental jurisdiction; instead, it ordered Plaintiff to show cause in writing why supplemental jurisdiction should be exercised.
2. Plaintiff was required to identify the statutory damages sought and provide, with counsel, sworn declarations containing facts necessary to determine whether they qualify as high-frequency litigants under California Code of Civil Procedure section 425.55(b)(1)-(b)(2).

KEY QUOTATIONS

“The supplemental jurisdiction statute “reflects the understanding that, when deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in each case, and at every stage of the litigation, the values of judicial economy, convenience, fairness, and comity.’” (1)

“Failure to timely or adequately respond to this OSC may, without further warning, result in the dismissal of the entire action without prejudice or the Court declining to exercise supplemental jurisdiction over the Unruh Act and other state-law claims, if any, and the dismissal of any such claims pursuant to § 1367(c).” (2)

FACTUAL BACKGROUND

The complaint alleged a violation of the Americans with Disabilities Act and sought injunctive relief. It also asserted a claim for damages under California's Unruh Civil Rights Act and other state-law claims, prompting the court to examine the basis for supplemental jurisdiction.

PROCEDURAL HISTORY

Plaintiff filed the complaint in federal district court. The court determined that it appeared to possess only supplemental jurisdiction over the Unruh Act and other state-law claims and ordered Plaintiff to explain why supplemental jurisdiction should be exercised.

DISPOSITION

other

CASES CITED

- City of Chicago v. International College of Surgeons, 522 U.S. 156, 173 (1997)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 (1988)

OPINION

Dennis Cooper v. Hesperia 2011, LLC

PER CURIAM.

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

Case No. EDCV 23-413 JGB (KKx) Date March 13, 2023 Title Dennis Cooper v. Hesperia 2001, LLC et al. Present: The Honorable JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE MAYNOR GALVEZ Not Reported Deputy Clerk Court Reporter Attorney(s) Present for Plaintiff(s): Attorney(s) Present for Defendant(s): None Present None Present Proceedings: Order to Show Cause (IN CHAMBERS) The complaint filed in this action asserts a claim for injunctive relief arising out of an alleged violation of the Americans with Disabilities Act (“ADA”) and a claim for damages pursuant to California’s Unruh Civil Rights Act (“Unruh Act”), among other state-law claims. (See “Complaint,” Dkt. No. 1.) It appears that the Court possesses only supplemental jurisdiction over the Unruh Act claim, and any other state-law claim that Plaintiff may have alleged, pursuant to the Court’s supplemental jurisdiction. See 28 U.S.C. § 1367(a). The supplemental jurisdiction statute “reflects the understanding that, when deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in each case, and at every stage of the litigation, the values of judicial economy, convenience, fairness, and comity.’” *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 173 (1997) (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)). Therefore, the Court orders Plaintiff to show cause in writing why the Court should exercise supplemental jurisdiction over the Unruh Act claim and any other state-law claim asserted in the complaint. See 28 U.S.C. § 1367(c). In responding to this Order to Show Cause (“OSC”), Plaintiff shall identify the amount of statutory damages that Plaintiff seeks to recover. Plaintiff and Plaintiff’s counsel shall also support their responses to the OSC with declarations, signed under penalty of perjury, providing all facts necessary for the Court to determine if they satisfy the definition of a “high-frequency litigant” as provided by California Civil Procedure Code Sections 425.55(b)(1)-(b)(2). Plaintiff shall file a Response to this OSC no later than Wednesday, March 22, 2023. Page 1 of 2 CIVIL MINUTES—GENERAL Initials of Deputy Clerk mg Case 5:23-cv-00413-JGB-KK Document 9 Filed 03/13/23 Page 2 of 2 Page ID #:26 Failure to timely or adequately respond to this OSC may, without further warning, result in the dismissal of the entire action without prejudice or the Court declining to exercise supplemental jurisdiction over the Unruh Act and other state-law claims, if any, and the dismissal of any such claims pursuant to 28 U.S.C. § 1367(c). IT IS SO ORDERED. Page 2 of 2 CIVIL MINUTES—GENERAL Initials of Deputy Clerk mg