

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Michael Harris v. H and S Energy, LLC, et al.

Harris · No. CV 25-6443-MWF(PDx · Decided July 21, 2025

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 other state laws. The court required information concerning the statutory damages sought and whether the plaintiff or counsel qualifies as a high-frequency litigant, with a response due August 4, 2025.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Michael W. Fitzgerald
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 21, 2025
DOCKET	CV 25-6443-MWF(PDx
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause requiring Plaintiff to explain why the court should exercise supplemental jurisdiction over claims under the California Unruh Civil Rights Act and other state laws.
STANDARD OF REVIEW	The court independently examined its subject-matter jurisdiction and considered whether to exercise supplemental jurisdiction under 28 U.S.C. § 1367(c).
PRECEDENTIAL VALUE	unpublished
PARTIES	Michael Harris v. H and S Energy, LLC, et al.

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over the Unruh Civil Rights Act claim and the other state-law claims.
2. Whether Plaintiff should be required to provide information concerning the amount of Unruh Act statutory damages sought and the potential high-frequency-litigant status of Plaintiff or Plaintiff's counsel.

HOLDINGS

1. The district court may raise and examine subject-matter jurisdiction sua sponte during the pendency of the action.
2. The court may decline to exercise supplemental jurisdiction over the Unruh Act and other state-law claims for reasons authorized by 28 U.S.C. § 1367(c), including concerns about federal-state comity.

KEY QUOTATIONS

“This Court has a sua sponte obligation to confirm that it has subject matter jurisdiction.” (at 1)

“Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the dismissal of the entire action without prejudice or the Court’s declining to exercise supplemental jurisdiction over the Unruh Act claim and the dismissal of that claim pursuant to 28 U.S.C. § 1367(c).” (at 1)

FACTUAL BACKGROUND

The Complaint alleges a violation of the Americans with Disabilities Act and seeks injunctive relief. It also seeks damages under California's Unruh Civil Rights Act and asserts other state-law claims. The court identified supplemental jurisdiction under 28 U.S.C. § 1367(a) as the sole asserted basis for jurisdiction over the Unruh Act claim and required information concerning statutory damages and whether Plaintiff or counsel qualified as high-frequency litigants under California law.

PROCEDURAL HISTORY

Plaintiff filed a federal action asserting an Americans with Disabilities Act claim, an Unruh Civil Rights Act damages claim, and other state-law claims. The court issued a sua sponte order to show cause concerning supplemental jurisdiction and directed Plaintiff to submit a written response by August 4, 2025.

DISPOSITION

other

CASES CITED

- *Arroyo v. Rosas*, 19 F.4th 1202, 1211–14 (9th Cir. 2021)

- Nevada v. Bank of Am. Corp., 672 F.3d 661, 673 (9th Cir. 2012)
- Snell v. Cleveland, Inc., 316 F.3d 822, 826 (9th Cir. 2002)

OPINION

Michael Harris v. H and S Energy, LLC

PER CURIAM.

CIVIL MINUTES – GENERAL

Case No. CV 25-6443-MWF(PDx) Date: July 21, 2025 Title Michael Harris v. H and S Energy, LLC, et al. Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge Rita Sanchez Not Reported Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants: Not Present Not Present Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE SUPPLEMENTAL JURISDICTION

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”), 42 U.S.C. §§ 12101-12213, a claim for damages pursuant to the Unruh Civil Rights Act (“Unruh Act”), Cal. Civ. Code §§ 51–53, and other state law claims alleged by Plaintiff. The sole basis for jurisdiction over the Unruh Act claim is supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a). The Court, however, may decline to exercise supplemental jurisdiction for the reasons delineated in § 1367(c). See also Arroyo v. Rosas, 19 F.4th 1202, 1211–14 (9th Cir. 2021) (holding district courts may decline supplemental jurisdiction over ADA-based Unruh Act claims because of “very substantial threat to federal-state comity” presented by plaintiffs’ use of federal courts to evade California’s Unruh Act reforms). This Court has a sua sponte obligation to confirm that it has subject matter jurisdiction. Nevada v. Bank of Am. Corp., 672 F.3d 661, 673 (9th Cir. 2012) (“[I]t is well established that ‘a court may raise the question of subject matter jurisdiction, sua sponte, at any time during the pendency of the action’” (quoting Snell v. Cleveland, Inc., 316 F.3d 822, 826 (9th Cir. 2002))). Therefore, to assist this Court in its duty, Plaintiff is ORDERED to SHOW CAUSE in writing as to why this Court should exercise supplemental jurisdiction

CIVIL MINUTES – GENERAL

Case No. CV 25-6443-MWF(PDx) Date: July 21, 2025 Title Michael Harris v. H and S Energy, LLC, et al. over the Unruh Act claim and the other state law claims alleged by Plaintiff. The Response to the Order to Show Cause shall include (1) the amount of statutory damages sought pursuant to the Unruh Act; and (2) sufficient facts for the Court to determine whether Plaintiff or Plaintiff’s counsel meet the definition of a “high- frequency litigant” as defined in California Code of Civil Procedure section 425.55(b)(1) & (2). These facts shall be set forth in declarations signed under penalty of perjury. The Response shall be filed on or before AUGUST 4, 2025. Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the dismissal of the entire action without prejudice or the Court’s declining to exercise

supplemental jurisdiction over the Unruh Act claim and the dismissal of that claim pursuant to 28 U.S.C. § 1367(c). IT IS SO ORDERED.

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