

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Julio Cruz v. Hang Vo

Cruz v. Vo · No. 8:25-cv-00589-JLS-ADS · Decided April 2, 2025

SUMMARY

The Central District of California ordered Plaintiff Julio Cruz to show cause why the court should not decline supplemental jurisdiction over state-law claims arising alongside an alleged Americans with Disabilities Act violation. The court required Plaintiff to identify the statutory damages sought and provide declarations addressing whether Plaintiff and counsel are high-frequency litigants under California law, warning that failure or an inadequate response could 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	8:25-cv-00589-JLS-ADS
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause directing Plaintiff to explain why the court should not decline supplemental jurisdiction over the state-law claims asserted alongside the federal Americans with Disabilities Act claim.
STANDARD OF REVIEW	Abuse-of-discretion framework for a district court's decision whether to decline supplemental jurisdiction under 28 U.S.C. § 1367(c); no final jurisdictional determination was made in this order.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should require Plaintiff to show cause why it should not decline supplemental jurisdiction over the Unruh Act, Disabled Persons Act, California Health and Safety Code, and negligence claims.
2. What information Plaintiff must provide concerning statutory damages and the potential high-frequency-litigant status of Plaintiff and counsel.

HOLDINGS

1. Although supplemental jurisdiction may exist over related state-law claims, the district court has discretion under 28 U.S.C. § 1367(c) to decline exercising that jurisdiction after considering the circumstances of the case, the nature and governing character of the state-law claims, and their relationship to the federal claims.
2. Plaintiff must identify the amount of statutory damages sought and provide sworn declarations from Plaintiff and counsel containing facts necessary to determine whether either is a high-frequency litigant.

KEY QUOTATIONS

“Even if supplemental jurisdiction exists, however, district courts have discretion to decline to exercise supplemental jurisdiction.”

“Accordingly, Plaintiff is ORDERED to show cause, in writing, no later than ten (10) days from the date of this Order, why the Court should not decline to exercise supplemental jurisdiction over Plaintiff’s Unruh Act, Disabled Persons Act, California Health & Safety Code, and negligence claims.”

FACTUAL BACKGROUND

The complaint alleges a federal ADA violation and related state-law claims concerning accessibility at a place of public accommodation. The state-law claims seek statutory damages under California law, and the order notes California's heightened pleading, filing-fee, and disclosure requirements for construction-related accessibility claims and high-frequency litigants. The court required information about the amount of statutory damages and the litigation histories of Plaintiff and counsel to evaluate whether exercising supplemental jurisdiction would be appropriate.

PROCEDURAL HISTORY

Plaintiff filed a complaint asserting an ADA claim for injunctive relief and state-law claims under the Unruh Act, the California Disabled Persons Act, the California Health and Safety Code, and negligence. Before adjudicating the merits, the district court ordered Plaintiff to respond within ten days regarding supplemental jurisdiction, statutory damages, and whether Plaintiff or counsel qualified as a high-frequency litigant. The order warned that failure to respond could result in dismissal without prejudice.

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)

OPINION

Julio Cruz v. Hang Vo

PER CURIAM.

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00589-JLS-ADS Date: April 01, 2025 Title: Julio Cruz v. Hang Vo et al

Present: HONORABLE JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE

Kelly Davis N/A Deputy Clerk Court Reporter ATTORNEYS PRESENT FOR PLAINTIFF:

ATTORNEYS PRESENT FOR DEFENDANT: 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 federal Americans with Disabilities Act, a claim for damages pursuant to California’s Unruh Act, a claim under California’s Disabled Persons Act, a claim under the California Health & Safety Code, and a claim for negligence. (Compl., Doc. 1.) The Court ORDERS Plaintiff to show cause why the Court should not decline to exercise supplemental jurisdiction over Plaintiff’s Unruh Act, Disabled Persons Act, California Health & Safety Code, and negligence claims. See 28 U.S.C. § 1367(c). “In 2012, in an attempt to deter baseless claims and vexatious litigation, California adopted heightened pleading requirements for disability discrimination lawsuits under the Unruh Act.” Velez v. Il Fornaio (America) Corp., CV 3:18-1840 CAB (MDD), 2018 WL 6446169, at *6 (S.D. Cal. Dec. 10, 2018). These heightened pleading requirements apply to actions alleging a “construction-related accessibility claim,” which California law defines as “any civil claim in a civil action with respect to a place of public accommodation, including but not limited to, a claim brought under Section 51, 54, 54.1, or 55, based wholly or in part on an alleged violation of any construction-related accessibility standard.” Cal. Civ. Code § 55.52(a)(1). Moreover, California imposes additional limitations on “high-frequency litigants,” defined as: A plaintiff who has filed 10 or more complaints alleging a

construction- related accessibility violation within the 12-month period immediately

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00589-JLS-ADS Date: April 01, 2025 Title: Julio Cruz v. Hang Vo et al preceding the filing of the current complaint alleging a construction-related accessibility violation. Cal. Civ. Proc. Code § 425.55(b)(1). The definition of “high-frequency litigant” also extends to attorneys. See Cal. Civ. Proc. Code § 425.55(b)(2). “High frequency litigants” are subject to a special filing fee and further heightened pleading requirements. See Cal. Gov. Code § 70616.5; Cal. Civ. Proc. Code § 425.50(a)(4)(A). By enacting restrictions on the filing of construction-related accessibility claims, California has expressed a desire to limit the financial burdens California’s businesses may face for claims for statutory damages under the Unruh Act. Plaintiffs who file these actions in federal court evade these limits and pursue state law damages in a manner inconsistent with the state law’s requirements. In an action over which a district court possesses original jurisdiction, that court “shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.” 28 U.S.C. § 1367(a). Even if supplemental jurisdiction exists, however, district courts have discretion to decline to exercise supplemental jurisdiction. 28 U.S.C. § 1367(c). Such discretion may be exercised “[d]epending on a host of factors” including “the circumstances of the particular case, the nature of the state law claims, the character of the governing state law, and the relationship between the state and federal claims.” *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 173 (1997). Accordingly, Plaintiff is ORDERED to show cause, in writing, no later than ten (10) days from the date of this Order, why the Court should not decline to exercise supplemental jurisdiction over Plaintiff’s Unruh Act, Disabled Persons Act, California Health & Safety Code, and negligence claims. In so responding, Plaintiff is further ORDERED to:

- (1) identify the amount of statutory damages Plaintiff seeks to recover; and
- (2) provide declarations from Plaintiff and Plaintiff’s counsel, signed under penalty of perjury, providing all facts necessary for the Court to determine if each is a “high-frequency litigant.” Failure to respond may, without further warning, result in dismissal of the entire action without prejudice. Fed. R. Civ. P. 41(b) (stating that dismissal is warranted “[i]f

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CIVIL MINUTES – GENERAL

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Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005). Further, an inadequate response will result in the Court declining to exercise supplemental jurisdiction over Plaintiff's Unruh Act, Disabled Persons Act, California Health & Safety Code, and negligence claims and the dismissal of those claims pursuant to 28 U.S.C. § 1367(c). Initials of Deputy Clerk: kd
