

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Kenneth Davidson v. Industrial Glass Products, Inc. et al.

Davidson · No. 2:25-cv-07004-SB-MBK · Decided August 1, 2025

SUMMARY

The United States District Court for the Central District of California orders Plaintiff Kenneth Davidson to show cause why his Unruh Act claim should not be dismissed without prejudice under 28 U.S.C. § 1367(c)(4). Relying on Ninth Circuit precedent concerning California’s regulation of high-frequency disability-access litigation, the Court indicates that declining supplemental jurisdiction may protect federal-state comity. Plaintiff must respond within 14 days and provide information regarding the statutory damages sought and whether he and his counsel qualify as high-frequency litigants.

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	August 1, 2025
DOCKET	2:25-cv-07004-SB-MBK
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause regarding whether it should decline supplemental jurisdiction over Plaintiff's California Unruh Act claim and dismiss that claim without prejudice.
STANDARD OF REVIEW	Abuse-of-discretion principles govern a district court's decision whether to exercise supplemental jurisdiction; the court may decline supplemental jurisdiction under the circumstances specified in 28 U.S.C. § 1367(c).
PRECEDENTIAL VALUE	Unknown; order to show cause from a federal district court, with no reporter citation.

TOPICS

- subject matter jurisdiction
- civil procedure
- public accommodations discrimination
- ada / disability

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should decline supplemental jurisdiction over Plaintiff's Unruh Act claim under 28 U.S.C. § 1367(c)(4) because retaining the claim could undermine California's statutory reforms directed at high-frequency construction-related litigation and impair federal-state comity.
2. What information Plaintiff must provide to show why the Unruh Act claim should not be dismissed without prejudice, including the statutory damages sought and facts relevant to whether Plaintiff and his counsel qualify as high-frequency litigants.

HOLDINGS

1. A district court may decline to exercise supplemental jurisdiction over an ADA-based California Unruh Act claim under 28 U.S.C. § 1367(c)(4) when exceptional circumstances threaten significant damage to federal-state comity by circumventing California's statutory reforms concerning high-frequency 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.”

FACTUAL BACKGROUND

Kenneth Davidson alleged that he has paraplegia and is substantially limited in his ability to walk. He sued Industrial Glass Products, Inc. and others, alleging that Defendants failed to provide an accessible entrance, violating the ADA and the California Unruh Act. The Unruh Act claim was closely related to the ADA claim, but the court had not yet adjudicated the merits of either claim.

PROCEDURAL HISTORY

Plaintiff filed suit alleging that Defendants failed to provide an accessible entrance in violation of the Americans with Disabilities Act and the California Unruh Act. The court had not yet addressed or adjudicated the merits of any claim. It ordered Plaintiff to explain why the Unruh Act claim should not be dismissed without prejudice 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

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA KENNETH DAVIDSON, Case No. 2:25-cv-07004-SB-MBK Plaintiff, v. ORDER TO SHOW CAUSE INDUSTRIAL GLASS PRODUCTS, INC. et al., Defendants. Plaintiff Kenneth Davidson, who suffers from paraplegia and is substantially limited in his ability to walk, filed this suit alleging that Defendants failed to provide an accessible entrance, 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: August 1, 2025 _____ Stanley Blumenfeld, Jr. United States District Judge