

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)

