

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Mario Mendoza v. Du Van Tran D/B/A Lee’s Discount Furniture; De
La Torre Investment Properties, LLC; and Does 1 to 10

Mendoza v. Tran · No. 2:25-CV-02475-MEMF-SK · Decided April 3, 2025

SUMMARY

The United States District Court for the Central District of California ordered Mario Mendoza to show cause why it should exercise supplemental jurisdiction over his California state-law claims arising from alleged disability-access violations. The court requested information about the statutory damages sought and declarations addressing whether Mendoza and his counsel qualify as high-frequency litigants under California law. The response was due fourteen days from the date of the order, April 3, 2025.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Maame Ewusi-Mensah Frimpong
JURISDICTION	United States District Court for the Central District of California
DECIDED	April 3, 2025
DOCKET	2:25-CV-02475-MEMF-SK
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause why it should not decline to exercise supplemental jurisdiction over the plaintiff’s California state-law claims in an action that also asserted a federal ADA claim.
STANDARD OF REVIEW	The court considered whether to exercise supplemental jurisdiction under 28 U.S.C. § 1367(c), weighing judicial economy, convenience, fairness, and comity.
PRECEDENTIAL VALUE	Unknown; district court order to show cause

TOPICS

- subject matter jurisdiction
- civil procedure
- public accommodations discrimination
- architectural barriers
- pleadings

PRACTICE AREAS

Federal civil procedure

Supplemental jurisdiction

Americans with Disabilities Act

California disability-access litigation

QUESTIONS PRESENTED

1. Whether the district court should exercise supplemental jurisdiction over Mendoza's claims under the California Unruh Civil Rights Act, California Disabled Persons Act, California Health and Safety Code, and negligence law.
2. Whether Mendoza and his counsel must provide information and declarations concerning high-frequency-litigant status and the amount of statutory damages sought.

HOLDINGS

1. The court did not decide whether to retain supplemental jurisdiction at that time; instead, it ordered Mendoza to show cause why the court should exercise supplemental jurisdiction over the Unruh Act, California Disabled Persons Act, California Health and Safety Code, and negligence claims.
2. Mendoza must identify the amount of statutory damages sought, and Mendoza and his counsel must submit sworn declarations addressing whether they satisfy California's definitions of high-frequency litigant, including the number of relevant claims filed or handled during the preceding twelve months.

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)

"The failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the Court declining to exercise supplemental Jurisdiction over the Unruh Act claim, the California Disabled Persons Act claim, the California Health and Safety Code claim, and the negligence claim pursuant to 28 U.S.C. § 1367(c)." (2)

FACTUAL BACKGROUND

Mendoza alleged that defendants violated the Americans with Disabilities Act in connection with construction-related accessibility barriers at a business. He also asserted related California claims for statutory damages, injunctive relief, and negligence. The order states that the complaint did not resolve whether Mendoza or his counsel qualified as high-frequency litigants subject to California's heightened pleading and disclosure requirements.

PROCEDURAL HISTORY

On March 20, 2025, Mendoza filed a complaint asserting an ADA claim and claims under the California Unruh Civil Rights Act, California Disabled Persons Act, California Health and Safety Code, and negligence. The complaint invoked federal-question jurisdiction for the ADA claim and purported to invoke pendent or

supplemental jurisdiction for the state-law claims. The court ordered Mendoza to respond within fourteen days and warned that failure to respond could result in declining supplemental jurisdiction under 28 U.S.C. § 1367(c).

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

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF CALIFORNIA 10 Case No.: 2:25-CV-02475-MEMF-SK 11 MARIO MENDOZA, 12 Plaintiff, ORDER TO SHOW CAUSE WHY THE COURT SHOULD NOT DECLINE TO 13 v. EXERCISE SUPPLEMENTAL JURISDICTION OV ER PLAINTIFF’S 14 STATE LAW CLAIMS DU VAN TRAN D/B/A LEE’S DISCOUNT 15 FURNITURE; DE LA TORRE INVESTMENT 16 PROPERTIES, LLC; and DOES 1 to 10, Defendants.

17 18 19 20 On March 20, 2025, Mario Mendoza filed a Complaint against Du Van Tran D/B/A Lee’s 21 Discount Furniture; De La Torre Investment Properties, LLC; and DOES 1 to 10 (collectively, 22 “Defendants”), asserting: (1) a claim for injunctive relief arising out of an alleged violation of the 23 Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12010–12213; (2) a claim for damages 24 pursuant to California’s Unruh Civil Rights Act (“Unruh Act”), Cal. Civ.

Code §§ 51–52, et seq.; (3) 25 a claim for damages pursuant to the California Disabled Persons Act, Cal. Civ. Code §§ 54, et seq.; 26 (4) a claim for damages and injunctive relief based on California Health and Safety Code § 19955, et 27 seq.; (5) a claim for damages for negligence. ECF No. 1.

The Complaint alleges that this Court has 28 1 jurisdiction over the ADA claim pursuant to 28 U.S.C. §§ 1331 and 1343, and that the state law 2 claims are brought “pursuant to pendant [sic] jurisdiction.” Id. at ¶¶ 6–7. 3 Principles of pendent jurisdiction have been codified in the supplemental jurisdiction statute, 4 28 U.S.C. § 1367.

The supplemental jurisdiction statute “reflects the understanding that, when 5 deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in 6 each case, and at every stage of the litigation, the values of judicial economy, convenience, fairness, 7 and comity.’” City of Chicago v. Int’l Coll. of Surgeons, 522 U.S. 156, 173 (1997) (emphasis added) 8 (quoting Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 (1988)).

9 California law sets forth a heightened pleading standard for a limited group of lawsuits 10 brought under the Unruh Act. See Cal. Civ. Proc. Code §§ 425.55(a)(2) & (3). The stricter pleading 11 standard requires certain plaintiffs bringing construction-access claims like the one in the instant 12 case to file a verified complaint alleging specific facts concerning the plaintiff's claim, including the 13 specific barriers encountered or how the plaintiff was deterred and each date on which the plaintiff 14 encountered each barrier or was deterred.

See Cal. Civ. Proc. Code § 425.50(a). A “high-frequency 15 litigant fee” is also imposed on certain plaintiffs and law firms bringing these claims. See Cal. Gov’t 16 Code § 70616.5. A “high-frequency litigant” is “a plaintiff who has filed 10 or more complaints 17 alleging a construction-related accessibility violation within the 12-month period immediately 18 preceding the filing of the current complaint alleging a construction-related accessibility violation” 19 and “an attorney who has represented as attorney of record 10 or more high-frequency litigant 20 plaintiffs in actions that were resolved within the 12-month period immediately preceding the filing 21 of the current complaint alleging a construction-related accessibility violation.” Cal. Civ.

Proc. Code 22 §§ 425.55(b)(1) & (2). High frequency litigants are also required to state: (1) whether the complaint 23 is filed by, or on behalf of, a high-frequency litigant; (2) in the case of a high-frequency litigant who 24 is a plaintiff, the number of complaints alleging construction-related accessibility claim filed by the 25 high-frequency litigant during the 12 months prior to filing the instant complaint; (3) the reason the 26 individual was in the geographic area of the defendant's business; and (4) the reason why the 27 individual desired to access the defendant's business.” See id. § 425.50(a)(4)(A).

28 1 In light of the foregoing, the Court orders Mario Mendoza to show cause in writing why the 2 || Court should exercise supplemental jurisdiction over the Unruh Act claim, the California Disabled 3 || Persons Act claim, the California Health and Safety Code claim, and the negligence claim. See 28 4 || U.S.C. § 1367(c).

In responding to this Order to Show Cause: 5 1. Mario Mendoza shall identify the amount of statutory damages Mario Mendoza seeks to 6 recover. 7 2. Mario Mendoza and Mario Mendoza's counsel shall also support their responses to the Order 8 to Show Cause with declarations, signed under penalty of perjury, providing all facts 9 necessary for the Court to determine if they satisfy the definition of a “high-frequency 10 litigant” as provided by California Code of Civil Procedure §§ 425.55(b)(1) & (2).

This 11 includes, but is not limited to: 12 a. the number of construction-related accessibility claims filed by Mario Mendoza in the 13 twelve months preceding the filing of the present claim; and 14 b. the number of construction-related accessibility claims in which Mario Mendoza's 15 counsel has represented high-frequency litigant plaintiffs in the twelve months 16 preceding the filing of the present claim.

17 Mario Mendoza shall file a Response to this Order to Show Cause by no later than fourteen 18
|| days from the date of this order. The failure to timely or adequately respond to this Order to
Show 19 | Cause may, without further warning, result in the Court declining to exercise
supplemental 20 Jurisdiction over the Unruh Act claim, the California Disabled Persons Act claim,
the California 21 || Health and Safety Code claim, and the negligence claim pursuant to 28 U.S.C.
§ 1367(c).

22 23 IT IS SO ORDERED. 24 f= 25 Dated: April 3, 2025 26 MAAME EWUSI-MENSAH
FRIMPONG 27 United States District Judge 28