

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

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