

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Melanie Delapaz v. Gonzalez Glass & Mirrors Inc., Antonio
Gonzalez, and Does 1 to 10

Delapaz v. Gonzalez Glass · No. 2:25-cv-04345-MEMF-JPR · Decided June 3, 2025

SUMMARY

The United States District Court for the Central District of California issued an order to show cause regarding whether it should exercise supplemental jurisdiction over the plaintiff’s California-law claims in an ADA accessibility action. The court directed the plaintiff to identify the statutory damages sought and required declarations addressing whether the plaintiff and counsel meet California’s definition of high-frequency litigants. The response was ordered within fourteen days, with failure to respond potentially resulting in dismissal of the state-law claims without further warning.

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	June 3, 2025
DOCKET	2:25-cv-04345-MEMF-JPR
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause why it should not decline to exercise supplemental jurisdiction over the plaintiff's state-law claims.
STANDARD OF REVIEW	Under 28 U.S.C. § 1367(c), the court considers whether to decline supplemental jurisdiction, weighing judicial economy, convenience, fairness, and comity.
PRECEDENTIAL VALUE	Unknown; district-court order to show cause with no reported citation.
PARTIES	Melanie Delapaz v. Gonzalez Glass & Mirrors Inc., Antonio Gonzalez, Does 1 to 10

TOPICS

subject matter jurisdiction

civil procedure

pleadings

ada / disability

public accommodations discrimination

PRACTICE AREAS

civil procedure

disability rights

supplemental jurisdiction

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over Delapaz's Unruh Act, California Disabled Persons Act, California Health and Safety Code, and negligence claims.
2. Whether Delapaz and her counsel must provide information and declarations addressing the statutory definition of a high-frequency litigant before the court determines whether to exercise supplemental jurisdiction.

KEY QUOTATIONS

“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.’” (at 1)

FACTUAL BACKGROUND

Delapaz alleged that Gonzalez Glass & Mirrors Inc., Antonio Gonzalez, and Does 1 to 10 violated the ADA and related California laws through construction-related accessibility barriers. She sought ADA injunctive relief, damages and injunctive relief under California statutes, and negligence damages. The court focused on whether the complaint and related circumstances implicated California's heightened pleading requirements and high-frequency-litigant provisions.

PROCEDURAL HISTORY

On May 14, 2025, Delapaz filed a complaint asserting an ADA claim and related California statutory and negligence claims. The court identified California's heightened pleading and high-frequency-litigant requirements for certain construction-accessibility claims and ordered Delapaz to explain why the court should exercise supplemental jurisdiction over the state claims.

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-04345-MEMF-JPR 11 MELANIE DELAPAZ, 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 GONZALEZ GLASS & MIRRORS INC.; 15 ANTONIO GONZALEZ; and DOES 1 to
16 10, 17 Defendants.

18 19 20 On May 14, 2025, Melanie Delapaz filed a Complaint against Gonzalez Glass & Mirrors,
21 Inc., Antonio Gonzalez, and Does 1 to 10 asserting: (1) a claim for injunctive relief arising out
of an 22 alleged violation of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12010–
12213; (2) a 23 claim for damages pursuant to California's Unruh Civil Rights Act ("Unruh Act"),
Cal. Civ.

Code §§ 24 51–52, et seq.; (3) a claim for damages pursuant to the California Disabled Persons
Act, Cal. Civ. 25 Code §§ 54, et seq.; (4) a claim for damages and injunctive relief based on
California Health and 26 Safety Code § 19955, et seq.; (5) a claim for damages for negligence.
ECF No. 1.

The Complaint 27 alleges that this Court has jurisdiction over the ADA claim pursuant to 28
U.S.C. §§ 1331 and 1343, 28 and that the state law claims are brought "pursuant to pendant [sic]
jurisdiction." Id. at ¶¶ 6 7. 1 Principles of pendent jurisdiction have been codified in the
supplemental jurisdiction statute, 2 28 U.S.C. § 1367.

The supplemental jurisdiction statute "reflects the understanding that, when 3 deciding whether to
exercise supplemental jurisdiction, 'a federal court should consider and weigh in 4 each case, and
at every stage of the litigation, the values of judicial economy, convenience, fairness, 5 and
comity.'" City of Chicago v. Int'l Coll. of Surgeons, 522 U.S. 156, 173 (1997) (emphasis added) 6
(quoting Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 (1988)).

7 California law sets forth a heightened pleading standard for a limited group of lawsuits 8 brought
under the Unruh Act. See Cal. Civ. Proc. Code §§ 425.55(a)(2) & (3). The stricter pleading 9
standard requires certain plaintiffs bringing construction-access claims like the one in the instant
10 case to file a verified complaint alleging specific facts concerning the plaintiff's claim,
including the 11 specific barriers encountered or how the plaintiff was deterred and each date on
which the plaintiff 12 encountered each barrier or was deterred.

See Cal. Civ. Proc. Code § 425.50(a). A "high-frequency 13 litigant fee" is also imposed on certain
plaintiffs and law firms bringing these claims. See Cal. Gov't 14 Code § 70616.5. A "high-
frequency litigant" is "a plaintiff who has filed 10 or more complaints 15 alleging a construction-
related accessibility violation within the 12-month period immediately 16 preceding the filing of
the current complaint alleging a construction-related accessibility violation" 17 and "an attorney

who has represented as attorney of record 10 or more high-frequency litigant 18 plaintiffs in actions that were resolved within the 12-month period immediately preceding the filing 19 of the current complaint alleging a construction-related accessibility violation.” Cal. Civ.

Proc. Code 20 §§ 425.55(b)(1) & (2). High frequency litigants are also required to state: (1) whether the complaint 21 is filed by, or on behalf of, a high-frequency litigant; (2) in the case of a high-frequency litigant who 22 is a plaintiff, the number of complaints alleging construction-related accessibility claim filed by the 23 high-frequency litigant during the 12 months prior to filing the instant complaint; (3) the reason the 24 individual was in the geographic area of the defendant’s business; and (4) the reason why the 25 individual desired to access the defendant’s business.” See id. § 425.50(a)(4)(A).

26 In light of the foregoing, the Court orders Delapaz to show cause in writing why the Court 27 should exercise supplemental jurisdiction over the Unruh Act claim, the California Disabled Persons 28 1 || Act claim, the California Health and Safety Code claim, and the negligence claim. See 28 U.S.C. § 2 | 1367(c).

In responding to this Order to Show Cause: 3 1. Delapaz shall identify the amount of statutory damages Delapaz seeks to recover. 4 2. Delapaz and her counsel shall also support their responses to the Order to Show Cause with 5 declarations, signed under penalty of perjury, providing all facts necessary for the Court to 6 determine if they satisfy the definition of a “high-frequency litigant” as provided by 7 California Code of Civil Procedure §§ 425.55(b)(1) & (2).

This includes, but is not limited 8 to: 9 a. the number of construction-related accessibility claims filed by Delapaz in the twelve 10 months preceding the filing of the present claim; and 11 b. the number of construction-related accessibility claims in which Delapaz’s counsel 12 has represented high-frequency litigant plaintiffs in the twelve months preceding the 13 filing of the present claim.

14 Delapaz shall file a Response to this Order to Show Cause by no later than fourteen days 15 || from the date of this order. The failure to timely or adequately respond to this Order to Show Cause 16 || may, without further warning, result in the Court declining to exercise supplemental jurisdiction over 17 || the Unruh Act claim, the California Disabled Persons Act claim, the California Health and Safety 18 || Code claim, and the negligence claim pursuant to 28 U.S.C. § 1367(c).

19 20 IT IS SO ORDERED. 21 22 Uf 23 Dated: June 3, 2025 24 MAAME EWUSI-MENSAH FRIMPONG 25 United States District Judge 26 27 28