

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

Larry Dunn v. Robert Burns Liquor, Inc., et al.

Dunn v. Robert Burns Liquor · No. 2:25-cv-04575-WLH-PD · Decided June 9, 2025

SUMMARY

The United States District Court for the Central District of California orders the plaintiff to show cause why the court should exercise supplemental jurisdiction over claims under California’s Unruh Civil Rights Act and related state law. The order discusses 28 U.S.C. § 1367(c), California’s efforts to address disability-access litigation, and decisions declining supplemental jurisdiction over certain construction-access claims. Plaintiff must identify the statutory damages sought and provide declarations addressing whether plaintiff and counsel qualify as high-frequency litigants.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                                                               |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Central District of California                                                                                                                                                                                                                                                           |
| JURISDICTION       | United States District Court for the Central District of California                                                                                                                                                                                                                                                           |
| DECIDED            | June 9, 2025                                                                                                                                                                                                                                                                                                                  |
| DOCKET             | 2:25-cv-04575-WLH-PD                                                                                                                                                                                                                                                                                                          |
| DISPOSITION        | other                                                                                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE | After Plaintiff filed a complaint asserting an Americans with Disabilities Act claim for injunctive relief and a California Unruh Civil Rights Act claim for damages, the district court issued an order requiring Plaintiff to show cause why the court should exercise supplemental jurisdiction over the state-law claims. |
| STANDARD OF REVIEW | The exercise of supplemental jurisdiction under 28 U.S.C. § 1367 is discretionary and requires consideration of judicial economy, convenience, fairness, and comity.                                                                                                                                                          |
| PRECEDENTIAL VALUE | Unknown; unpublished federal district court order                                                                                                                                                                                                                                                                             |

TOPICS

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

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the district court should exercise supplemental jurisdiction over Plaintiff's Unruh Civil Rights Act claim and any related state-law claims.
2. What information Plaintiff and counsel must provide to permit the court to evaluate whether declining supplemental jurisdiction is appropriate under 28 U.S.C. § 1367(c).

## HOLDINGS

1. Supplemental jurisdiction is discretionary rather than a right of the plaintiff, and a district court may decline to exercise it under the circumstances identified in 28 U.S.C. § 1367(c), after weighing judicial economy, convenience, fairness, and comity.
2. The court did not yet decide whether to exercise supplemental jurisdiction; it ordered Plaintiff to show cause why the Unruh Act claim and related state-law claims should remain in federal court.

## KEY QUOTATIONS

*“is a doctrine of discretion, not of plaintiff’s right”* (at 2)

*“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 2)

## FACTUAL BACKGROUND

Plaintiff alleged a violation of the Americans with Disabilities Act and sought injunctive relief. Plaintiff also asserted a claim for damages under California's Unruh Civil Rights Act based on alleged disability-access violations. The court noted California's statutory efforts to address allegedly baseless or vexatious disability-access litigation, including heightened pleading requirements and a high-frequency litigant fee.

## PROCEDURAL HISTORY

The complaint invoked federal-question jurisdiction for an ADA claim and requested supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367. The court did not decide the jurisdictional question in this order; instead, it directed Plaintiff and counsel to provide written responses and declarations addressing the statutory damages sought and whether they qualify as high-frequency litigants. The court warned that failure to respond could result in declining supplemental jurisdiction and dismissing the state-law claims.

## DISPOSITION

other

## CASES CITED

- *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)

- *Acri v. Varian Assocs.*, 114 F.3d 999, 1000 (9th Cir. 1997)
- *Schutza v. Cuddeback*, 262 F. Supp. 3d 1025, 1031 (S.D. Cal. 2017)

## OPINION

2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF CALIFORNIA  
10 11 LARRY DUNN Case No. 2:25-cv-04575-WLH-PD Plaintiff(s), 12 v. 13 ORDER TO  
SHOW CAUSE ROBERT BURNS LIQUOR, INC., et al. 14 WHY THE COURT Defendant(s).  
SHOULD 15 EXERCISE 16 SUPPLEMENTAL JURISDICTION OVER THE 17 STATE LAW  
CLAIMS 18 19 The Complaint filed in this action asserts a claim for injunctive relief arising 20  
out of an alleged violation of the Americans with Disabilities Act (the “ADA”) and 21 claim for  
damages pursuant to California’s Unruh Civil Rights Act (the “Unruh 22 Act”), Cal. Civ.

Code §§ 51-53. In the Complaint, Plaintiff requests the court 23 exercise supplemental jurisdiction  
over the Unruh Act claim pursuant to 24 28 U.S.C. § 1367. 25 The United States Supreme Court  
has recognized supplemental jurisdiction 26 “is a doctrine of discretion, not of plaintiff’s right, and  
that district courts can 27 2 The supplemental jurisdiction statute codifies these principles.

After 3 establishing that supplemental jurisdiction encompasses “other claims” in the same 4 case  
or controversy as a claim within the district courts’ original jurisdiction, 5 § 1367(a), the statute  
confirms the discretionary nature of supplemental 6 jurisdiction by enumerating the circumstances  
in which district courts can refuse 7 its exercise: 8 (c) The district courts may decline to exercise  
supplemental jurisdiction over a claim under subsection (a) if -- 9 (1) the claim raises a novel or  
complex issue of State law, 10 (2) the claim substantially predominates over the claim or claims 11  
over which the district court has original jurisdiction, 12 (3) the district court has dismissed all  
claims over which it has 13 original jurisdiction, or 14 (4) in exceptional circumstances, there are  
other compelling reasons for declining jurisdiction.

15 16 28 U.S.C. § 1367(c). 17 Depending on a host of factors, then -- including the circumstances  
of the 18 particular case, the nature of the state law claims, the character of the governing 19 state  
law, and the relationship between the state and federal claims -- district 20 courts may decline to  
exercise jurisdiction over supplemental state law claims. 21 The statute thereby reflects the  
understanding that, when deciding whether to 22 exercise supplemental jurisdiction, “a federal  
court should consider and weigh 23 in each case, and at every stage of the litigation, the values of  
judicial economy, 24 convenience, fairness, and comity.” *Id.* at 173 (quoting Carnegie-Mellon  
Univ.

25 v. *Cohill*, 484 U.S. 343, 350 (1988)); see also *Acri v. Varian Assocs.*, 114 F.3d 26 999, 1000  
(9th Cir. 1997) (recognizing district courts have discretion to decline 27 2 brought under the Unruh  
Act to combat the influx of baseless claims and 3 vexatious litigation in the disability access  
litigation sphere. Cal. Code Civ. Proc. 4 § 425.50.

The stricter pleading standard requires a plaintiff bringing construction- 5 access claims<sup>1</sup> to file a verified complaint alleging specific facts concerning the 6 plaintiff's claim, including the specific barriers encountered or how the plaintiff 7 was deterred and each date on which the plaintiff encountered each barrier or 8 was deterred. See id. § 425.50(a).

California also imposed a "high-frequency 9 litigant fee" in 2015 in response to the "special and unique circumstances" 10 presented by certain plaintiffs and law firms filing an outsized number of Unruh 11 Act lawsuits. Cal. Gov't Code § 70616.5. 12 In recognition of California's efforts to reduce the abuse of California's 13 disability access laws, district courts within the state have determined that the 14 interests of fairness and comity counsel against exercising supplemental jurisdiction 15 over construction-access claims brought under the Unruh Act.

See, e.g., *Schutza 16 v. Cuddeback* 262 F. Supp. 3d 1025, 1031 (S.D. Cal. 2017) ("[T]he Court finds it 17 would be improper to allow Plaintiff [a high frequency litigant] to use federal court 18 as an end-around to California's pleading requirements.

Therefore, as a matter of 19 20 21 1 "Construction-related accessibility claim' means any civil claim in a civil action with respect to a place of public accommodation, including, but not limited to, a 22 claim brought under [Cal. Civ. Code] Section 51, 54, 54.1, or 55, based wholly or in part on an alleged violation of any construction-related accessibility standard, as 23 defined in paragraph (6)." Cal. Civ.

Code § 55.52(a)(1). "Construction-related accessibility standard' means a provision, standard, or regulation under state or 24 federal law requiring compliance with standards for making new construction and existing facilities accessible to persons with disabilities, including, but not 25 limited to, any provision, standard, or regulation set forth in Section 51, 54, 54.1, or 55 of this code, Section 19955.5 of the Health and Safety Code, the California 26 Building Standards Code (Title 24 of the California Code of Regulations), the federal Americans with Disabilities Act of 1990 (Public Law 101-336; 27 I comity, and in aererence to Cahtromia § substantial interest 1n discouraging 2 unverified disability discrimination claims, the Court declines supplemental 3 jurisdiction over Plaintiff's Unruh Act claim.").

4 In light of the foregoing, the Court ORDERS Plaintiff to show cause in writing 5 why the court should exercise supplemental jurisdiction over the Unruh Act claim 6 and any related state law claims. See 28 U.S.C. § 1367(c).

In responding to this 7 Order to Show Cause, Plaintiff shall identify the amount of statutory damages 8 || Plaintiff seeks to recover. Plaintiff and his or her counsel also shall support their || responses to the Order to Show Cause with declarations, signed under penalty 10|| of perjury, providing all facts necessary for the court to determine if they satisfy || the definition of a "high-frequency litigant" as provided by Cal. Code Civ.

Proc. § 425.55(b)(1) & (2). 13 Plaintiff shall file a Response to this Order to Show Cause within fourteen 14|| (14) days of this Order. Failure to timely or adequately respond to this Order to 15|| Show Cause may result in the court declining to exercise supplemental jurisdiction 16|| over the Unruh Act claim and any related state law claims and dismissing such 17|| claim or claims without further notice, pursuant to 28 U.S.C. § 1367(c).

The || Court may set a hearing on the Order to Show Cause after reviewing the 19|| parties' responses, if necessary. 20 21 IT IS SO ORDERED. 22 24 ||Dated: June 9, 2025 25 26 UNITED STATES DISTRICT JUDGE 27 28