

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Nelson Chilin v. Frank Stillman

Chilin v. Stillman · No. 5:25-cv-02022-SVW-DTB · Decided August 8, 2025

SUMMARY

The Central District of California ordered the parties to submit a joint status report addressing alleged ADA barriers, remedial measures, and potential summary judgment motions. The court also ordered the plaintiff to show cause why it should exercise supplemental jurisdiction over the Unruh Act and other state-law claims, identify the statutory damages sought, and provide declarations concerning high-frequency litigant status. The order warns that failure to respond may result in dismissal of the action or state-law claims.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stephen V. Wilson
JURISDICTION	U.S. District Court for the Central District of California
DECIDED	August 8, 2025
DOCKET	5:25-cv-02022-SVW-DTB
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause and ordered the parties to file a joint status report before the initial status conference in a pending action alleging violations of Title III of the Americans with Disabilities Act and related state-law claims.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Nelson Chilin v. Frank Stillman, et al.

TOPICS

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

PRACTICE AREAS

- civil procedure
- civil rights
- Americans with Disabilities Act
- supplemental jurisdiction
- attorney fees

QUESTIONS PRESENTED

1. What information should the parties provide concerning investigation or remediation of the alleged ADA barriers and their potential effect on mootness?
2. Why should the court exercise supplemental jurisdiction over the Unruh Act claim and any other state-law claims under 28 U.S.C. § 1367?
3. Whether plaintiff and plaintiff's counsel must provide declarations concerning whether plaintiff qualifies as a high-frequency litigant under California Code of Civil Procedure section 425.55(b)(1) and (2).

KEY QUOTATIONS

“a defendant’s voluntary removal of alleged barriers prior to trial can have the effect of mootting a plaintiff’s ADA claim.” (at 1)

“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.’” (at 2)

FACTUAL BACKGROUND

Plaintiff asserted claims under Title III of the ADA based on alleged access barriers and apparently also asserted state-law claims, including a claim under California's Unruh Civil Rights Act. The order does not resolve whether the alleged barriers existed, whether defendants remedied them, or whether they were reasonably likely to recur. The court required defendant to describe any investigative or remedial measures and required plaintiff to state its position regarding those measures and identify the statutory damages sought.

PROCEDURAL HISTORY

The action was pending in the Central District of California before the initial status conference. The court directed the parties to report on investigation and remediation of alleged ADA barriers and whether they intended to move for summary judgment. The court also ordered the plaintiff to show cause why supplemental jurisdiction should be exercised over the Unruh Act and any other state-law claims, and warned that failure to respond could result in dismissal without prejudice.

DISPOSITION

other

CASES CITED

- *Oliver v. Ralphs Grocery Co.*, 654 F.3d 903 (9th Cir. 2011)
- *Am. Cargo Transp., Inc. v. United States*, 625 F.3d 1176 (9th Cir. 2010)
- *Hillesheim v. Holiday Stationstores, Inc.*, 953 F.3d 1059 (8th Cir. 2020)
- *G. v. Fay Sch.*, 931 F.3d 1 (1st Cir. 2019)
- *Brooke v. A-Ventures, LLC*, 2017 WL 5624941, at *5 (D. Ariz. Nov. 22, 2017)

- *Buckhannon Bd. & Care Home, Inc. v. W. Va. Dep't of Health & Hum. Res.*, 532 U.S. 598 (2001)
- *Molski v. Foster Freeze Paso Robles*, 267 Fed. App'x 631 (9th Cir. 2008)
- *City of Chicago v. Int'l Coll. of Surgeons*, 522 U.S. 156 (1997)
- *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343 (1988)

OPINION

Nelson Chilin v. Frank Stillman

PER CURIAM.

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 5:25-cv-02022-SVW-DTB Date August 8, 2025 Title Nelson Chilin v. Frank Stillman et al Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE Daniel Tamayo N/A Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: N/A Attorneys Present for Defendants: N/A Proceedings: ORDER TO SHOW CAUSE AND ORDER FOR JOINT STATUS REPORT It is the policy of this Court to encourage expedient resolution of civil litigation. Cf. Fed. R. Civ. P. 1 (noting that rules of civil procedure should be construed to “secure the just, speedy, and inexpensive determination of every action and proceeding”). In accordance with that policy, the Court reminds the parties that “a defendant’s voluntary removal of alleged barriers prior to trial can have the effect of mootng a plaintiff’s ADA claim.” *Oliver v. Ralphs Grocery Co.*, 654 F.3d 903, 905 (9th Cir. 2011). If the defendant in an ADA case removes the alleged barriers and demonstrates that the alleged barriers could not reasonably be expected to arise again, the ADA claim may be dismissed. See *id.*; see also *Am. Cargo Transp., Inc. v. United States*, 625 F.3d 1176, 1179 (9th Cir. 2010). This is true even if a plaintiff pleads nominal damages, because nominal damages are not available under Title III of the ADA. See *Hillesheim v. Holiday Stationstores, Inc.*, 953 F.3d 1059, 1062 (8th Cir. 2020); *G. v. Fay Sch.*, 931 F.3d 1, 11 (1st Cir. 2019); *Brooke v. A-Ventures, LLC*, 2017 WL 5624941, at *5 (D. Ariz. Nov. 22, 2017). If an ADA claim is mooted and dismissed at an early stage, the Court has the discretion to decline supplemental jurisdiction over state law claims. See *Oliver*, 654 F.3d at 911 (finding no abuse of discretion where district court declined supplemental jurisdiction after ADA claims were moot). Additionally, if an ADA claim is mooted and dismissed, the plaintiff is not entitled to attorney’s fees. See *Buckhannon Bd. & Care Home, Inc. v. W. Va. Dept. of Health & Human Resources*, 532 U.S. 598 (2001) (affirming denial of attorney’s fees where ADA claim rendered moot prior to trial); see also *Molski v. Foster Freeze Paso Robles*, 267 Fed.Appx. 631, 632 (9th Cir. 2008) (citing *Buckhannon*, 532

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 5:25-cv-02022-SVW-DTB Date August 8, 2025 Title Nelson Chilin v. Frank Stillman et al U.S. at 605) (affirming district court’s order dismissing ADA claims as moot, dismissing

supplemental state claims, and denying attorney's fees). In light of the foregoing, the parties are ORDERED to issue a joint status report at least 7 days prior to the initial status conference. In that status report, Defendant should describe the measures it has taken to investigate and/or remedy the alleged barriers. If Defendant implemented remedial measures, Plaintiff should state their position regarding those measures. Both parties should state whether and when they intend to move for summary judgment. Further, it appears that Plaintiff has invoked the Court's supplemental jurisdiction to assert state law claims. See 28 U.S.C. § 1367(a). 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.'" *City of Chicago v. Int'l Coll. of Surgeons*, 522 U.S. 156, 173 (1997) (emphasis added) (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)). The Court therefore further ORDERS Plaintiff to show cause in writing why the Court should exercise supplemental jurisdiction over the Unruh Act claim and any other state law claim asserted in the Complaint. See 28 U.S.C. § 1367(c). In responding to this Order to Show Cause, Plaintiff shall identify the amount of statutory damages plaintiff seeks to recover. Plaintiff and Plaintiff's counsel shall also support their responses to the Order to Show Cause with declarations, signed under penalty of perjury, providing all facts necessary for the Court to determine if they satisfy the definition of a "high- frequency litigant" as provided by California Civil Procedure Code sections 425.55(b)(1) & (2). Plaintiff shall file a Response to this Order to Show Cause within 14 days of this order. Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the dismissal of the entire action without prejudice or the Court declining to exercise supplemental jurisdiction over the state law claims and the dismissal of any such claims pursuant to 28 U.S.C. § 1367(c). IT IS SO ORDERED.