

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PRECEDENTIAL VALUE	nonprecedential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)

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