

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

United African-Asian Abilities Club v. ASP Mohawk, LLC

No. 25-cv-0476-BAS-MSB (S.D. Cal. Apr. 16, 2025) · No. 25-cv-0476-BAS-MSB · Decided April 16, 2025

SUMMARY

The United States District Court for the Southern District of California declined to exercise supplemental jurisdiction over the plaintiffs’ California Unruh Act claim. The court found exceptional circumstances and compelling reasons under 28 U.S.C. § 1367(c)(4), emphasizing California’s procedural safeguards for high-frequency accessibility litigants and the principles of fairness and comity. The Unruh Act claim was dismissed without prejudice to refiling in state court, while the remaining claims were retained.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cynthia Bashant
JURISDICTION	United States District Court for the Southern District of California
DECIDED	April 16, 2025
DOCKET	25-cv-0476-BAS-MSB
DISPOSITION	dismissed
PROCEDURAL POSTURE	On the court's order to show cause, the district court declined to exercise supplemental jurisdiction over Plaintiffs' California Unruh Act claim and dismissed that claim without prejudice to refiling in state court.
STANDARD OF REVIEW	Discretionary consideration of whether to decline supplemental jurisdiction under 28 U.S.C. § 1367(c), including the two-part exceptional-circumstances and compelling-reasons inquiry under § 1367(c)(4).
PRECEDENTIAL VALUE	unpublished

TOPICS

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

PRACTICE AREAS

civil procedure

supplemental jurisdiction

disability rights

Fair Housing Act

Americans with Disabilities Act

California Unruh Civil Rights Act

QUESTIONS PRESENTED

1. Whether the district court should decline to exercise supplemental jurisdiction over Plaintiffs' Unruh Act claim under 28 U.S.C. § 1367(c)(4).
2. Whether exceptional circumstances and compelling reasons based on economy, convenience, fairness, and comity justified dismissal of the Unruh Act claim without prejudice.

HOLDINGS

1. A district court may decline supplemental jurisdiction when exceptional circumstances and other compelling reasons exist, provided it articulates the exceptional circumstances and considers the Gibbs values of economy, convenience, fairness, and comity.
2. Exceptional circumstances existed because exercising supplemental jurisdiction would allow high-frequency litigants to avoid California's procedural safeguards for construction-related accessibility claims, undermining the state legislature's regulatory scheme.
3. Compelling reasons favored declining supplemental jurisdiction because fairness and comity strongly supported allowing California courts to apply California's Unruh Act requirements, and economy and convenience favored dismissal at the early stage of the case.

KEY QUOTATIONS

“Supplemental jurisdiction is ultimately “a doctrine of discretion, not of plaintiff’s right.”” (at 2)

“Here, as in Arroyo, those same California rules are rendered ineffectual where plaintiffs such as those here are permitted to raise these claims in federal court and thus skirt California’s rules.” (at 4)

“it would not be “fair” to the defendants if plaintiffs could bypass the “limitations California state law has imposed” on Unruh Act claims by simply bringing them in federal court.” (at 6)

“allowing federal courts to be an “escape hatch” for plaintiffs seeking to avoid the heightened requirements would be an “affront to the comity between federal and state courts.”” (at 6)

FACTUAL BACKGROUND

Plaintiffs asserted federal accessibility claims under the Fair Housing Act and ADA and a damages claim under California's Unruh Act. The court noted that the Unruh Act provides monetary damages and contains procedural safeguards for high-frequency litigants bringing construction-related accessibility claims. Plaintiffs did not identify whether they would qualify as high-frequency litigants, and the court relied on the record showing extensive prior filings in the district. The case remained at an early stage because the defendant had not yet appeared.

PROCEDURAL HISTORY

Plaintiffs filed a federal action asserting claims for injunctive relief under the Fair Housing Act and ADA, as well as damages under California's Unruh Act and other state-law claims. The court ordered Plaintiffs to show cause why it should not decline supplemental jurisdiction over the Unruh Act claim. Plaintiffs responded two days late and did not move to accept the late response; the court declined supplemental jurisdiction over the Unruh Act claim while retaining jurisdiction over the remaining claims.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

The Unruh Act claim was dismissed without prejudice to Plaintiffs asserting it in state court. The court retained jurisdiction over Plaintiffs' remaining claims.

CASES CITED

- City of Chicago v. International College of Surgeons, 522 U.S. 156, 172 (1997)
- United Mine Workers of America v. Gibbs, 383 U.S. 715, 726 (1966)
- Arroyo v. Rosas, 19 F.4th 1202, 1210–11 (9th Cir. 2021)
- Vo v. Choi, 49 F.4th 1167, 1168–73 (9th Cir. 2022)
- Frazier v. Ramirez, No. 2:24-cv-06294-MRA-MAA, 2024 WL 4406814, at *4 (C.D. Cal. Aug. 27, 2024)