

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Guri Gonzalez v. Larisa A Aivazi, et al.

No. 2:25-cv-05751-JAK (MAAx) · No. No. 2:25-cv-05751-JAK (MAAx) · Decided June 30, 2025

SUMMARY

The United States District Court for the Central District of California ordered the plaintiff to show cause why the court should not decline supplemental jurisdiction over state-law claims under 28 U.S.C. § 1367. The order focuses on California pleading and fee requirements for Unruh Act accessibility claims brought by high-frequency litigants. Plaintiff was directed to identify the statutory damages sought and provide a declaration addressing high-frequency-litigant status, with a response due July 14, 2025.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	John A. Kronstadt
JURISDICTION	United States District Court for the Central District of California
DECIDED	June 30, 2025
DOCKET	No. 2:25-cv-05751-JAK (MAAx)
DISPOSITION	other
PROCEDURAL POSTURE	On review of the complaint, the district court sua sponte issued an order to show cause why it should not decline supplemental jurisdiction over the state-law claims.
STANDARD OF REVIEW	Not applicable; the order concerns the district court's discretionary determination whether to exercise supplemental jurisdiction.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown

TOPICS

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

PRACTICE AREAS

- Civil procedure
- Supplemental jurisdiction
- Americans with Disabilities Act
- California Unruh Civil Rights Act

QUESTIONS PRESENTED

1. Whether the district court should decline to exercise supplemental jurisdiction over the state-law claims because California's heightened requirements for construction-related accessibility claims and high-frequency litigants indicate substantial state interests and implicate the considerations identified in 28 U.S.C. § 1367(c).
2. Whether Plaintiff should be required to identify the statutory damages sought and provide evidence concerning whether he qualifies as a high-frequency litigant under California law.

HOLDINGS

1. A federal district court may exercise supplemental jurisdiction over state-law claims that form part of the same Article III case or controversy as claims within the court's original jurisdiction, but supplemental jurisdiction is discretionary rather than a right of the plaintiff.
2. In deciding whether to exercise supplemental jurisdiction over pendent state-law claims, the district court must consider the values of judicial economy, convenience, fairness, and comity at every stage of the litigation.

KEY QUOTATIONS

“This “is a doctrine of discretion, not of plaintiff’s right.”” (at 1)

“Because accepting supplemental jurisdiction over such claims would permit high-frequency plaintiffs to side-step those state-law requirements by pursuing the claims in a federal forum, many district courts, including this one, have declined to exercise such jurisdiction.” (at 2)

FACTUAL BACKGROUND

The complaint asserted ADA claims and California-law claims arising from alleged accessibility violations. Plaintiff had filed more than ten construction-related accessibility actions in the District of California during the year preceding this action, which suggested that he might qualify as a high-frequency litigant under California law. The court noted that California imposes heightened pleading requirements and fees on certain high-frequency Unruh Act litigants and expressed concern that federal supplemental jurisdiction could allow those requirements to be avoided.

PROCEDURAL HISTORY

Plaintiff filed a federal action alleging violations of the Americans with Disabilities Act and California state-law claims, including claims under the Unruh Civil Rights Act. The complaint invoked supplemental jurisdiction for the state-law claims. The court ordered Plaintiff to show cause why supplemental jurisdiction should not be declined and allowed Defendants to respond; no final ruling on jurisdiction or dismissal had yet been issued.

DISPOSITION

other

CASES CITED

- United Mine Workers v. Gibbs, 383 U.S. 715, 726 (1966)
- Nishimoto v. Federman-Bachrach & Assocs., 903 F.2d 709, 715 (9th Cir. 1990)
- Whitaker v. RCP Belmont Shore LLC, No. LA CV19-09561 JAK (JEMx), 2020 WL 3800449, at *6-*8 (C.D. Cal. Mar. 30, 2020)
- Garibay v. Rodriguez, No. 2:18-cv-09187-PA (AFMx), 2019 WL 5204294, at *1-*6 (C.D. Cal. Aug. 27, 2019)
- Perri v. Thrifty Payless, No. 2:19-CV-07829-CJC (SKx), 2019 WL 7882068, at *2 (C.D. Cal. Oct. 8, 2019)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 GURI GONZALEZ No. 2:25-cv-05751-JAK (MAAx) 11 Plaintiff, ORDER RE
TO SHOW CAUSE RE: 12 SUPPLEMENTAL JURISDICTION v. OVER STATE-LAW
CLAIMS 13 LARISA A AIVAZI, et al. 14 Defendants. 15 16 17 18 19 20 21 22 23 24 25 26 27 1
Based on a review of the Complaint (Dkt. 1), the following determinations are 2 made: 3 The
Complaint alleges violations of the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.
(the “ADA”), the Unruh Civil Rights Act (the “Unruh Act”), Cal. 5 Civ.

Code §§ 51–55 and other provisions of California law. Supplemental jurisdiction is 6 the basis for
the state-law claims. Dkt. 1 ¶ 7. 7 District courts may exercise “supplemental jurisdiction over all
other claims that 8 are so related to claims in the action within such original jurisdiction that they
form part 9 of the same case or controversy under Article III of the United States Constitution.” 28
10 U.S.C. § 1367(a).

This “is a doctrine of discretion, not of plaintiff’s right.” United Mine 11 Workers v. Gibbs, 383
U.S. 715, 726 (1966). “In order to decide whether to exercise 12 jurisdiction over pendent state
law claims, a district court should consider... at every 13 stage of the litigation, the values of
judicial economy, convenience, fairness, and 14 comity.” Nishimoto v. Federman-Bachrach &
Assocs., 903 F.2d 709, 715 (9th Cir.

1990) 15 (citation omitted). 16 In 2012, California imposed heightened pleading requirements for
Unruh Act 17 claims. Cal. Civ. Code § 55.52(a)(1); Cal. Code Civ. Proc. § 425.50(a). In 2015, 18
California also imposed a “high-frequency litigant fee” for plaintiffs and law firms that 19 have
brought large numbers of construction-related accessibility claims.

Cal. Gov’t Code 20 70616.5. As detailed in previous orders by this Court and other district courts
in 21 California, these reforms addressed the small number of plaintiffs and counsel who bring 22
a significant percentage of construction-related accessibility claims. E.g., Whitaker v. 23 RCP
Belmont Shore LLC, No. LA CV19-09561 JAK (JEMx), 2020 WL 3800449, at *6– 24 8 (Mar.

30, 2020); *Garibay v. Rodriguez*, No. 2:18-cv-09187-PA (AFMx), 2019 WL 25 5204294, at *1–6 (C.D. Cal. Aug. 27, 2019). These statutes impose special requirements 26 for construction-related accessibility claims brought by high-frequency plaintiffs 27 pursuant to the Unruh Act.

Because accepting supplemental jurisdiction over such claims 1 would permit high-frequency plaintiffs to side-step those state-law requirements by 2 pursuing the claims in a federal forum, many district courts, including this one, have 3 declined to exercise such jurisdiction. E.g., *Whitaker*, 2020 WL 3800449, at *6–8; 4 *Garibay*, 2019 WL 5204294, at *1–6. 5 A review of the docket in this District shows that, in the one-year period preceding 6 the filing of the Complaint, Plaintiff has filed more than ten actions in which he has 7 advanced construction-related accessibility claims.

In a California Superior Court, 8 Plaintiff would be deemed a high-frequency litigant. Therefore, “California’s recent 9 legislative enactments confirm that the state has a substantial interest in this case.” *Perri 10 v. Thrifty Payless*, No. 2:19-CV-07829-CJC (SKx), 2019 WL 7882068, at *2 (C.D. Cal. 11 Oct. 8, 2019). 12 In light of the foregoing, Plaintiff is ORDERED TO SHOW CAUSE why the 13 Court should not decline to exercise supplemental jurisdiction over the state-law claims.

14 Plaintiff shall file a response to this Order to Show Cause, not to exceed ten pages, on or 15 before July 14, 2025. In responding to this Order to Show Cause, Plaintiff shall identify 16 the amount of statutory damages Plaintiff seeks to recover. Plaintiff shall also present a 17 declaration, signed under penalty of perjury, providing the evidence necessary for the 18 Court to determine if Plaintiff meets the definition of a “high-frequency litigant” as 19 defined in Cal. Code Civ.

Proc. § 425.50(b)(1) & (2). Failure to file a timely response to 20 this Order to Show Cause may result in the dismissal of the state-law claims without 21 prejudice by declining to exercise supplemental jurisdiction over them, pursuant to 28 22 U.S.C. § 1367(c). Defendant may also file a response to this Order to Show Cause, not to 23 exceed ten pages, on or before July 21, 2025.

24 25 26 27 1 Upon receipt of the response(s), the matter will be taken under submission, and a 2 || written order will issue. 3 4 || ITISSO ORDERED. 5 te NOE 7 | Dated: June 30, 2025 C) 8 John A. Kronstadt 9 United States District Judge 10 11 12 13 14 15 16 17 18 19