

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Bernard Taruc v. Medas Upholstery Inc., et al.

No. 5:25-cv-01559-WLH-BFM, United States District Court for the Central District of California (July 15, 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 claims. The court directs the plaintiff and counsel to identify the statutory damages sought and submit declarations addressing whether they qualify as high-frequency litigants under California law. The response is due within 14 days, and failure to respond may result in dismissal of the state-law claims without further notice.

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	July 15, 2025
DOCKET	5:25-cv-01559-WLH-BFM
DISPOSITION	other
PROCEDURAL POSTURE	The plaintiff filed a federal Americans with Disabilities Act claim for injunctive relief and a related California Unruh Civil Rights Act claim for damages, requesting that the court exercise supplemental jurisdiction over the state-law claim. The district court issued an order to show cause requiring plaintiff to explain why supplemental jurisdiction should be exercised.
STANDARD OF REVIEW	Supplemental jurisdiction under 28 U.S.C. § 1367 is discretionary; the court must consider the statutory grounds for declining jurisdiction and weigh judicial economy, convenience, fairness, and comity.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

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

PRACTICE AREAS

civil procedure

civil rights

Americans with Disabilities Act

supplemental jurisdiction

QUESTIONS PRESENTED

1. Whether the district court should exercise supplemental jurisdiction over the plaintiff's Unruh 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), including the amount of statutory damages sought and whether plaintiff or counsel qualifies as a high-frequency litigant.

HOLDINGS

1. Supplemental jurisdiction is discretionary rather than a right of the plaintiff, and the district court may decline to exercise it under the circumstances identified in 28 U.S.C. § 1367(c).
2. Before determining whether to exercise supplemental jurisdiction, the court may require plaintiff and counsel to show cause and provide declarations addressing the amount of statutory damages sought and whether they qualify as high-frequency litigants under California law.

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)

“Failure to timely or adequately respond to this Order to Show Cause may result in the court declining to exercise supplemental jurisdiction over the Unruh Act claim and any related state law claims and dismissing such claim or claims without further notice, pursuant to 28 U.S.C. § 1367(c).” (at 4)

FACTUAL BACKGROUND

The complaint alleged a violation of the Americans with Disabilities Act and sought injunctive relief, along with damages under California's Unruh Civil Rights Act. The plaintiff asked the federal court to exercise supplemental jurisdiction over the Unruh Act claim. The order references California's heightened pleading requirements and high-frequency-litigant provisions for construction-related disability-access claims, and requires information bearing on whether those provisions apply.

PROCEDURAL HISTORY

The complaint asserted an ADA claim and an Unruh Act claim arising from alleged disability-access violations. Before deciding whether to exercise supplemental jurisdiction over the state-law claims, the district court ordered plaintiff and counsel to provide information concerning the claimed statutory damages and whether they qualify as high-frequency litigants under California law. The court warned that an inadequate or untimely response 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 (1988)
- Acri v. Varian Assocs., 114 F.3d 999 (9th Cir. 1997)
- Schutza v. Cuddeback, 262 F. Supp. 3d 1025 (S.D. Cal. 2017)

OPINION

Bernard Taruc v. Medas Upholstery Inc.

PER CURIAM.

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UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 11 BERNARD TARUC Case No. 5:25-cv-01559-WLH-BFM Plaintiff(s), 12 v. 13

ORDER TO SHOW CAUSE

MEDAS UPHOLSTERY 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,

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(2) the claim substantially predominates over the claim or claims

over which the district court has original jurisdiction, (3) the district court has dismissed all claims over which it has original jurisdiction, or (4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction. 28 U.S.C. § 1367(c). Depending on a host of factors, then -- including the circumstances of the particular case, the nature of the state law claims, the character of the governing state law, and the relationship between the state and federal claims -- district courts may decline to exercise jurisdiction over supplemental state law claims. The statute thereby 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.” *Id.* at 173 (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)); see also *Acri v. Varian Assocs.*, 114 F.3d 999, 1000 (9th Cir. 1997) (recognizing district courts have discretion to decline brought under the Unruh Act to combat the influx of baseless claims and vexatious litigation in the disability access litigation sphere. Cal. Code Civ. Proc. § 425.50. The stricter pleading standard requires a plaintiff bringing construction-access claims to file a verified complaint alleging specific facts concerning the plaintiff’s claim, including the specific barriers encountered or how the plaintiff was deterred and each date on which the plaintiff encountered each barrier or was deterred. See *id.* § 425.50(a). California also imposed a “high-frequency litigant fee” in 2015 in response to the “special and unique circumstances” presented by certain plaintiffs and law firms filing an outsized number of Unruh Act lawsuits. Cal. Gov’t Code § 70616.5. In recognition of California’s efforts to reduce the abuse of California’s disability access laws, district courts within the state have determined that the interests of fairness and comity counsel against exercising supplemental jurisdiction over construction-access claims brought under the Unruh Act. See, e.g., *Schutza v. Cuddeback*, 2017 F. Supp. 3d 1025, 1031 (S.D. Cal. 2017) (“[T]he Court finds it would be improper to allow Plaintiff [a high frequency litigant] to use federal court as an end-around to California’s pleading requirements. Therefore, as a matter of course, the Court finds that ‘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 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 defined in paragraph (6).” Cal. Civ. Code § 55.52(a)(1). “Construction-related accessibility standard’ means a provision, standard, or regulation under state or federal law requiring compliance with standards for making new construction and existing facilities accessible to persons with disabilities, including, but not 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 Building Standards Code (Title 24 of the California Code of Regulations), the federal Americans with Disabilities Act of 1990 (Public Law 101-336; 29 U.S.C. § 12101 et seq.), and in accordance to California’s substantial interest in discouraging 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: July 15, 2025
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26 UNITED STATES DISTRICT JUDGE
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