

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

John Drinkwater v. Trader Joes Company, et al.

No. 2:25-cv-02617-FLA-ADS, United States District Court for the Central District of California (April 8, 2025)

SUMMARY

The United States District Court for the Central District of California ordered the plaintiff to show cause why the court should exercise supplemental jurisdiction over claims under California’s Unruh Civil Rights Act. The order discusses discretionary supplemental jurisdiction under 28 U.S.C. § 1367 and California’s heightened pleading and high-frequency-litigant requirements for construction-related accessibility claims. Plaintiff was directed to identify the statutory damages sought and submit declarations addressing whether plaintiff and counsel qualify as high-frequency litigants.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando L. Aenlle-Rocha
JURISDICTION	United States District Court for the Central District of California
DECIDED	April 8, 2025
DOCKET	2:25-cv-02617-FLA-ADS
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause why it should exercise supplemental jurisdiction over Plaintiff's California Unruh Civil Rights Act claim and related state-law claims.
STANDARD OF REVIEW	Discretionary determination under 28 U.S.C. § 1367(c), guided by judicial economy, convenience, fairness, and comity.
PRECEDENTIAL VALUE	unpublished

TOPICS

- subject matter jurisdiction
- civil procedure
- ada / disability
- civil rights
- pleadings

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over Plaintiff's Unruh Act claim and any related state-law claims under 28 U.S.C. § 1367.
2. What information Plaintiff must provide to permit the court to assess whether fairness, comity, and other statutory considerations favor declining supplemental jurisdiction.

HOLDINGS

1. Supplemental jurisdiction is discretionary, and the court may decline to exercise it under 28 U.S.C. § 1367(c), including when exceptional circumstances and compelling reasons support declining jurisdiction.

KEY QUOTATIONS

“The United States Supreme Court has recognized supplemental jurisdiction “is a doctrine of discretion, not of plaintiff’s right, and that district courts can decline to exercise jurisdiction over pendent claims for a number of valid reasons.””

“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 state of the litigation, the values of judicial economy, convenience, fairness, and comity””

FACTUAL BACKGROUND

Plaintiff alleged an ADA violation involving accessibility at a place of public accommodation and sought injunctive relief. Plaintiff also asserted an Unruh Act claim seeking damages. The order indicates that the state claim may be a construction-related accessibility claim subject to California's heightened pleading requirements and high-frequency-litigant provisions.

PROCEDURAL HISTORY

Plaintiff filed a complaint asserting an Americans with Disabilities Act claim for injunctive relief and an Unruh Act claim for damages, requesting supplemental jurisdiction over the state-law claim under 28 U.S.C. § 1367. Before deciding whether to retain the state-law claims, the district court ordered Plaintiff to explain why supplemental jurisdiction should be exercised and to provide information concerning statutory damages and high-frequency-litigant status.

DISPOSITION

other

CASES CITED

- City of Chi. v. Int’l Coll. of Surgeons, 522 U.S. 156, 172 (1997)
- Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 (1988)
- Acri v. Varian Assocs., 114 F.3d 999, 1000 (9th Cir. 1997)

- Schutza v. Cuddeback, 262 F. Supp. 3d 1025, 1031 (S.D. Cal. 2017)

OPINION

John Drinkwater v. Trader Joes Company

PER CURIAM.

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:25-cv-02617-FLA-ADS Date April 8, 2025

Title JOHN DRINKWATER V. TRADER JOES COMPANY, ET AL

Present: The Honorable Fernando L. Aenlle-Rocha , U. S. District Judge Twyla Freeman Not
Reported Deputy Clerk Court Reporter/Recorder Attorney(s) Present for Plaintiff(s): Attorney(s)
Present for Defendant(s): Not Present Not Present Proceedings: (IN CHAMBERS) ORDER TO
SHOW CAUSE WHY THE COURT

SHOULD EXERCISE SUPPLEMENTAL JURISDICTION OVER
THE STATE LAW CLAIM

The Complaint filed in this action asserts a claim for injunctive relief arising out of an alleged violation of the Americans with Disabilities Act (the “ADA”) and a claim for damages pursuant to the California’s Unruh Civil Rights Act (the “Unruh Act”), Cal. Civ. Code §§ 51-53. In the Complaint, Plaintiff requests the court exercise supplemental jurisdiction over the Unruh Act Claim pursuant to 28 U.S.C. § 1367. The United States Supreme Court has recognized supplemental jurisdiction “is a doctrine of discretion, not of plaintiff’s right, and that district courts can decline to exercise jurisdiction over pendent claims for a number of valid reasons.” *City of Chi. v. Int’l Coll. of Surgeons*, 522 U.S. 156, 172 (1997) (internal quotation marks and citations omitted). The supplemental jurisdiction statute codifies these principles. After establishing that supplemental jurisdiction encompasses “other claims” in the same case or controversy as a claim within the district courts’ original jurisdiction, § 1367(a), the statute confirms the discretionary nature of supplemental jurisdiction by enumerating the circumstances in which district courts can refuse its exercise: “(c) The district courts may decline to exercise supplemental 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 state 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 to exercise supplemental jurisdiction under § 1367 (c)). In 2012, California adopted a heightened pleading standard for lawsuits 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 claims¹ 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. ¹ "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 19955.55 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; 42 U.S.C. Sec. 12101 et seq.), and the federal Americans with Disability Act Accessibility Guidelines (Appendix A to Part 36, of Title 28, of the Code of Federal Regulations)." Cal. Civ. Code § 55.52(a)(6).

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*, 262 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 comity, and in deference to California's substantial interest in discouraging unverified disability discrimination claims, the Court declines supplemental jurisdiction over Plaintiff's Unruh Act Claim."). In light of the foregoing, the court ORDERS Plaintiff to show cause in writing why the court should exercise supplemental jurisdiction over the Unruh Act claim and any related state law claims. 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 his or her counsel also shall 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 Cal. Code Civ. Proc. § 425.55(b)(1) & (2). Plaintiff shall file a Response to this Order to Show Cause within fourteen (14) days of this Order. 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). The Court may set a hearing on the OSC after reviewing the parties' responses, if necessary. IT IS SO ORDERED. Initials of Clerk: tf

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