

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Jardine Gougis v. FRMC II, LLC, et al.

Jardine Gougis · No. CV 25-5334-MWF(SSC_x) · Decided June 20, 2025

SUMMARY

The court issued an order to show cause concerning whether it should exercise supplemental jurisdiction over the plaintiff’s Unruh Civil Rights Act and other state-law claims. The order requires the plaintiff to address the amount of statutory damages sought and provide sworn facts concerning whether the plaintiff or counsel qualifies as a high-frequency litigant under California law. A response is due July 7, 2025, and failure to respond may result in dismissal or declining supplemental jurisdiction.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Michael W. Fitzgerald
JURISDICTION	U.S. District Court for the Central District of California
DECIDED	June 20, 2025
DOCKET	CV 25-5334-MWF(SSC _x)
DISPOSITION	other
PROCEDURAL POSTURE	The district court sua sponte issued an order to show cause concerning whether it should exercise supplemental jurisdiction over the plaintiff's state-law claims.
STANDARD OF REVIEW	The district court has an independent obligation to confirm subject-matter jurisdiction and may raise jurisdictional issues sua sponte at any time during the pendency of an action.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

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

PRACTICE AREAS

Federal civil procedure

subject-matter jurisdiction

Americans with Disabilities Act

California Unruh Civil Rights Act

QUESTIONS PRESENTED

1. Whether the district court should exercise supplemental jurisdiction over the Unruh Civil Rights Act claim and the other state-law claims.
2. Whether plaintiff must provide information concerning the amount of Unruh Act statutory damages and whether plaintiff or counsel qualifies as a high-frequency litigant.
3. Whether the court should order plaintiff to show cause regarding the existence and exercise of supplemental jurisdiction.

HOLDINGS

1. A federal district court has a sua sponte obligation to confirm that subject-matter jurisdiction exists and may raise the jurisdictional issue at any time while the action is pending.
2. The court may consider declining supplemental jurisdiction under 28 U.S.C. § 1367(c), including in light of the substantial federal-state comity concerns identified by the Ninth Circuit in ADA-based Unruh Act litigation; the order did not yet decide whether jurisdiction would ultimately be declined.

KEY QUOTATIONS

“[I]t is well established that ‘a court may raise the question of subject matter jurisdiction, sua sponte, at any time during the pendency of the action’” (672 F.3d at 673)

FACTUAL BACKGROUND

The complaint alleges an ADA violation seeking injunctive relief, a claim for damages under California's Unruh Civil Rights Act, and other state-law claims. The court identified supplemental jurisdiction under 28 U.S.C. § 1367(a) as the sole asserted basis for jurisdiction over the Unruh Act claim. The court was concerned about the possible applicability of § 1367(c) and California's statutory provisions concerning high-frequency litigants.

PROCEDURAL HISTORY

Plaintiff filed a complaint asserting an ADA claim for injunctive relief, an Unruh Civil Rights Act damages claim, and other state-law claims. The district court questioned whether supplemental jurisdiction over the state-law claims was appropriate and ordered plaintiff to submit a written response with information concerning the statutory damages sought and high-frequency-litigant status. The court warned that failure to respond could result in dismissal without prejudice or declining supplemental jurisdiction over the Unruh Act claim.

DISPOSITION

other

CASES CITED

- Arroyo v. Rosas, 19 F.4th 1202, 1211-14 (9th Cir. 2021)
- Nevada v. Bank of Am. Corp., 672 F.3d 661, 673 (9th Cir. 2012)
- Snell v. Cleveland, Inc., 316 F.3d 822, 826 (9th Cir. 2002)

OPINION

Jardine Gougis v. FRMC II, LLC

PER CURIAM.

CIVIL MINUTES – GENERAL

Case No. CV 25-5334-MWF(SSC_x) Date: June 20, 2025 Title Jardine Gougis v. FRMC II, LLC, et al. Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge Rita Sanchez Not Reported Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants: Not Present Not Present Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE SUPPLEMENTAL

JURISDICTION

The Complaint filed in this action asserts a claim for injunctive relief arising out of an alleged violation of the Americans With Disabilities Act (“ADA”), 42 U.S.C. §§ 12101-12213, a claim for damages pursuant to the Unruh Civil Rights Act (“Unruh Act”), Cal. Civ. Code §§ 51–53, and other state law claims alleged by Plaintiff. The sole basis for jurisdiction over the Unruh Act claim is supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a). The Court, however, may decline to exercise supplemental jurisdiction for the reasons delineated in § 1367(c). See also *Arroyo v. Rosas*, 19 F.4th 1202, 1211–14 (9th Cir. 2021) (holding district courts may decline supplemental jurisdiction over ADA-based Unruh Act claims because of “very substantial threat to federal-state comity” presented by plaintiffs’ use of federal courts to evade California’s Unruh Act reforms). This Court has a sua sponte obligation to confirm that it has subject matter jurisdiction. *Nevada v. Bank of Am. Corp.*, 672 F.3d 661, 673 (9th Cir. 2012) (“[I]t is well established that ‘a court may raise the question of subject matter jurisdiction, sua sponte, at any time during the pendency of the action’” (quoting *Snell v. Cleveland, Inc.*, 316 F.3d 822, 826 (9th Cir. 2002))). Therefore, to assist this Court in its duty, Plaintiff is ORDERED to SHOW CAUSE in writing as to why this Court should exercise supplemental jurisdiction

CIVIL MINUTES – GENERAL

Case No. CV 25-5334-MWF(SSC_x) Date: June 20, 2025 Title Jardine Gougis v. FRMC II, LLC, et al. over the Unruh Act claim and the other state law claims alleged by Plaintiff. The Response to the Order to Show Cause shall include (1) the amount of statutory damages sought pursuant to the Unruh Act; and (2) sufficient facts for the Court to determine whether Plaintiff or Plaintiff’s counsel meet the definition of a “high- frequency litigant” as defined in California Code of Civil Procedure section 425.55(b)(1) & (2). These facts shall be set forth in declarations signed under penalty of perjury. The Response shall be filed on or before JULY 7, 2025. Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the

dismissal of the entire action without prejudice or the Court's declining to exercise supplemental jurisdiction over the Unruh Act claim and the dismissal of that claim pursuant to 28 U.S.C. § 1367(c). IT IS SO ORDERED.

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