

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Theresa Brooke v. Svag Realty LLC

Brooke · No. 1:25-cv-01146 JLT CDB · Decided October 1, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations concerning Theresa Brooke’s claims against Svag Realty LLC. The court declined to exercise supplemental jurisdiction over the California Unruh Civil Rights Act claim under 28 U.S.C. § 1367(c)(4) and dismissed that claim without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 1, 2025
DOCKET	1:25-cv-01146 JLT CDB
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's findings and recommendations concerning supplemental jurisdiction after Plaintiff failed to file objections.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- subject matter jurisdiction
- civil procedure
- ada / disability

PRACTICE AREAS

- civil procedure
- federal jurisdiction
- disability discrimination

QUESTIONS PRESENTED

1. Whether the district court should exercise supplemental jurisdiction over Plaintiff's California Unruh Civil Rights Act claim under 28 U.S.C. § 1367(c)(4).

2. Whether the Unruh Act claim should be dismissed without prejudice after the court declined supplemental jurisdiction.

HOLDINGS

1. The district court declined to exercise supplemental jurisdiction over Plaintiff's state-law claim pursuant to 28 U.S.C. § 1367(c)(4).
2. Plaintiff's second cause of action for violation of the Unruh Act was dismissed without prejudice.

KEY QUOTATIONS

“failure to file objections within the specified time may result in the waiver of rights on appeal.” (at 1)

FACTUAL BACKGROUND

Theresa Brooke sued Svag Realty LLC, asserting violations of the Americans with Disabilities Act and California's Unruh Civil Rights Act. The court's order addressed only whether to exercise supplemental jurisdiction over the state-law claim after an order to show cause regarding jurisdiction.

PROCEDURAL HISTORY

Theresa Brooke filed claims under the Americans with Disabilities Act and California's Unruh Civil Rights Act. After issuing an order to show cause regarding jurisdiction, the magistrate judge recommended declining supplemental jurisdiction over the Unruh Act claim and dismissing it without prejudice under 28 U.S.C. § 1367(c)(4). The district court conducted de novo review, adopted the findings and recommendations in full, declined supplemental jurisdiction, and dismissed the state-law claim without prejudice.

DISPOSITION

dismissed

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-839 (9th Cir. 2014)

OPINION

Brooke

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 THERESA BROOKE, Case No. 1:25-cv-01146 JLT CDB 12 Plaintiff, ORDER ADOPTING
FINDINGS AND

RECOMMENDATIONS AND DECLINING

13 v. SUPPLEMENTAL JURISDICTION OVER

PLAINTIFF'S STATE LAW CLAIM

14 SVAG REALTY LLC,

(Doc. 6) 15 Defendant. 16 17 Theresa Brooke seeks to hold Svag Realty LLC liable for violations of the Americans 18 with Disabilities Act and California's Unruh Civil Rights Act. (Doc. 1.) Following an order to 19 show cause regarding jurisdiction (Doc. 4), the assigned magistrate judge issued Findings and 20 Recommendations, recommending the Court decline to exercise supplemental jurisdiction over 21 Plaintiff's state law claim and dismiss the Unruh Act claim without prejudice pursuant to 28 22 U.S.C. § 1367(c)(4). (Doc. 6.) 23 The Court served the Findings and Recommendations on Plaintiff1 and informed her that 24 any objections must be filed within 14 days of the date of service. (Doc. 6 at 8.) The Court 25 advised her that "failure to file objections within the specified time may result in the waiver of 26 rights on appeal." (Id., citing Wilkerson v. Wheeler, 772 F.3d 834, 838-839 (9th Cir. 2014).) 27 Plaintiff did not file objections, and the time to do so has expired. 1 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of the case. 2 | Having carefully reviewed the matter, the Court concludes the Findings and Recommendations 3 | are supported by the record and by proper analysis. Thus, the Court ORDERS: 4 1. The Findings and Recommendations dated September 15, 2025 (Doc. 6) are 5 ADOPTED in full. 6 2. The Court DECLINES to exercise supplemental jurisdiction over Plaintiff's claim 7 arising under state law pursuant to 28 U.S.C. § 1367(c)(4). 8 3. Plaintiff's second cause of action for a violation of the Unruh Act is DISMISSED 9 without prejudice. 10 IT IS SO ORDERED. 12 Dated: _ October 1, 2025 Cerin | Tower

TED STATES DISTRICT JUDGE

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