

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Robert Cauley v. Michael Barme

No. CV 23-1608-DMG (PDx) (C.D. Cal. Mar. 14, 2023) · No. CV 23-1608-DMG (PDx); 2:23-cv-01608-DMG-PD · Decided March 14, 2023

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 state-law claims arising from alleged disability-access violations. The court directed the plaintiff and counsel to provide information concerning statutory damages and whether they qualify as high-frequency litigants, warning that inadequate responses could result in dismissal of the state-law claims.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Dolly M. Gee
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 14, 2023
DOCKET	CV 23-1608-DMG (PDx); 2:23-cv-01608-DMG-PD
DISPOSITION	other
PROCEDURAL POSTURE	The plaintiff filed a complaint asserting a federal claim for injunctive relief under the Americans with Disabilities Act and state-law claims for damages under the Unruh Civil Rights Act, the Disabled Persons Act, the Health and Safety Code, and negligence. The court issued an order to show cause requiring the plaintiff to explain why the court should exercise supplemental jurisdiction over the state-law claims.
STANDARD OF REVIEW	Whether to exercise supplemental jurisdiction under 28 U.S.C. § 1367(c) is discretionary and requires consideration of judicial economy, convenience, fairness, and comity; under § 1367(c)(4), exceptional circumstances may justify declining jurisdiction.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order
PARTIES	Robert Cauley v. Michael Barme

TOPICS

subject matter jurisdiction

civil procedure

ada / disability

public accommodations discrimination

PRACTICE AREAS

federal civil procedure

supplemental jurisdiction

Americans with Disabilities Act

California disability-access litigation

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over the plaintiff's Unruh Act, Disabled Persons Act, Health and Safety Code, and negligence claims.
2. Whether the plaintiff and counsel qualified as high-frequency litigants under California law and whether that circumstance affected the discretionary exercise of supplemental jurisdiction.

KEY QUOTATIONS

"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, Disabled Persons Act, Health & Safety Code, and Negligence claims." (2)

"Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the Court declining to exercise supplemental jurisdiction over the Unruh Act, Disabled Persons Act, Health & Safety Code, and Negligence claims and the dismissal of any such claims pursuant to 28 U.S.C. section 1367(c)." (2)

FACTUAL BACKGROUND

The complaint alleged an ADA violation involving disability access and sought injunctive relief under federal law. It also asserted state-law claims for damages under the Unruh Civil Rights Act, the Disabled Persons Act, the Health and Safety Code, and negligence. The court noted California's heightened pleading requirements and high-frequency-litigant provisions designed to address allegedly baseless or vexatious disability-access litigation.

PROCEDURAL HISTORY

The action was pending in the Central District of California following the filing of plaintiff's complaint. The court determined that it appeared to have supplemental jurisdiction over the state-law claims under 28 U.S.C. § 1367(a), but did not make a final jurisdictional determination. Instead, it ordered plaintiff to respond in writing, identify the statutory damages sought, and submit declarations concerning whether plaintiff and counsel qualified as high-frequency litigants under California law.

DISPOSITION

other

CASES CITED

- City of Chicago v. International College of Surgeons, 522 U.S. 156, 173, 118 S. Ct. 523, 534 (1997)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 (1988)
- Schutza v. Cuddeback, 262 F. Supp. 3d 1025, 1031 (S.D. Cal. 2017)
- Arroyo v. Rosas, 19 F.4th 1202, 1211 (9th Cir. 2021)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-central-district-of-california-united-states-district-court-for/2023/robert-cauley-v-michael-barme-ofrs5ii0>