

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

Theresa Brooke v. Miramar Acquisition Co LLC

Brooke · No. 2:25-cv-03320-JLS-JPR · Decided April 23, 2025

SUMMARY

The Central District of California ordered Plaintiff Theresa Brooke to show cause why the court should not decline supplemental jurisdiction over her California Unruh Act claim arising from alleged disability-access violations under the Americans with Disabilities Act. The court directed Plaintiff to identify the statutory damages sought and provide declarations concerning whether Plaintiff and counsel are high-frequency litigants under California law. The court warned that failure to respond, or an inadequate response, could result in dismissal of the action or the Unruh Act claim.

CASE DETAILS

|                       |                                                                                                                                                                                                                                          |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Central District of California                                                                                                                                                                      |
| WRITING FOR THE COURT | Josephine L. Staton                                                                                                                                                                                                                      |
| JURISDICTION          | U.S. District Court for the Central District of California                                                                                                                                                                               |
| DECIDED               | April 23, 2025                                                                                                                                                                                                                           |
| DOCKET                | 2:25-cv-03320-JLS-JPR                                                                                                                                                                                                                    |
| DISPOSITION           | other                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | The court issued an order to show cause directing Plaintiff to explain why the court should not decline supplemental jurisdiction over the California Unruh Act claim accompanying the federal Americans with Disabilities Act claim.    |
| STANDARD OF REVIEW    | Discretionary consideration under 28 U.S.C. § 1367(c), guided by the circumstances of the case, the nature of the state-law claims, the character of the governing state law, and the relationship between the federal and state claims. |
| PRECEDENTIAL VALUE    | unpublished district court order                                                                                                                                                                                                         |

TOPICS

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

## 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 California Unruh Act claim.
2. Whether Plaintiff should be required to identify the statutory damages sought and provide information regarding Plaintiff's and counsel's possible status as high-frequency litigants.

## HOLDINGS

1. The court deferred the jurisdictional determination and ordered Plaintiff to show cause why the court should not decline supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(c).
2. Plaintiff was ordered to respond within ten days, identify the statutory damages sought, and provide sworn declarations addressing whether Plaintiff and counsel were high-frequency litigants.

## KEY QUOTATIONS

*“In an action over which a district court possesses original jurisdiction, that court “shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.””*

*“Accordingly, Plaintiff is ORDERED to show cause, in writing, no later than ten (10) days from the date of this Order, why the Court should not decline to exercise supplemental jurisdiction over Plaintiff’s Unruh Act claim.”*

## FACTUAL BACKGROUND

The Complaint alleged a violation of the federal Americans with Disabilities Act and sought injunctive relief. It also asserted a California Unruh Act claim seeking statutory damages based on alleged construction-related accessibility violations. The court noted California's heightened pleading, filing-fee, and other restrictions on construction-related accessibility claims and high-frequency litigants.

## PROCEDURAL HISTORY

Plaintiff filed an action asserting an ADA claim for injunctive relief and a California Unruh Act claim for damages. Before resolving whether to retain the state-law claim, the district court ordered Plaintiff to show cause and provide information concerning the amount of statutory damages and whether Plaintiff and counsel qualified as high-frequency litigants. The court warned that failure to respond could result in dismissal of the entire action without prejudice and that an inadequate response would result in dismissal of the Unruh Act claim under 28 U.S.C. § 1367(c).

## DISPOSITION

other

## CASES CITED

- Velez v. Il Fornaio (America) Corp., CV 3:18-1840 CAB (MDD), 2018 WL 6446169, at \*6 (S.D. Cal. Dec. 10, 2018)
- City of Chicago v. International College of Surgeons, 522 U.S. 156, 173 (1997)
- Link v. Wabash Railroad Co., 370 U.S. 626, 629-33 (1962)
- Hells Canyon Preservation Council v. U.S. Forest Service, 403 F.3d 683, 689 (9th Cir. 2005)

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