

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Melanie Delapaz v. Roberto Frayre, et al.

No. CV 25-2115 PA (AGRx), United States District Court for the Central District of California (March 12, 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 and any other state-law claims. The court directed the plaintiff to identify the statutory damages sought and required the plaintiff and counsel to submit declarations addressing whether they qualify as high-frequency litigants under California law. A response was due March 26, 2025, with failure to respond potentially resulting in dismissal of the action or state-law claims.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Percy Anderson
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 12, 2025
DOCKET	CV 25-2115 PA (AGRx)
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause requiring plaintiff to explain why the court should exercise supplemental jurisdiction over the California Unruh Civil Rights Act claim and any other state-law claims.
PRECEDENTIAL VALUE	nonprecedential district court order

TOPICS

- subject matter jurisdiction
- civil procedure
- ada / disability
- damages

PRACTICE AREAS

- civil procedure
- civil rights
- Americans with Disabilities Act
- supplemental jurisdiction
- California Unruh Civil Rights Act

QUESTIONS PRESENTED

1. Whether plaintiff should show cause why the court should exercise supplemental jurisdiction over the Unruh Civil Rights Act claim and any other state-law claims.
2. What information plaintiff and counsel must provide to permit the court to determine whether they satisfy California's definition of a high-frequency litigant.

KEY QUOTATIONS

“The supplemental jurisdiction statute “reflects the understanding that, when deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in each case, and at every stage of the litigation, the values of judicial economy, convenience, fairness, and comity.’””

“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 declining to exercise supplemental jurisdiction over the Unruh Act and other state law claims, if any, and the dismissal of any such claims pursuant to 28 U.S.C. § 1367(c).”

FACTUAL BACKGROUND

The complaint alleges a violation of the Americans with Disabilities Act and seeks injunctive relief. It also asserts a claim for damages under California's Unruh Civil Rights Act. The order indicates that the federal court's jurisdiction over the Unruh Act claim and any other state-law claims may be supplemental rather than original.

PROCEDURAL HISTORY

Plaintiff filed a complaint asserting an Americans with Disabilities Act claim for injunctive relief and a California Unruh Civil Rights Act claim for damages. The court determined that it appeared to possess only supplemental jurisdiction over the state-law claims and ordered plaintiff to respond in writing, identify the statutory damages sought, and provide declarations addressing whether plaintiff and counsel qualify as high-frequency litigants. The response was due March 26, 2025; no final dismissal or jurisdictional determination was made in this order.

DISPOSITION

other

CASES CITED

- City of Chicago v. International College of Surgeons, 522 U.S. 156, 173, 118 S. Ct. 523, 534, 139 L. Ed. 2d 525 (1997)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350, 108 S. Ct. 614, 619, 98 L. Ed. 2d 720 (1988)

OPINION

Melanie Delapaz v. Roberto Frayre

PER CURIAM.

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 25-2115 PA (AGRx) Date March 12, 2025 Title Melanie Delapaz v. Roberto Frayre, et al. Present: The Honorable PERCY ANDERSON, UNITED STATES DISTRICT JUDGE Kamilla Sali-Suleyman Not Reported Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants: None None Proceedings: IN CHAMBERS — ORDER TO SHOW CAUSE 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. §§ 12010-12213, and a claim for damages pursuant to California’s Unruh Civil Rights Act (“Unruh Act”), Cal. Civ. Code §§ 51-53. It appears that the Court possesses only supplemental jurisdiction over the Unruh Act claim, and any other state law claim that plaintiff may have alleged, pursuant to the Court’s supplemental jurisdiction. See 28 U.S.C. § 1367(a). The supplemental jurisdiction statute “reflects the understanding that, when deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in each case, and at every stage of the litigation, the values of judicial economy, convenience, fairness, and comity.’” *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 173, 118 S. Ct. 523, 534, 139 L. Ed. 2d 525 (1997) (emphasis added) (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350, 108 S. Ct. 614, 619, 98 L. Ed. 2d 720 (1988)). The Court therefore orders plaintiff to show cause in writing why the Court should exercise supplemental jurisdiction over the Unruh Act claim and any other state law claim asserted in the Complaint. 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 plaintiff’s counsel shall also 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 California Civil Procedure Code sections 425.55(b)(1) &

(2). Plaintiff shall file a Response to this Order to Show Cause by no later than March 26, 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 declining to exercise supplemental jurisdiction over the Unruh Act and other state law claims, if any, and the dismissal of any such claims pursuant to 28 U.S.C. § 1367(c).