

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Colton Bryant v. Excel Car Stereo, Inc. et al.

Bryant v. Excel Car Stereo · No. 8:25-cv-00873-SB-KES · Decided April 29, 2025

SUMMARY

The United States District Court for the Central District of California orders Plaintiff Colton Bryant to show cause why his Unruh Act claim should not be dismissed without prejudice under 28 U.S.C. § 1367(c)(4). The court relies on the Ninth Circuit’s discussion in *Arroyo v. Rosas* that retaining supplemental jurisdiction over ADA-based Unruh Act claims may create exceptional federal-state comity concerns, and requires Plaintiff to provide information concerning damages and high-frequency-litigant status.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stanley Blumenfeld, Jr.
JURISDICTION	United States District Court for the Central District of California
DECIDED	April 29, 2025
DOCKET	8:25-cv-00873-SB-KES
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause regarding whether it should decline supplemental jurisdiction over Plaintiff’s California Unruh Act claim and dismiss that claim without prejudice.
STANDARD OF REVIEW	Discretionary standard governing a district court’s decision whether to exercise supplemental jurisdiction under 28 U.S.C. § 1367(c).
PRECEDENTIAL VALUE	Unknown; order to show cause issued before final adjudication.

TOPICS

- civil procedure
- public accommodations discrimination
- ada / disability

PRACTICE AREAS

- Civil procedure
- Americans with Disabilities Act
- California Unruh Civil Rights Act
- Supplemental jurisdiction

QUESTIONS PRESENTED

1. Whether the court should decline supplemental jurisdiction over Plaintiff's Unruh Act claim under 28 U.S.C. § 1367(c)(4) because exceptional circumstances and federal-state comity concerns identified in *Arroyo v. Rosas* may be present.
2. Whether Plaintiff should be required to identify the statutory damages sought and submit sworn factual information concerning whether Plaintiff and his counsel qualify as high-frequency litigants under California law.

HOLDINGS

1. Because the case is at an early stage and may present the exceptional circumstances and federal-state comity concerns recognized in *Arroyo v. Rosas*, the court ordered Plaintiff to show cause why the Unruh Act claim should not be dismissed without prejudice under 28 U.S.C. § 1367(c)(4).

KEY QUOTATIONS

“supplemental jurisdiction “is a doctrine of discretion, not of plaintiff’s right,” and district courts “can decline to exercise jurisdiction over pendent claims for a number of valid reasons.””

“retention of supplemental jurisdiction over ADA-based Unruh Act claims threatens to substantially thwart California’s carefully crafted reforms in this area and to deprive the state courts of their critical role in effectuating the policies underlying those reforms.” (1213)

FACTUAL BACKGROUND

Plaintiff Colton Bryant requires a wheelchair while traveling in public. He alleged that Defendants' facilities impose physical barriers that impede his access, in violation of the ADA and the California Unruh Act. The court noted that the case remained at an early stage and that it had not adjudicated the merits of any claim.

PROCEDURAL HISTORY

Plaintiff filed an action alleging that Defendants' facilities contain physical barriers violating the Americans with Disabilities Act and the California Unruh Civil Rights Act. Before adjudicating the merits of any claim, the district court ordered Plaintiff to explain why the Unruh Act claim should not be dismissed without prejudice under 28 U.S.C. § 1367(c)(4).

DISPOSITION

other

CASES CITED

- *City of Chi. v. Int'l Coll. of Surgeons*, 522 U.S. 156, 172 (1997)
- *Arroyo v. Rosas*, 19 F.4th 1202 (9th Cir. 2021)

OPINION

Colton Bryant v. Excel Car Stereo, Inc.

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

COLTON BRYANT, Case No. 8:25-cv-00873-SB-KES Plaintiff,

v. ORDER TO SHOW CAUSE

EXCEL CAR STEREO, INC. et al., Defendants. Plaintiff Colton Bryant, who requires the use of a wheelchair while traveling in public, filed this suit alleging that Defendants' facilities impose physical barriers that impede his access, in violation of, inter alia, the Americans with Disabilities Act (ADA) and the Unruh Act. Dkt. No. 1. Because Plaintiff's Unruh Act claim is closely related to his ADA claim, the Court has authority to exercise supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(a). However, supplemental jurisdiction "is a doctrine of discretion, not of plaintiff's right," and district courts "can decline to exercise jurisdiction over pendent claims for a number of valid reasons." *City of Chi. v. Int'l Coll. of Surgeons*, 522 U.S. 156, 172 (1997) (internal quotation marks and citations omitted). This discretion is codified in § 1367(c): The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if—

(1) the claim raises a novel or complex issue of State law,

(2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction,

(3) the district court has dismissed all claims over which it has original jurisdiction, or

(4) in exceptional circumstances, there are other compelling

reasons for declining jurisdiction. 28 U.S.C. § 1367(c). In a published decision, the Ninth Circuit explained that the California Legislature's 2012 and 2015 amendments to the Unruh Act, which were intended to protect businesses from abusive litigation by high-frequency litigants bringing construction-related claims, had led to a surge of filings in federal courts of ADA cases seeking statutory damages under the Unruh Act. *Arroyo v. Rosas*, 19 F.4th 1202 (9th Cir. 2021). The Ninth Circuit agreed with the district court that this shift in filings from state courts to federal courts had circumvented the state legislature's goals and "rendered [the new statutory requirements] largely toothless, because they can now be readily evaded." *Id.* at 1213. The court explained that "retention of supplemental jurisdiction over ADA-based Unruh Act claims threatens to substantially thwart California's carefully crafted reforms in this area and to deprive the state courts of their critical role in effectuating the policies underlying those reforms." *Id.* Thus, the court held that these circumstances are "exceptional" within the meaning of § 1367(c)(4) and therefore potentially justified declining supplemental jurisdiction over the plaintiff's Unruh Act claim. See *id.* ("The district court did not abuse its discretion in concluding that this extraordinary situation threatens unusually significant damage to federal-state comity and presents 'exceptional

circumstances’ within the meaning of § 1367(c)(4).”). However, because the district court had waited to decline supplemental jurisdiction until after granting summary judgment on the plaintiff’s ADA claim, thereby effectively deciding the Unruh Act claim, the Ninth Circuit reversed the court’s decision to decline supplemental jurisdiction, holding that it had waited too long to invoke the comity interest. *Id.* at 1215–17. Unlike Arroyo, this case is still at a very early stage, and this Court has not yet addressed or adjudicated the merits of any of Plaintiff’s claims. This appears to be a case in which the Court should decline supplemental jurisdiction over Plaintiff’s Unruh Act claim under § 1367(c)(4) to protect the comity interests identified in Arroyo. Accordingly, the Court ORDERS Plaintiff within 14 days after entry of this Order to show cause in writing why the Court should not dismiss without prejudice his Unruh Act claim under § 1367(c)(4). Plaintiff’s response must identify the amount of statutory damages Plaintiff seeks to recover and must be supported by declarations, signed under penalty of perjury, providing all facts necessary for the Court to determine if Plaintiff and his counsel satisfy the definition of a “high-frequency litigant” as provided by Cal. Civ. Proc. Code § 425.55(b)(1)–(2). If Plaintiff fails to file a response within 14 days after entry of this Order, the Court will decline to exercise supplemental jurisdiction over his Unruh Act claim, and the Unruh Act claim will be automatically dismissed without prejudice without further order of the Court. Date: April 29, 2025

Stanley Blumenfeld, Jr. United States District Judge