

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

Hoang Minh Le v. Jorge Gutierrez et al.

Le v. Gutierrez · No. 5:25-cv-00454 · Decided February 21, 2025

SUMMARY

The United States District Court for the Central District of California orders the parties to submit a joint status report addressing alleged ADA barriers, remedial measures, and potential summary judgment motions. The Court also orders the plaintiff to show cause why it should exercise supplemental jurisdiction over the Unruh Act and other state-law claims, identify the statutory damages sought, and provide declarations addressing whether the plaintiff and counsel qualify as high-frequency litigants.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                      |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Central District of California                                                                                                                                                                                                  |
| WRITING FOR THE COURT | Stephen V. Wilson                                                                                                                                                                                                                                                    |
| JURISDICTION          | United States District Court for the Central District of California                                                                                                                                                                                                  |
| DECIDED               | February 21, 2025                                                                                                                                                                                                                                                    |
| DOCKET                | 5:25-cv-00454                                                                                                                                                                                                                                                        |
| DISPOSITION           | other                                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | The district court issued an order to show cause and directed the parties to file a joint status report concerning alleged ADA barriers, possible mootness, potential summary-judgment motions, and the exercise of supplemental jurisdiction over state-law claims. |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                                          |
| PARTIES               | Hoang Minh Le v. Jorge Gutierrez et al.                                                                                                                                                                                                                              |

TOPICS

- ada / disability
- subject matter jurisdiction
- civil procedure
- attorney fees
- summary judgment

PRACTICE AREAS

- disability rights
- civil procedure
- supplemental jurisdiction
- attorney's fees

## QUESTIONS PRESENTED

1. Whether the alleged ADA claims could become moot if the defendant voluntarily removes the alleged barriers and demonstrates that they are not reasonably expected to recur.
2. Whether the court should exercise supplemental jurisdiction over the plaintiff's Unruh Act and other state-law claims if the ADA claims become moot.
3. Whether the plaintiff and counsel must provide information concerning the statutory damages sought and their status under California's high-frequency-litigant provisions.

## KEY QUOTATIONS

*“a defendant’s voluntary removal of alleged barriers prior to trial can have the effect of mootng a plaintiff’s ADA claim.”* (at 1)

*“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.’”* (at 2)

## FACTUAL BACKGROUND

The complaint alleges ADA violations based on barriers that allegedly affect access to the defendant's facilities or services. The order indicates that the defendant may have investigated or remedied the alleged barriers and directs the defendant to describe any remedial measures. The plaintiff also asserted state-law claims, including an Unruh Act claim, and the court required information concerning the statutory damages sought and whether the plaintiff and counsel qualify as high-frequency litigants under California law.

## PROCEDURAL HISTORY

The action alleges claims under the Americans with Disabilities Act and state law, including an Unruh Act claim. Before the initial status conference, the court ordered the parties to report on any investigation or remediation of the alleged barriers and ordered the plaintiff to show cause why the court should exercise supplemental jurisdiction over the state-law claims. No merits disposition was entered in this order.

## DISPOSITION

other

## CASES CITED

- *Oliver v. Ralphs Grocery Co.*, 654 F.3d 903, 905 (9th Cir. 2011)
- *Am. Cargo Transp., Inc. v. United States*, 625 F.3d 1176, 1179 (9th Cir. 2010)
- *Hillesheim v. Holiday Stationstores, Inc.*, 953 F.3d 1059, 1062 (8th Cir. 2020)
- *G. v. Fay Sch.*, 931 F.3d 1, 11 (1st Cir. 2019)
- *Brooke v. A-Ventures, LLC*, 2017 WL 5624941, at \*5 (D. Ariz. Nov. 22, 2017)
- *Buckhannon Bd. & Care Home, Inc. v. W. Va. Dept. of Health & Human Resources*, 532 U.S. 598 (2001)

- *Molski v. Foster Freeze Paso Robles*, 267 Fed. Appx. 631, 632 (9th Cir. 2008)
- *City of Chicago v. Int'l Coll. of Surgeons*, 522 U.S. 156, 173 (1997)
- *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)

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