

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

Darwin Boggs v. Good Year; Ronald O. Nuckles; and Does 1 to 10

Boggs v. Good Year · No. 5:25-cv-01021-MEMF-PVC · Decided April 29, 2025

SUMMARY

The United States District Court for the Central District of California ordered plaintiff Darwin Boggs to show cause why the court should exercise supplemental jurisdiction over his California state-law claims. The court directed Boggs and his counsel to provide information and declarations concerning claimed statutory damages and whether they qualify as high-frequency litigants under California law.

CASE DETAILS

|                       |                                                                                                                                                                                                     |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Central District of California                                                                                                                                 |
| WRITING FOR THE COURT | Maame Ewusi-Mensah Frimpong                                                                                                                                                                         |
| JURISDICTION          | United States District Court for the Central District of California                                                                                                                                 |
| DECIDED               | April 29, 2025                                                                                                                                                                                      |
| DOCKET                | 5:25-cv-01021-MEMF-PVC                                                                                                                                                                              |
| DISPOSITION           | other                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | The court issued an order to show cause directing the plaintiff to explain why the court should exercise supplemental jurisdiction over four California-law claims asserted alongside an ADA claim. |
| STANDARD OF REVIEW    | Discretionary consideration of supplemental jurisdiction under 28 U.S.C. § 1367(c), weighing judicial economy, convenience, fairness, and comity.                                                   |
| PRECEDENTIAL VALUE    | Unknown; district-court interlocutory order to show cause                                                                                                                                           |

TOPICS

- subject matter jurisdiction
- civil procedure
- pleadings
- public accommodations discrimination
- architectural barriers

PRACTICE AREAS

- civil procedure
- disability rights
- supplemental jurisdiction
- accessibility discrimination

## QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over Boggs's California-law claims under 28 U.S.C. § 1367(c).
2. Whether Boggs and counsel must provide information and declarations addressing the statutory definition of high-frequency litigant under California law.

## HOLDINGS

1. The court did not finally decide whether to exercise supplemental jurisdiction; instead, it ordered Boggs to show cause why the court should exercise jurisdiction over the Unruh Act, California Disabled Persons Act, California Health and Safety Code, and negligence claims.
2. Boggs and Boggs's counsel were ordered to submit declarations under penalty of perjury providing facts necessary to determine whether either satisfied California's definition of a high-frequency litigant, including the number of relevant claims filed or represented in the preceding twelve months.

## KEY QUOTATIONS

*“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 1)

## FACTUAL BACKGROUND

Boggs alleged that defendants violated the Americans with Disabilities Act and asserted related California claims involving construction-related accessibility barriers. The complaint sought injunctive relief under the ADA, damages under the Unruh Act and California Disabled Persons Act, damages and injunctive relief under California Health and Safety Code section 19955 et seq., and negligence damages. The court identified California pleading and disclosure requirements applicable to certain construction-access claims and sought information about Boggs's and counsel's litigation frequency.

## PROCEDURAL HISTORY

On April 28, 2025, Darwin Boggs filed a complaint asserting an ADA claim and claims under the California Unruh Civil Rights Act, California Disabled Persons Act, California Health and Safety Code section 19955 et seq., and negligence. The court had not yet finally resolved supplemental jurisdiction and ordered Boggs to respond in writing, supported by declarations addressing statutory damages and whether Boggs or counsel qualified as high-frequency litigants. The court warned that failure to respond timely or adequately could result in declining supplemental jurisdiction under 28 U.S.C. § 1367(c).

## DISPOSITION

other

## CASES CITED

- City of Chicago v. International College of Surgeons, 522 U.S. 156, 173 (1997)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 (1988)

## OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF  
CALIFORNIA 10 Case No.: 5:25-cv-01021-MEMF-PVC 11 DARWIN BOGGS, 12 Plaintiff,  
ORDER TO SHOW CAUSE WHY THE COURT SHOULD NOT DECLINE TO 13 v.  
EXERCISE SUPPLEMENTAL JURISDICTION OV ER PLAINTIFF’S 14 STATE LAW  
CLAIMS GOOD YEAR; RONALD O. NUCKLES; and 15 DOES 1 to 10, 16 Defendants. 17 18  
19 20 On April 28, 2025, Darwin Boggs filed a Complaint against Good Year, Ronald O. Nuckles,  
21 and Does 1 to 10, asserting: (1) a claim for injunctive relief arising out of an alleged violation  
of the 22 Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12010–12213; (2) a claim for  
damages 23 pursuant to California’s Unruh Civil Rights Act (“Unruh Act”), Cal. Civ.

Code §§ 51–52, et seq.; (3) 24 a claim for damages pursuant to the California Disabled Persons  
Act, Cal. Civ. Code §§ 54, et seq.; 25 (4) a claim for damages and injunctive relief based on  
California Health and Safety Code § 19955, et 26 seq.; (5) a claim for damages for negligence.  
ECF No. 1.

The Complaint alleges that this Court has 27 jurisdiction over the ADA claim pursuant to 28  
U.S.C. §§ 1331 and 1343, and that the state law 28 claims are brought “pursuant to pendant [sic]  
jurisdiction.” Id. at ¶¶ 6–7. 1 Principles of pendent jurisdiction have been codified in the  
supplemental jurisdiction statute, 2 28 U.S.C. § 1367.

The supplemental jurisdiction statute “reflects the understanding that, when 3 deciding whether to  
exercise supplemental jurisdiction, ‘a federal court should consider and weigh in 4 each case, and  
at every stage of the litigation, the values of judicial economy, convenience, fairness, 5 and  
comity.’” City of Chicago v. Int’l Coll. of Surgeons, 522 U.S. 156, 173 (1997) (emphasis added) 6  
(quoting Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 (1988)).

7 California law sets forth a heightened pleading standard for a limited group of lawsuits 8 brought  
under the Unruh Act. See Cal. Civ. Proc. Code §§ 425.55(a)(2) & (3). The stricter pleading 9  
standard requires certain plaintiffs bringing construction-access claims like the one in the instant  
10 case to file a verified complaint alleging specific facts concerning the plaintiff’s claim,  
including the 11 specific barriers encountered or how the plaintiff was deterred and each date on  
which the plaintiff 12 encountered each barrier or was deterred.

See Cal. Civ. Proc. Code § 425.50(a). A “high-frequency 13 litigant fee” is also imposed on certain  
plaintiffs and law firms bringing these claims. See Cal. Gov’t 14 Code § 70616.5. A “high-  
frequency litigant” is “a plaintiff who has filed 10 or more complaints 15 alleging a construction-  
related accessibility violation within the 12-month period immediately 16 preceding the filing of

the current complaint alleging a construction-related accessibility violation” 17 and “an attorney who has represented as attorney of record 10 or more high-frequency litigant 18 plaintiffs in actions that were resolved within the 12-month period immediately preceding the filing 19 of the current complaint alleging a construction-related accessibility violation.” Cal. Civ.

Proc. Code 20 §§ 425.55(b)(1) & (2). High frequency litigants are also required to state: (1) whether the complaint 21 is filed by, or on behalf of, a high-frequency litigant; (2) in the case of a high-frequency litigant who 22 is a plaintiff, the number of complaints alleging construction-related accessibility claim filed by the 23 high-frequency litigant during the 12 months prior to filing the instant complaint; (3) the reason the 24 individual was in the geographic area of the defendant’s business; and (4) the reason why the 25 individual desired to access the defendant’s business.” See id. § 425.50(a)(4)(A).

26 In light of the foregoing, the Court orders Boggs to show cause in writing why the Court 27 should exercise supplemental jurisdiction over the Unruh Act claim, the California Disabled Persons 28 1 || Act claim, the California Health and Safety Code claim, and the negligence claim. See 28 U.S.C. § 2 | 1367(c).

In responding to this Order to Show Cause: 3 1. Boggs shall identify the amount of statutory damages Boggs seeks to recover. 4 2. Boggs and Boggs’s counsel shall also support their responses to the Order to Show Cause 5 with declarations, signed under penalty of perjury, providing all facts necessary for the Court 6 to determine if they satisfy the definition of a “high-frequency litigant” as provided by 7 California Code of Civil Procedure §§ 425.55(b)(1) & (2).

This includes, but is not limited 8 to: 9 a. the number of construction-related accessibility claims filed by Boggs in the twelve 10 months preceding the filing of the present claim; and 11 b. the number of construction-related accessibility claims in which Boggs’s counsel has 12 represented high-frequency litigant plaintiffs in the twelve months preceding the 13 filing of the present claim.

14 Boggs shall file a Response to this Order to Show Cause by no later than fourteen days from 15 || the date of this order. The failure to timely or adequately respond to this Order to Show Cause may, 16 || without further warning, result in the Court declining to exercise supplemental jurisdiction over the 17 | Unruh Act claim, the California Disabled Persons Act claim, the California Health and Safety Code 18 || claim, and the negligence claim pursuant to 28 U.S.C. § 1367(c).

19 20 IT IS SO ORDERED. 21 22 Af 23 Dated: April 29, 2025 24 MAAME EWUSI-MENSAH FRIMPONG 25 United States District Judge 26 27 28