

**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

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**OPINION**

Darwin Boggs v. Good Year

PER CURIAM.

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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

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