

**UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA**

Robert Mena v. Poppi Johnson LLC et al.

Mena v. Poppi Johnson LLC · No. 8:25-cv-02589-MRA-KES · Decided December 23, 2025

OPINION

Robert Mena v. Poppi Johnson LLC et al.

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES — GENERAL

Case No. 8:25-cv-02589-MRA-KES Date December 23, 2025 Title Robert Mena v. Poppi Johnson LLC et al. Present: The Honorable MONICA RAMIREZ ALMADANT, UNITED STATES DISTRICT JUDGE Priscilla Deason for None Present Melissa H. Kunig Deputy Clerk Court Reporter Attorneys Present for Plaintiffs: Attorneys Present for Defendants: None Present None Present Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THE COURT SHOULD EXERCISE SUPPLEMENTAL JURISDICTION OVER PLAINTIFF’S STATE LAW CLAIMS

On November 18, 2025, Plaintiff Robert Mena filed this action against Defendants Poppi Johnson LLC, M-L Partnership, and Does 1-10, asserting claims for (1) injunctive relief under the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12010-12213; (2) damages pursuant to California’s Unruh Civil Rights Act (“Unruh Act”), Cal. Civ. Code §§ 51-53; (3) damages pursuant to California’s Disabled Persons Act, Cal. Civ. Code § 54; (4) damages and injunctive relief pursuant to California’s Health and Safety Code § 19955, et seq.; and (5) negligence. ECF 1. Plaintiff maintains that the Court has “pendant [sic] jurisdiction” over the state law claims. Id. § 7; see 28 U.S.C. § 1367(a). However, that a court may exercise pendent or supplemental jurisdiction “does not mean that jurisdiction must be exercised in all cases.” *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 172 (1997). The Supreme Court has recognized that supplemental jurisdiction is “a doctrine of discretion, not of plaintiff’s choice.” *Jd. (quoting United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 726 (1966)). The supplemental jurisdiction statute enumerates the following situations in which a district court can decline to exercise supplemental jurisdiction:

(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). “The statute thereby reflects the understanding that, when deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in each case, and

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(1) whether the complaint is filed by, or on behalf of, a high-frequency litigant; (2)

in the case of a high-frequency litigant who is a plaintiff, the number of complaints alleging construction-related accessibility claims filed by the high-frequency litigant during the 12 months prior to filing the instant complaint; (3) the reason the individual was in the geographic area of the defendant’s business; and (4) the reason why the individual desired to access the defendant’s business. *Id.* § 425.50(a)(4)(A)) (2015). The Legislature also imposed a “high-frequency litigant fee,” above and beyond the ordinary civil filing fee. See Cal. Gov’t Code § 70616.5 (2015).

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Case No. 8:25-cv-02589-MRA-KES Date December 23, 2025 Title Robert Mena v. Poppi Johnson LLC et al. In recognition of California’s efforts to reduce the abuse of California’s disability access laws, district courts within the state have determined that the interests of fairness and comity counsel against exercising supplemental jurisdiction over “construction-related accessibility claims” under the Unruh Act, as well as related state law claims, brought by a “high-frequency litigant.” See, e.g., *Whitaker v. Mac*, 411 F. Supp. 3d 1108, 1116 (C.D. Cal. 2019) (declining to exercise supplemental jurisdiction over plaintiffs Unruh Act claims because doing so would allow plaintiff to “circumvent restrictions California has imposed on Unruh Act claims”); *Schutza v. Cuddeback*, 262 F. Supp. 3d 1025, 1031 (S.D. Cal. 2017) (finding that it would be improper to allow plaintiff, a high-frequency litigant, to “use federal court as an end-around to California’s pleading requirements”); see also *Arroyo*, 19 F.Ath at 1211 (holding that the district court’s “principal justification” for declining supplemental jurisdiction—that “the distinctive configuration of California-law rules” would be “rendered ineffectual if the district court were to exercise supplemental jurisdiction”—was not an abuse of discretion). In light of the foregoing, the Court hereby orders Plaintiff to show cause in writing why the Court should exercise supplemental jurisdiction over the Unruh Act and related state law claims in this matter. See 28 U.S.C. § 1367(c). In responding to this Order to Show Cause:

1. Plaintiff must identify the amount of statutory damages sought.
2. Plaintiff and Plaintiff's counsel shall support their Response with declarations, signed under penalty of perjury, providing all facts necessary for the Court to determine if Plaintiff and Plaintiffs counsel meet the definition of “high-frequency litigant” as provided by California Civil Procedure Code section 425.55(b)(1)-(2). This includes, but is not limited to: a. The number of “construction-related accessibility claims” filed by Plaintiff in the 12 months preceding the filing of the present claim; and b. The number of “construction-related accessibility claims” in which Plaintiffs counsel has represented “high-frequency litigant” plaintiffs in the 12 months preceding the filing of the present claim. Plaintiff shall file a response to this Order to Show Cause no later than 14 days from the date of this Order. Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the Court declining to exercise supplemental jurisdiction over Plaintiff’s Unruh Act and related state law claims pursuant to 28 U.S.C. § 1367(c). IT IS SO ORDERED.

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