

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Theresa Brooke v. 2612 Buck Owens Blvd. LLC

No. 1:25-cv-01138-JLT-CDB, United States District Court for the Eastern District of California (September 9, 2025)

SUMMARY

The United States District Court for the Eastern District of California ordered Plaintiff Theresa Brooke to show cause why the court should not decline supplemental jurisdiction over her California Unruh Civil Rights Act claim in an action also asserting claims under the Americans with Disabilities Act. The order requires Plaintiff to identify the statutory damages sought and submit declarations addressing whether Plaintiff and counsel are high-frequency litigants under California law, with a response due September 16, 2025.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 9, 2025
DOCKET	1:25-cv-01138-JLT-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed an action asserting claims for injunctive relief under the Americans with Disabilities Act and statutory damages under California's Unruh Civil Rights Act. The court issued an order to show cause concerning whether it should decline supplemental jurisdiction over the Unruh Act claim.
STANDARD OF REVIEW	Whether to exercise supplemental jurisdiction under 28 U.S.C. § 1367(c) is discretionary and depends on the circumstances of the particular case, the nature of the state-law claims, the character of the governing state law, and the relationship between the state and federal claims.
PRECEDENTIAL VALUE	Unpublished/interlocutory district court order; precedential status not stated.
PARTIES	Theresa Brooke v. 2612 Buck Owens Blvd. LLC

TOPICS

subject matter jurisdiction civil procedure ada / disability damages

PRACTICE AREAS

Civil procedure Federal jurisdiction Disability rights Civil rights

QUESTIONS PRESENTED

1. Whether the court should require Plaintiff to show cause why supplemental jurisdiction over the Unruh Act claim should not be declined under 28 U.S.C. § 1367(c).
2. Whether Plaintiff must identify the statutory damages sought and provide declarations establishing whether Plaintiff and her counsel qualify as high-frequency litigants under California law.

HOLDINGS

1. Even when supplemental jurisdiction exists under 28 U.S.C. § 1367(a), a district court has discretion under § 1367(c) to decline to exercise that jurisdiction after considering the circumstances of the case, the nature of the state-law claims, the governing state law, and the relationship between the state and federal claims.
2. Plaintiff must submit a written response identifying the statutory damages sought and declarations from Plaintiff and counsel, under penalty of perjury, providing facts necessary to determine whether either is a high-frequency litigant.

KEY QUOTATIONS

“Even if supplemental jurisdiction exists, however, district courts have discretion to decline to exercise supplemental jurisdiction.” (at 2)

“Plaintiffs who file these actions in federal court evade these limits and pursue state law damages in a manner inconsistent with the state law’s requirements.” (at 2)

FACTUAL BACKGROUND

Plaintiff brought an ADA action against a California business and included a claim for statutory damages under the Unruh Civil Rights Act. The court’s review indicated that Plaintiff and her attorney filed 10 ADA and Unruh Act cases in the Eastern District of California on September 7, 2025, and that Plaintiff had filed more than 10 similar cases in the Central District of California during 2025.

PROCEDURAL HISTORY

Plaintiff initiated the action on September 7, 2025. Based on the allegations that Plaintiff filed numerous similar ADA and Unruh Act cases, the court required Plaintiff to explain why supplemental jurisdiction should not be declined and warned that failure to respond or an inadequate response could lead to dismissal recommendations.

DISPOSITION

CASES CITED

- Vo v. Choi, 49 F.4th 1167 (9th Cir. 2022)
- Arroyo v. Rosas, 19 F.4th 1202 (9th Cir. 2021)
- City of Chicago v. International College of Surgeons, 522 U.S. 156, 173 (1997)
- Hells Canyon Preservation Council v. U.S. Forest Service, 403 F.3d 683, 689 (9th Cir. 2005)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 THERESA BROOKE, Case No. 1:25-cv-01138-JLT-CDB 12 Plaintiff,
ORDER REQUIRING PLAINTIFF TO SHOW CAUSE RE SUPPLEMENTAL 13 v.
JURISDICTION 14 2612 BUCK OWENS BLVD. LLC, 7-DAY DEADLINE 15 Defendant. 16 17
On September 7, 2025, Plaintiff Theresa Brooke initiated this action against Defendant 2612 18
Buck Owens Blvd.

LLC. (Doc. 1). The complaint asserts claims for injunctive relief under the 19 Americans with
Disabilities Act of 1990 (“ADA”) and a claim for statutory damages under 20 California’s Unruh
Civil Rights Act (“Unruh Act”). Id. Plaintiff includes in her complaint a 21 conclusory assertion
that “supplemental jurisdiction is appropriate over Plaintiff’s Unruh claim” as 22 “there are no
compelling reasons to decline jurisdiction.” Id. at 2.

23 Based upon the Court of Appeals’ opinion in Vo v. Choi, this Court will order Plaintiff to 24
show cause why the Court should not decline to exercise supplemental jurisdiction over Plaintiff’s
25 Unruh Act claim. See 28 U.S.C. § 1367(c); Vo v. Choi, 49 F.4th 1167 (9th Cir. 2022) (holding
the 26 district court properly declined to exercise supplemental jurisdiction in a joint Unruh Act
and ADA 27 case).

28 In the Unruh Act, a state law cause of action expands the remedies available in a private 1
action. California, in response to the resulting substantial volume of claims asserted under the 2
Unruh Act and the concern that high-frequency litigants may be using the statute to obtain
monetary 3 relief for themselves without accompanying adjustments to locations to assure
accessibility to 4 others, enacted filing restrictions designed to address that concern.

Arroyo v. Rosas, 19 F.4th 1202, 5 1211-12 (9th Cir. 2021). These heightened pleading
requirements apply to actions alleging a 6 “construction-related accessibility claim,” which
California law defines as “any civil claim in a 7 civil action with respect to a place of public
accommodation, including but not limited to, a claim 8 brought under Section 51[], based wholly
or in part on an alleged violation of any construction- 9 related accessibility standard.” Cal. Civ.

Code § 55.52(a)(1). 10 California imposes additional limitations on “high-frequency litigants,” defined as: 11 A plaintiff who has filed 10 or more complaints alleging a construction-related accessibility violation within the 12-month 12 period immediately preceding the filing of the current complaint alleging a construction-related accessibility violation.

13 14 Cal. Civ. Proc. Code § 425.55(b)(1). Such “high-frequency litigants” are subject to a special filing 15 fee and further heightened pleading requirements. Vo, 49 F.4th at 1170. See Cal. Gov. Code § 16 70616.5; Cal. Civ. Proc. Code § 425.50(a)(4)(A). By enacting restrictions on the filing of 17 construction-related accessibility claims, California has expressed a desire to limit the financial 18 burdens California’s businesses may face for claims for statutory damages under the Unruh Act.

19 See Arroyo, 19 F.4th at 1206-07, 1212. The Court of Appeals has also expressed “concerns about 20 comity and fairness” by permitting plaintiffs to circumvent “California’s procedural requirements.” 21 Vo, 49 F.4th at 1171. Plaintiffs who file these actions in federal court evade these limits and pursue 22 state law damages in a manner inconsistent with the state law’s requirements.

See generally, 23 Arroyo, 19 F.4th at 1211–12; Vo, 49 F.4th at 1171-72. 24 In an action over which a district court possesses original jurisdiction, that court “shall have 25 supplemental jurisdiction over all other claims that are so related to claims in the action within such 26 original jurisdiction that they form part of the same case or controversy under Article III of the 27 United States Constitution.” 28 U.S.C. § 1367(a).

Even if supplemental jurisdiction exists, 28 however, district courts have discretion to decline to exercise supplemental jurisdiction. 28 U.S.C. 1 | § 1367(c). Such discretion may be exercised “[d]epending on a host of factors” including “the 2 | circumstances of the particular case, the nature of the state law claims, the character of the 3 | governing state law, and the relationship between the state and federal claims.” City of Chicago v. 4 | Int’l Coll. of Surgeons, 522 U.S. 156, 173 (1997).

5 According to the undersigned’s review of filings within this Court, on September 7, 2025, 6 | Plaintiff Brooke and her attorney of record (Peter Kristofer Strojnik) filed 10 cases asserting ADA 7 | and Unruh claims in this district. Additionally, a review of the filings within the Central District 8 || of California shows over 10 such cases filed by Plaintiff in 2025.

9 For these reasons, IT IS HEREBY ORDERED as follows: 10 1. Plaintiff is ORDERED to show cause, in writing, no later than September 16, 2025, 11 || why the Court should not decline to exercise supplemental jurisdiction over Plaintiffs Unruh Act 12 | claim; 13 2.

In responding to the show cause order, Plaintiff is further ORDERED to: 14 a. identify the amount of statutory damages Plaintiff seeks to recover; and 15 b. submit declarations from Plaintiff and

Plaintiff's counsel, signed under penalty 16 of perjury, providing all facts necessary for the Court to determine if each is a 17 "high-frequency litigant;" 18 3. Plaintiff is cautioned that the failure to respond may result in a recommendation to 19 | dismiss of the entire action without prejudice.

Fed. R. Civ. P. 41(b) (stating that dismissal is 20 | warranted "[i]f the plaintiff fails to... comply with... a court order"); see *Hells Canyon Pres. 21 Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); and 22 4. Further, an inadequate response will result in the Court recommending that 23 || supplemental jurisdiction over Plaintiff's Unruh Act claim be declined and that the Unruh Act and 24 | state law claims be dismissed pursuant to 28 U.S.C. § 1367(c).

25 | IT IS SO ORDERED. 76 | Dated: _ September 9, 2025 | Wr bo 7 UNITED STATES
MAGISTRATE JUDGE 28