

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PRECEDENTIAL VALUE	Unpublished/interlocutory district court order; precedential status not stated.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

other

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)

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