

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Brooke v. United Ventures Bakersfield, LLC

Brooke · No. 1:25-cv-01257-CDB · Decided September 24, 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 relies on Ninth Circuit authority concerning California’s filing restrictions for construction-related accessibility claims and high-frequency litigants. Plaintiff was directed to identify the statutory damages sought and provide declarations addressing high-frequency-litigant status by October 1, 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 24, 2025
DOCKET	1:25-cv-01257-CDB
DISPOSITION	other
PROCEDURAL POSTURE	After Plaintiff filed an action asserting claims under the Americans with Disabilities Act and California's Unruh Civil Rights Act, the district court sua sponte ordered Plaintiff to show cause why the court should not decline supplemental jurisdiction over the Unruh Act claim.
STANDARD OF REVIEW	The order concerns the district court's discretionary authority under 28 U.S.C. § 1367(c) to decline supplemental jurisdiction; no appellate standard of review was applied.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive value only

TOPICS

- subject matter jurisdiction
- civil procedure
- public accommodations discrimination
- ada / disability
- pleadings

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should require Plaintiff to show cause why it should not decline supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(c).
2. What information Plaintiff must provide to permit the court to evaluate the amount of statutory damages sought and whether Plaintiff and counsel qualify as high-frequency litigants under California law.

HOLDINGS

1. The court required Plaintiff to show cause in writing why the court should not decline to exercise supplemental jurisdiction over the Unruh Act claim.
2. Plaintiff was required to identify the statutory damages sought and submit declarations from Plaintiff and counsel, under penalty of perjury, providing facts necessary to determine whether each 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)

“The Court of Appeals has also expressed “concerns about comity and fairness” by permitting plaintiffs to circumvent “California’s procedural requirements.”” (at 2)

FACTUAL BACKGROUND

Theresa Brooke filed an action against United Ventures Bakersfield, LLC asserting ADA claims for injunctive relief and an Unruh Act claim for statutory damages. The complaint merely stated that supplemental jurisdiction over the Unruh Act claim was appropriate. The court found that Brooke and her attorney had filed more than 15 ADA and Unruh Act cases in the Eastern District of California between September 7 and September 24, 2025, and that Brooke had filed more than 10 similar cases in the Central District of California during 2025.

PROCEDURAL HISTORY

Plaintiff initiated the action on September 22, 2025. The court reviewed the complaint and filings in related cases, identified potential concerns regarding Plaintiff's status as a high-frequency litigant and the circumvention of California procedural requirements, and issued an order requiring a written response by October 1, 2025. The court did not finally decide whether to exercise supplemental jurisdiction or dismiss the action.

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 (1997)
- Hells Canyon Preservation Council v. U.S. Forest Service, 403 F.3d 683 (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-01257-CDB 12 Plaintiff, ORDER
REQUIRING PLAINTIFF TO SHOW CAUSE RE SUPPLEMENTAL 13 v. JURISDICTION 14
UNITED VENTURES BAKERSFIELD, SEVEN-DAY DEADLINE LLC, 15 Defendant. 16 17
On September 22, 2025, Plaintiff Theresa Brooke initiated this action against Defendant 18 United
Ventures Bakersfield, LLC. (Doc.

1). The complaint asserts claims for injunctive relief 19 under the Americans with Disabilities Act
of 1990 (“ADA”) and a claim for statutory damages 20 under California’s Unruh Civil Rights Act
 (“Unruh Act”). Id. Plaintiff includes in her complaint 21 a conclusory assertion that “supplemental
jurisdiction is appropriate over Plaintiff’s Unruh claim” 22 as “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) (district
court 26 properly declined to exercise supplemental jurisdiction in a joint Unruh Act and ADA
case).

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

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

Code § 55.52(a)(1). 9 California imposes additional limitations on “high-frequency litigants,”
defined as: 10 A plaintiff who has filed 10 or more complaints alleging a construction-related
accessibility violation within the 12-month 11 period immediately preceding the filing of the
current complaint alleging a construction-related accessibility violation. 12 13 Cal. Civ.

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

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

See generally, 22 *Arroyo*, 19 F.4th at 1211–12; *Vo*, 49 F.4th at 1171-72. 23 In an action over which a district court possesses original jurisdiction, that court “shall have 24 supplemental jurisdiction over all other claims that are so related to claims in the action within such 25 original jurisdiction that they form part of the same case or controversy under Article III of the 26 United States Constitution.” 28 U.S.C. § 1367(a).

Even if supplemental jurisdiction exists, 27 however, district courts have discretion to decline to exercise supplemental jurisdiction. 28 U.S.C. 28 § 1367(c). Such discretion may be exercised “[d]epending on a host of factors” including “the 1 | circumstances of the particular case, the nature of the state law claims, the character of the 2 | governing state law, and the relationship between the state and federal claims.” *City of Chicago v. 3 | Int’l Coll. of Surgeons*, 522 U.S. 156, 173 (1997).

4 According to the undersigned’s review of filings within this Court, between September 7 5 | and September 24, 2025, Plaintiff Brooke and her attorney of record (Peter Kristofer Strojnik) filed 6 | more than 15 cases asserting ADA and Unruh Act claims in this district. Additionally, a review of 7 | the filings within the Central District of California evidences over 10 such cases filed by Plaintiff 8 | 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 October 1, 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 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. 26 Dated: _ September 24, 2025 | Ww VV KD 7 UNITED STATES
MAGISTRATE JUDGE 28