

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Ana Ventura v. Hilario Egay

Ventura · No. 2:24-cv-03700-MEMF-AS · Decided May 30, 2025

SUMMARY

The United States District Court for the Central District of California ordered the plaintiff to show cause why the court should exercise supplemental jurisdiction over state-law claims arising from alleged disability-access violations. The order requires disclosures regarding statutory damages and declarations addressing whether the plaintiff and counsel qualify as high-frequency litigants under California law.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Maame Ewusi-Mensah Frimpong
JURISDICTION	United States District Court for the Central District of California
DECIDED	May 30, 2025
DOCKET	2:24-cv-03700-MEMF-AS
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause why it should not decline to exercise supplemental jurisdiction over the plaintiff's California-law claims.
STANDARD OF REVIEW	Under 28 U.S.C. § 1367(c), the court considers whether to exercise supplemental jurisdiction, weighing judicial economy, convenience, fairness, and comity.
PRECEDENTIAL VALUE	unpublished

TOPICS

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

PRACTICE AREAS

- Civil procedure
- Americans with Disabilities Act
- Federal jurisdiction
- California disability-access law

QUESTIONS PRESENTED

1. Whether Ventura should be required to show cause why the court should exercise supplemental jurisdiction over her California-law claims.
2. Whether Ventura and her counsel must provide information and declarations concerning statutory damages and high-frequency-litigant status before the court determines whether to exercise supplemental jurisdiction.

HOLDINGS

1. The court ordered Ventura to show cause in writing why it should exercise supplemental jurisdiction over her Unruh Act, California Disabled Persons Act, California Health and Safety Code, and negligence claims.

KEY QUOTATIONS

“In light of the foregoing, the Court orders Ventura to show cause in writing why the Court should exercise supplemental jurisdiction over the Unruh Act claim, the California Disabled Persons Act claim, the California Health and Safety Code claim, and the negligence claim.” (at 2)

FACTUAL BACKGROUND

Ventura alleged that she encountered construction-related accessibility barriers at defendants' business and asserted an ADA claim for injunctive relief. She also asserted California claims under the Unruh Civil Rights Act, the California Disabled Persons Act, California Health and Safety Code § 19955 et seq., and negligence. The order indicates that the California claims may implicate California's heightened pleading and high-frequency-litigant requirements for construction-accessibility actions.

PROCEDURAL HISTORY

Ana Ventura filed a federal complaint on May 3, 2024, asserting an ADA claim and claims under California law for damages and injunctive relief. The court reviewed the pleading and ordered Ventura to explain why the court should exercise supplemental jurisdiction over the state-law claims, with supporting declarations concerning statutory damages and high-frequency-litigant status.

DISPOSITION

other

CASES CITED

- City of Chicago v. International College of Surgeons, 522 U.S. 156, 173 (1997)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 (1988)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 Case No.: 2:24-cv-03700-MEMF-AS 11 ANA VENTURA, 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 HILARIO EGAY D/B/A H SALONFIX; 15 LOURDES B. CAPULONG, AS
TRUSTEE OF 16 THE STELLAR TRUST; and DOES 1 to 10, Defendants.

17 18 19 20 On May 3, 2024, Ana Ventura filed a Complaint against Hilario Egay d/b/a H
Salonfix, 21 Lourdes B. Capulong, as Trustee of the Stellar Trust, and Does 1 to 10, asserting: (1)
a claim for 22 injunctive relief arising out of an alleged violation of the Americans with
Disabilities Act (“ADA”), 23 42 U.S.C. §§ 12010–12213; (2) a claim for damages pursuant to
California’s Unruh Civil Rights Act 24 (“Unruh Act”), Cal. Civ.

Code §§ 51–52, et seq.; (3) a claim for damages pursuant to the California 25 Disabled Persons
Act, Cal. Civ. Code §§ 54, et seq.; (4) a claim for damages and injunctive relief 26 based on
California Health and Safety Code § 19955, et seq.; (5) a claim for damages for negligence. 27
ECF No. 1.

The Complaint alleges that this Court has jurisdiction over the ADA claim pursuant to 28 1 28
U.S.C. §§ 1331 and 1343, and that the state law claims are brought “pursuant to pendant [sic] 2
jurisdiction.” Id. at ¶¶ 6–7. 3 Principles of pendent jurisdiction have been codified in the
supplemental jurisdiction statute, 4 28 U.S.C. § 1367.

The supplemental jurisdiction statute “reflects the understanding that, when 5 deciding whether to
exercise supplemental jurisdiction, ‘a federal court should consider and weigh in 6 each case, and
at every stage of the litigation, the values of judicial economy, convenience, fairness, 7 and
comity.’” City of Chicago v. Int’l Coll. of Surgeons, 522 U.S. 156, 173 (1997) (emphasis added) 8
(quoting Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 (1988)).

9 California law sets forth a heightened pleading standard for a limited group of lawsuits 10
brought under the Unruh Act. See Cal. Civ. Proc. Code §§ 425.55(a)(2) & (3). The stricter
pleading 11 standard requires certain plaintiffs bringing construction-access claims like the one in
the instant 12 case to file a verified complaint alleging specific facts concerning the plaintiff’s
claim, including the 13 specific barriers encountered or how the plaintiff was deterred and each
date on which the plaintiff 14 encountered each barrier or was deterred.

See Cal. Civ. Proc. Code § 425.50(a). A “high-frequency 15 litigant fee” is also imposed on certain
plaintiffs and law firms bringing these claims. See Cal. Gov’t 16 Code § 70616.5. A “high-
frequency litigant” is “a plaintiff who has filed 10 or more complaints 17 alleging a construction-
related accessibility violation within the 12-month period immediately 18 preceding the filing of
the current complaint alleging a construction-related accessibility violation” 19 and “an attorney

who has represented as attorney of record 10 or more high-frequency litigant 20 plaintiffs in actions that were resolved within the 12-month period immediately preceding the filing 21 of the current complaint alleging a construction-related accessibility violation.” Cal. Civ.

Proc. Code 22 §§ 425.55(b)(1) & (2). High frequency litigants are also required to state: (1) whether the complaint 23 is filed by, or on behalf of, a high-frequency litigant; (2) in the case of a high-frequency litigant who 24 is a plaintiff, the number of complaints alleging construction-related accessibility claim filed by the 25 high-frequency litigant during the 12 months prior to filing the instant complaint; (3) the reason the 26 individual was in the geographic area of the defendant’s business; and (4) the reason why the 27 individual desired to access the defendant’s business.” See id. § 425.50(a)(4)(A).

28 1 In light of the foregoing, the Court orders Ventura to show cause in writing why the Court 2 | should exercise supplemental jurisdiction over the Unruh Act claim, the California Disabled Persons 3 | Act claim, the California Health and Safety Code claim, and the negligence claim. See 28 U.S.C. § 4 | 1367(c).

In responding to this Order to Show Cause: 5 1. Ventura shall identify the amount of statutory damages Ventura seeks to recover. 6 2. Ventura and Ventura’s counsel shall also support their responses to the Order to Show Cause 7 with declarations, signed under penalty of perjury, providing all facts necessary for the Court 8 to determine if they satisfy the definition of a “high-frequency litigant” as provided by 9 California Code of Civil Procedure §§ 425.55(b)(1) & (2).

This includes, but is not limited 10 to: 11 a. the number of construction-related accessibility claims filed by Ventura in the twelve 12 months preceding the filing of the present claim; and 13 b. the number of construction-related accessibility claims in which Ventura’s counsel 14 has represented high-frequency litigant plaintiffs in the twelve months preceding the 15 filing of the present claim.

16 Ventura shall file a Response to this Order to Show Cause by no later than fourteen days 17 | from the date of this order. The failure to timely or adequately respond to this Order to Show Cause 18 | may, without further warning, result in the Court declining to exercise supplemental jurisdiction over 19 || the Unruh Act claim, the California Disabled Persons Act claim, the California Health and Safety 20 || Code claim, and the negligence claim pursuant to 28 U.S.C. § 1367(c).

21 22 IT IS SO ORDERED. 23 24 25 Dated: May 30, 2025 Abit / 26 MAAWE EWUSLMENSAH FRIMPONG 27 United States District Judge 28