

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Cesar Acevedo v. Glen Capri Inn and Suites, LLC, et al.

Acevedo · No. CV 25-3580-MWF(AJRx) · Decided April 25, 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 claims under California’s Unruh Civil Rights Act and other state laws. The court required information concerning the statutory damages sought and whether the plaintiff or counsel qualified as a high-frequency litigant, warning that failure to respond could result in dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Per Curiam; Michael W. Fitzgerald
JURISDICTION	United States District Court for the Central District of California
DECIDED	April 25, 2025
DOCKET	CV 25-3580-MWF(AJRx)
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause directing Plaintiff to explain why the court should exercise supplemental jurisdiction over claims under California's Unruh Civil Rights Act and other state-law claims.
STANDARD OF REVIEW	The court independently confirmed its subject-matter jurisdiction and considered whether to exercise supplemental jurisdiction under 28 U.S.C. § 1367(c).
PRECEDENTIAL VALUE	Nonprecedential district court order; procedural and interlocutory.

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should exercise supplemental jurisdiction over the Unruh Act claim and other state-law claims.
2. Whether Plaintiff must provide information concerning the amount of Unruh Act statutory damages sought and whether Plaintiff or Plaintiff's counsel qualifies as a high-frequency litigant under California Code of Civil Procedure section 425.55.
3. Whether the court may raise and examine subject-matter jurisdiction sua sponte.

HOLDINGS

1. The district court may raise the question of subject-matter jurisdiction sua sponte at any time during the pendency of the action and may require the parties to provide information relevant to that inquiry.
2. The court did not finally decide whether to exercise supplemental jurisdiction; instead, it ordered Plaintiff to show cause why jurisdiction should be exercised and warned that it may decline supplemental jurisdiction under 28 U.S.C. § 1367(c).

KEY QUOTATIONS

“This Court has a sua sponte obligation to confirm that it has subject matter jurisdiction.” (at 1)

“Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the dismissal of the entire action without prejudice or the Court’s declining to exercise supplemental jurisdiction over the Unruh Act claim and the dismissal of that claim pursuant to 28 U.S.C. § 1367(c).” (at 2)

FACTUAL BACKGROUND

The complaint alleged a violation of the Americans with Disabilities Act and sought injunctive relief. It also asserted a claim for damages under California's Unruh Civil Rights Act and other state-law claims. The order does not resolve the merits of those claims; it focuses on the asserted basis for supplemental jurisdiction and the potential effect of California's reforms concerning high-frequency litigants.

PROCEDURAL HISTORY

Plaintiff filed a complaint asserting an ADA injunctive-relief claim, an Unruh Act damages claim, and other state-law claims. The court noted that supplemental jurisdiction under 28 U.S.C. § 1367(a) was the sole stated basis for jurisdiction over the Unruh Act claim and sua sponte ordered Plaintiff to show cause why supplemental jurisdiction should be exercised. The court required a written response by May 9, 2025, and warned that failure to respond could result in dismissal without prejudice or declining supplemental jurisdiction and dismissing the Unruh Act claim.

DISPOSITION

other

CASES CITED

- Arroyo v. Rosas, 19 F.4th 1202, 1211-14 (9th Cir. 2021)
- Nevada v. Bank of Am. Corp., 672 F.3d 661, 673 (9th Cir. 2012)
- Snell v. Cleveland, Inc., 316 F.3d 822, 826 (9th Cir. 2003)

OPINION

CIVIL MINUTES – GENERAL Case No. CV 25-3580-MWF(AJRx) Date: April 25, 2025 Title Cesar Acevedo v. Glen Capri Inn and Suites, LLC, et al. Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge Rita Sanchez Not Reported Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants: Not Present Not Present Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE SUPPLEMENTAL JURISDICTION The Complaint filed in this action asserts a claim for injunctive relief arising out of an alleged violation of the Americans With Disabilities Act (“ADA”), 42 U.S.C. §§ 12101-12213, a claim for damages pursuant to the Unruh Civil Rights Act (“Unruh Act”), Cal. Civ.

Code §§ 51–53, and other state law claims alleged by Plaintiff. The sole basis for jurisdiction over the Unruh Act claim is supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a). The Court, however, may decline to exercise supplemental jurisdiction for the reasons delineated in § 1367(c). See also Arroyo v. Rosas, 19 F.4th 1202, 1211–14 (9th Cir. 2021) (holding district courts may decline supplemental jurisdiction over ADA-based Unruh Act claims because of “very substantial threat to federal-state comity” presented by plaintiffs’ use of federal courts to evade California’s Unruh Act reforms).

This Court has a sua sponte obligation to confirm that it has subject matter jurisdiction. Nevada v. Bank of Am. Corp., 672 F.3d 661, 673 (9th Cir. 2012) (“[I]t is well established that ‘a court may raise the question of subject matter jurisdiction, sua sponte, at any time during the pendency of the action....’” (quoting Snell v. Cleveland, Inc., 316 F.3d 822, 826 (9th Cir.

2002))). Therefore, to assist this Court in its duty, Plaintiff is ORDERED to SHOW CAUSE in writing as to why this Court should exercise supplemental jurisdiction CIVIL MINUTES – GENERAL Case No. CV 25-3580-MWF(AJRx) Date: April 25, 2025 Title Cesar Acevedo v. Glen Capri Inn and Suites, LLC, et al. over the Unruh Act claim and the other state law claims alleged by Plaintiff.

The Response to the Order to Show Cause shall include (1) the amount of statutory damages sought pursuant to the Unruh Act; and (2) sufficient facts for the Court to determine whether Plaintiff or Plaintiff’s counsel meet the definition of a “high- frequency litigant” as defined in

California Code of Civil Procedure section 425.55(b)(1) & (2). These facts shall be set forth in declarations signed under penalty of perjury.

The Response shall be filed on or before MAY 9, 2025. Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the dismissal of the entire action without prejudice or the Court's declining to exercise supplemental jurisdiction over the Unruh Act claim and the dismissal of that claim pursuant to 28 U.S.C. § 1367(c).

IT IS SO ORDERED.