

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Mario Mendoza v. A and SJ Markets LLC

Mendoza · No. 5:25-cv-01040-JAK (JDEx) · Decided May 5, 2025

SUMMARY

The United States District Court for the Central District of California orders the plaintiff to show cause why the court should not decline supplemental jurisdiction over state-law claims under 28 U.S.C. § 1367. The order addresses California’s heightened pleading requirements and high-frequency litigant provisions for construction-related accessibility claims and requires the plaintiff to disclose requested statutory damages and provide a supporting declaration.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	John A. Kronstadt
JURISDICTION	United States District Court for the Central District of California
DECIDED	May 5, 2025
DOCKET	5:25-cv-01040-JAK (JDEx)
DISPOSITION	other
PROCEDURAL POSTURE	At the outset of the federal action, the court sua sponte issued an order to show cause concerning whether it should exercise supplemental jurisdiction over the plaintiff's California state-law claims.
STANDARD OF REVIEW	Discretionary consideration of whether to exercise supplemental jurisdiction under 28 U.S.C. § 1367, including the values of judicial economy, convenience, fairness, and comity.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive authority only

TOPICS

- subject matter jurisdiction
- civil procedure
- ada / disability
- construction law

PRACTICE AREAS

- Civil procedure
- Americans with Disabilities Act
- Unruh Civil Rights Act
- Supplemental jurisdiction
- Construction accessibility litigation

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over plaintiff's Unruh Act and other state-law claims under 28 U.S.C. § 1367.
2. Whether plaintiff must show cause and provide information concerning statutory damages and his alleged status as a high-frequency litigant before the court determines whether to retain the state-law claims.

HOLDINGS

1. The court may decline to exercise supplemental jurisdiction over the state-law claims when the circumstances identified in 28 U.S.C. § 1367(c), considered in light of judicial economy, convenience, fairness, and comity, weigh against retaining those claims.

KEY QUOTATIONS

"This "is a doctrine of discretion, not of plaintiff's right." (at 1)

"Because accepting supplemental jurisdiction over such claims would permit high-frequency plaintiffs to side-step those state-law requirements by pursuing the claims in a federal forum, many district courts, including this one, have declined to exercise such jurisdiction." (at 2)

FACTUAL BACKGROUND

The complaint alleges that defendants violated the Americans with Disabilities Act, the Unruh Civil Rights Act, and other California laws based on construction-related accessibility issues. The court determined from the District's docket that plaintiff had filed more than ten actions advancing construction-related accessibility claims during the year preceding this action, potentially making him a high-frequency litigant under California law.

PROCEDURAL HISTORY

Plaintiff filed a complaint asserting claims under the Americans with Disabilities Act, California's Unruh Civil Rights Act, and other California law. The court reviewed the complaint and ordered plaintiff and permitted defendants to respond regarding whether the court should decline supplemental jurisdiction over the state-law claims under 28 U.S.C. § 1367(c).

DISPOSITION

other

CASES CITED

- United Mine Workers v. Gibbs, 383 U.S. 715, 726 (1966)
- Nishimoto v. Federman-Bachrach & Assocs., 903 F.2d 709, 715 (9th Cir. 1990)
- Whitaker v. RCP Belmont Shore LLC, No. LA CV19-09561 JAK (JEMx), 2020 WL 3800449, at *6–8 (C.D. Cal. Mar. 30, 2020)
- Garibay v. Rodriguez, No. 2:18-cv-09187-PA (AFMx), 2019 WL 5204294, at *1–6 (C.D. Cal. Aug. 27, 2019)

- Perri v. Thrifty Payless, No. 2:19-CV-07829-CJC (SKx), 2019 WL 7882068, at *2 (C.D. Cal. Oct. 8, 2019)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 MARIO MENDOZA, No. 5:25-cv-01040-JAK (JDEx) 11 Plaintiff, ORDER
RE TO SHOW CAUSE RE: 12 SUPPLEMENTAL JURISDICTION v. OVER STATE-LAW
CLAIMS 13 A AND SJ MARKETS LLC, et al., 14 Defendants. 15 16 17 18 19 20 21 22 23 24 25
26 27 1 Based on a review of the Complaint (Dkt. 1), the following determinations are 2 made: 3
The Complaint alleges violations of the Americans with Disabilities Act, 42 4 U.S.C. § 12101 et
seq. (the “ADA”), the Unruh Civil Rights Act (the “Unruh Act”), Cal. 5 Civ.

Code §§ 51–52 and other provisions of California law. Supplemental jurisdiction is 6 the basis for
the state-law claims. Dkt. 1 ¶ 7. 7 District courts may exercise “supplemental jurisdiction over all
other claims that 8 are so related to claims in the action within such original jurisdiction that they
form part 9 of the same case or controversy under Article III of the United States Constitution.” 28
10 U.S.C. § 1367(a).

This “is a doctrine of discretion, not of plaintiff’s right.” United Mine 11 Workers v. Gibbs, 383
U.S. 715, 726 (1966). “In order to decide whether to exercise 12 jurisdiction over pendent state
law claims, a district court should consider... at every 13 stage of the litigation, the values of
judicial economy, convenience, fairness, and 14 comity.” Nishimoto v. Federman-Bachrach &
Assocs., 903 F.2d 709, 715 (9th Cir.

1990) 15 (citation omitted). 16 In 2012, California imposed heightened pleading requirements for
Unruh Act 17 claims. Cal. Civ. Code § 55.52(a)(1); Cal. Code Civ. Proc. § 425.50(a). In 2015, 18
California also imposed a “high-frequency litigant fee” for plaintiffs and law firms that 19 have
brought large numbers of construction-related accessibility claims.

Cal. Gov’t Code 20 70616.5. As detailed in previous orders by this Court and other district courts
in 21 California, these reforms addressed the small number of plaintiffs and counsel who bring 22
a significant percentage of construction-related accessibility claims. E.g., Whitaker v. 23 RCP
Belmont Shore LLC, No. LA CV19-09561 JAK (JEMx), 2020 WL 3800449, at *6– 24 8 (Mar.

30, 2020); Garibay v. Rodriguez, No. 2:18-cv-09187-PA (AFMx), 2019 WL 25 5204294, at *1–6
(C.D. Cal. Aug. 27, 2019). These statutes impose special requirements 26 for construction-related
accessibility claims brought by high-frequency plaintiffs 27 pursuant to the Unruh Act.

Because accepting supplemental jurisdiction over such claims 1 would permit high-frequency
plaintiffs to side-step those state-law requirements by 2 pursuing the claims in a federal forum,
many district courts, including this one, have 3 declined to exercise such jurisdiction. E.g.,
Whitaker, 2020 WL 3800449, at *6–8; 4 Garibay, 2019 WL 5204294, at *1–6. 5 A review of the
docket in this District shows that, in the one-year period preceding 6 the filing of the Complaint,

Plaintiff has filed more than ten actions in which he has 7 advanced construction-related accessibility claims.

In a California Superior Court, 8 Plaintiff would be deemed a high-frequency litigant. Therefore, “California’s recent 9 legislative enactments confirm that the state has a substantial interest in this case.” Perri 10 v. Thrifty Payless, No. 2:19-CV-07829-CJC (SKx), 2019 WL 7882068, at *2 (C.D. Cal. 11 Oct. 8, 2019). 12 In light of the foregoing, Plaintiff is ORDERED TO SHOW CAUSE why the 13 Court should not decline to exercise supplemental jurisdiction over the state-law claims.

14 Plaintiff shall file a response to this Order to Show Cause, not to exceed ten pages, on or 15 before May 20, 2025. In responding to this Order to Show Cause, Plaintiff shall identify 16 the amount of statutory damages Plaintiff seeks to recover. Plaintiff shall also present a 17 declaration, signed under penalty of perjury, providing the evidence necessary for the 18 Court to determine if Plaintiff meets the definition of a “high-frequency litigant” as 19 defined in Cal. Code Civ.

Proc. § 425.50(b)(1) & (2). Failure to file a timely response to 20 this Order to Show Cause may result in the dismissal of the state-law claims without 21 prejudice by declining to exercise supplemental jurisdiction over them, pursuant to 28 22 U.S.C. § 1367(c). Defendant may also file a response to this Order to Show Cause, not to 23 exceed ten pages, on or before May 27, 2025.

24 25 26 27 1 Upon receipt of the response(s), the matter will be taken under submission, and a 2 || written order will issue. 3 4 5 | ITISSO ORDERED. 6 ho 7 || Dated: May 5, 2025 C] hn 8 John A. Kronstadt 9 United States District Judge 10 11 12 13 14 15 16 17 18 19