

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.

OPINION

Mario Mendoza v. A and SJ Markets LLC

PER CURIAM.

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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