

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Cesar Acevedo v. KS Complete Auto Group Inc. et al.

Acevedo · No. 2:25-cv-03408-SB-PVC · Decided April 22, 2025

SUMMARY

The United States District Court for the Central District of California orders Plaintiff Cesar Acevedo to show cause why his Unruh Act claim should not be dismissed without prejudice for lack of supplemental jurisdiction. Relying on *Arroyo v. Rosas*, the Court identifies potential exceptional circumstances involving federal-state comity and directs Plaintiff to provide information concerning the statutory damages sought and whether he and his 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	Stanley Blumenfeld, Jr.
JURISDICTION	United States District Court for the Central District of California
DECIDED	April 22, 2025
DOCKET	2:25-cv-03408-SB-PVC
DISPOSITION	other
PROCEDURAL POSTURE	The plaintiff filed an ADA and Unruh Act action alleging inadequate parking facilities. Before adjudicating the merits, the district court issued an order to show cause why the Unruh Act claim should not be dismissed without prejudice for lack of supplemental jurisdiction under 28 U.S.C. § 1367(c)(4).
STANDARD OF REVIEW	Supplemental jurisdiction under 28 U.S.C. § 1367 is discretionary; a district court may decline jurisdiction when one of the circumstances listed in § 1367(c) is present.
PRECEDENTIAL VALUE	District court order to show cause; no reporter citation or precedential designation appears in the source.

TOPICS

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

PRACTICE AREAS

civil procedure

Americans with Disabilities Act

supplemental jurisdiction

California Unruh Civil Rights Act

QUESTIONS PRESENTED

1. Whether the district court had supplemental jurisdiction over Plaintiff's Unruh Act claim because it was closely related to his ADA claim.
2. Whether the circumstances identified by the Ninth Circuit in *Arroyo v. Rosas* potentially justified declining supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(c)(4).

HOLDINGS

1. Because the Unruh Act claim was closely related to the ADA claim, the district court had authority to exercise supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(a).
2. The circumstances identified in *Arroyo v. Rosas* potentially constitute exceptional circumstances under 28 U.S.C. § 1367(c)(4), permitting the district court to decline supplemental jurisdiction over an ADA-based Unruh Act claim, particularly when the case remains at an early stage and the merits have not been adjudicated.

KEY QUOTATIONS

“supplemental jurisdiction “is a doctrine of discretion, not of plaintiff’s right,” and district courts “can decline to exercise jurisdiction over pendent claims for a number of valid reasons.”” (unpaginated)

“retention of supplemental jurisdiction over ADA-based Unruh Act claims threatens to substantially thwart California’s carefully crafted reforms in this area and to deprive the state courts of their critical role in effectuating the policies underlying those reforms.” (unpaginated)

“Accordingly, the Court ORDERS Plaintiff within 14 days after entry of this Order to show cause in writing why the Court should not dismiss without prejudice his Unruh Act claim under § 1367(c)(4).” (unpaginated)

FACTUAL BACKGROUND

Plaintiff Cesar Acevedo, who has multiple sclerosis, alleged that Defendants failed to provide adequate parking facilities. He asserted claims under the Americans with Disabilities Act and the California Unruh Act. The case was at an early stage, and the district court had not addressed or adjudicated the merits of any claim.

PROCEDURAL HISTORY

Plaintiff filed suit against KS Complete Auto Group Inc. and other defendants, asserting claims including violations of the Americans with Disabilities Act and the California Unruh Civil Rights Act. The district court determined that the Unruh Act claim was sufficiently related to the ADA claim to fall within supplemental jurisdiction, but issued an order requiring Plaintiff to explain why the Court should not decline that jurisdiction based on the exceptional circumstances identified in *Arroyo v. Rosas*. No final dismissal had yet occurred.

DISPOSITION

CASES CITED

- City of Chi. v. Int’l Coll. of Surgeons, 522 U.S. 156, 172 (1997)
- Arroyo v. Rosas, 19 F.4th 1202 (9th Cir. 2021)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CESAR ACEVEDO, Case No. 2:25-cv-03408-SB-PVC Plaintiff, v. ORDER TO SHOW CAUSE KS COMPLETE AUTO GROUP INC. et al., Defendants. Plaintiff Cesar Acevedo, who suffers from multiple sclerosis, filed this suit alleging that Defendants failed to provide adequate parking facilities, in violation of, inter alia, the Americans with Disabilities Act (ADA) and the Unruh Act.

Dkt. No. 1. Because Plaintiff’s Unruh Act claim is closely related to his ADA claim, the Court has authority to exercise supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(a). However, supplemental jurisdiction “is a doctrine of discretion, not of plaintiff’s right,” and district courts “can decline to exercise jurisdiction over pendent claims for a number of valid reasons.” City of Chi. v. Int’l Coll. of Surgeons, 522 U.S. 156, 172 (1997) (internal quotation marks and citations omitted).

This discretion is codified in § 1367(c): The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if— (1) the claim raises a novel or complex issue of State law, (2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction, (3) the district court has dismissed all claims over which it has original jurisdiction, or (4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.

28 U.S.C. § 1367(c). In a published decision, the Ninth Circuit explained that the California Legislature’s 2012 and 2015 amendments to the Unruh Act, which were intended to protect businesses from abusive litigation by high-frequency litigants bringing construction-related claims, had led to a surge of filings in federal courts of ADA cases seeking statutory damages under the Unruh Act.

Arroyo v. Rosas, 19 F.4th 1202 (9th Cir. 2021). The Ninth Circuit agreed with the district court that this shift in filings from state courts to federal courts had circumvented the state legislature’s goals and “rendered [the new statutory requirements] largely toothless, because they can now be readily evaded.” Id. at 1213.

The court explained that “retention of supplemental jurisdiction over ADA-based Unruh Act claims threatens to substantially thwart California’s carefully crafted reforms in this area and to

deprive the state courts of their critical role in effectuating the policies underlying those reforms.” Id. Thus, the court held that these circumstances are “exceptional” within the meaning of § 1367(c)(4) and therefore potentially justified declining supplemental jurisdiction over the plaintiff’s Unruh Act claim.

See id. (“The district court did not abuse its discretion in concluding that this extraordinary situation threatens unusually significant damage to federal-state comity and presents ‘exceptional circumstances’ within the meaning of § 1367(c)(4).”).

However, because the district court had waited to decline supplemental jurisdiction until after granting summary judgment on the plaintiff’s ADA claim, thereby effectively deciding the Unruh Act claim, the Ninth Circuit reversed the court’s decision to decline supplemental jurisdiction, holding that it had waited too long to invoke the comity interest. Id. at 1215–17.

Unlike Arroyo, this case is still at a very early stage, and this Court has not yet addressed or adjudicated the merits of any of Plaintiff’s claims. This appears to be a case in which the Court should decline supplemental jurisdiction over Plaintiff’s Unruh Act claim under § 1367(c)(4) to protect the comity interests identified in Arroyo.

Accordingly, the Court ORDERS Plaintiff within 14 days after entry of this Order to show cause in writing why the Court should not dismiss without prejudice his Unruh Act claim under § 1367(c)(4). Plaintiff’s response must identify the amount of statutory damages Plaintiff seeks to recover and must be supported by declarations, signed under penalty of perjury, providing all facts necessary for the Court to determine if Plaintiff and his counsel satisfy the definition of a “high-frequency litigant” as provided by Cal. Civ.

Proc. Code § 425.55(b)(1)–(2). If Plaintiff fails to file a response within 14 days after entry of this Order, the Court will decline to exercise supplemental jurisdiction over his Unruh Act claim, and the Unruh Act claim will be automatically dismissed without prejudice without further order of the Court. Date: April 22, 2025 _____ Stanley Blumenfeld, Jr. United States District Judge