

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Sepulveda v. Mann Bros Truck Stop Inc.

No. 2:24-cv-01863-DC-AC (E.D. Cal. Aug. 15, 2025) · No. 2:24-cv-01863-DC-AC · Decided August 18, 2025

OPINION

Sepulveda v. Mann Bros Truck Stop Inc.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 RICHARD SEPULVEDA, No. 2:24-cv-01863-DC-AC

12 Plaintiff,

13 v. ORDER TO SHOW CAUSE

14 MANN BROS TRUCK STOP INC.,

15 Defendant. 16

17 This matter is before the court on the pending findings and recommendations issued by 18 the
assigned magistrate judge on May 23, 2025, recommending that Plaintiff’s motion for default 19
judgment (Doc. No. 15) be granted. (Doc. No. 17.) Specifically, the magistrate judge found that 20
Plaintiff is entitled to default judgment on his claim under the Americans with Disabilities Act 21
 (“ADA”) and California’s Unruh Act, and recommended the court grant Plaintiff’s motion, award
22 \$8,000 in statutory damages under the Unruh Act, award \$3,506.50 in attorneys’ fees and costs,
23 and order Defendant to make changes and accommodations at the subject property in
compliance 24 with Americans with Disabilities Act Accessibility Guidelines. (Id. at 9.) The
pending findings 25 and recommendations, however, do not address the issue of supplemental
jurisdiction over the 26 Unruh Act claim—specifically, whether this court should exercise
supplemental jurisdiction. 27 Indeed, as Plaintiff and Plaintiff’s counsel are aware from their
litigation in this court and 28 the Northern District of California, courts find exceptional
circumstances exist to decline 1 | supplemental jurisdiction over an Unruh Act claim because “it
would not be ‘fair’ to defendants 2 | and ‘an affront to the comity between federal and state courts’
to allow plaintiffs to evade 3 | California’s procedural requirements by bringing their claims in
federal court.” Vo v. Choi, 49 4 | F4th 1167, 1171 (9th Cir. 2022) (citation omitted); see also
Sepulveda v. Perez, No. 23-cv- 5 || 03897-EMC, 2024 WL 3748006, at *3 (N.D. Cal. Aug. 8,
2024) (requiring plaintiff to show 6 || cause “why the Court should not decline to exercise
supplemental jurisdiction over the Unruh Act 7 | claim—especially as he concedes he is a high-

frequency litigant, which thereby implicates 8 || specific procedural requirements imposed by the California legislature if the Unruh Act claim 9 | were litigated in state court”); Sepulveda v. Valtoha Inc., No. 2:24-cv-01497-DC-CSK, 2025 WL 10 1742739, at *3 (E.D. Cal. June 24, 2025), report and recommendation adopted, 2025 WL 11 | 2299827 (E.D. Cal. Aug. 8, 2025) (explaining that retaining jurisdiction is not warranted 12 | “[e]specially in light of California’s requirements for Unruh Act claims, such that it would not be 13 | fair, nor would comity be served, if Plaintiff would be able to proceed on his state law claims in 14 | this Court and ‘wholly thwart’ California’s policy objectives in this area”) (citation omitted). 15 Accordingly, Plaintiff is hereby ORDERED TO SHOW CAUSE, within ten (10) days 16 | from the date of entry of this order, why the court should not adopt in part the findings and 17 | recommendations as to Plaintiff’s ADA claim, attorneys’ fees, and injunctive relief, but decline to 18 | exercise supplemental jurisdiction over Plaintiff’s Unruh Act claim. 19

20 IT IS SO ORDERED. □

| Dated: _August 15, 2025 DUC Dena Coggins 22 United States District Judge 23 24 25 26 27 28

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