

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Melanie Delapaz v. Mitsuko Osuga et al.

Delapaz · No. 2:25-cv-10342-SB-PVC · Decided November 5, 2025

SUMMARY

The United States District Court for the Central District of California issued an order to show cause concerning Plaintiff Melanie Delapaz’s Unruh Act claim arising from alleged ADA-accessibility barriers. The Court indicated that it may decline supplemental jurisdiction under 28 U.S.C. § 1367(c) (4) based on the federalism and comity concerns identified in *Arroyo v. Rosas*, and ordered Plaintiff to explain why the claim should not be dismissed without prejudice.

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	November 5, 2025
DOCKET	2:25-cv-10342-SB-PVC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed an action alleging that defendants' facilities contain physical barriers violating the Americans with Disabilities Act and the California Unruh Civil Rights Act. 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.
STANDARD OF REVIEW	Supplemental jurisdiction is discretionary; a district court may decline jurisdiction under 28 U.S.C. § 1367(c), including when exceptional circumstances and compelling reasons justify declining jurisdiction.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court had supplemental jurisdiction over plaintiff's closely related Unruh Act claim.
2. Whether exceptional circumstances under 28 U.S.C. § 1367(c)(4), including the federalism and comity concerns identified in *Arroyo v. Rosas*, warranted declining supplemental jurisdiction over the Unruh Act claim before adjudication of the merits.

HOLDINGS

1. Because the Unruh Act claim was closely related to the ADA claim, the court had authority to exercise supplemental jurisdiction under 28 U.S.C. § 1367(a), but supplemental jurisdiction remained discretionary rather than a right of the plaintiff.
2. At the preliminary order-to-show-cause stage, the circumstances identified in *Arroyo v. Rosas* appeared to support declining supplemental jurisdiction over the ADA-based Unruh Act claim under § 1367(c)(4), subject to plaintiff's response.

KEY QUOTATIONS

“supplemental jurisdiction “is a doctrine of discretion, not of plaintiff’s right,””

“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.” (1213)

FACTUAL BACKGROUND

Plaintiff Melanie Delapaz requires a wheelchair while traveling in public. She alleged that defendants' facilities impose physical barriers that impede her access, asserting claims under the Americans with Disabilities Act and the California Unruh Civil Rights Act. The court noted that the case remained at a very early stage and that it had not adjudicated the merits of any claim.

PROCEDURAL HISTORY

The action was pending at an early stage, and the court had not addressed or adjudicated the merits of any claim. The court issued an order requiring plaintiff to explain within 14 days why the Unruh Act claim should not be dismissed without prejudice under 28 U.S.C. § 1367(c)(4), including by identifying the requested statutory damages and submitting declarations addressing whether plaintiff and counsel qualify as high-frequency litigants.

DISPOSITION

other

CASES CITED

- *City of Chi. v. Int'l Coll. of Surgeons*, 522 U.S. 156, 172 (1997)
- *Arroyo v. Rosas*, 19 F.4th 1202, 1213, 1215–17 (9th Cir. 2021)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA MELANIE DELAPAZ, Case No. 2:25-cv-10342-SB-PVC Plaintiff, v. ORDER TO SHOW CAUSE MITSUKO OSUGA et al., Defendants. Plaintiff Melanie Delapaz, who requires the use of a wheelchair while traveling in public, filed this suit alleging that Defendants' facilities impose physical barriers that impede her access, in violation of, inter alia, the Americans with Disabilities Act (ADA) and the Unruh Act.

Because Plaintiff's Unruh Act claim is closely related to her 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 her 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 her 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 her Unruh Act claim, and the Unruh Act claim will be automatically dismissed without prejudice without further order of the Court. Date: November 5, 2025 _____ Stanley Blumenfeld, Jr. United States District Judge