

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Larry Dunn v. Mud Australia, Incorporated

Dunn v. Mud Australia · No. CV 25-4527 PA (MARx) · Decided May 21, 2025

SUMMARY

The United States District Court for the Central District of California ordered the plaintiff to show cause why the court should exercise supplemental jurisdiction over claims under California’s Unruh Civil Rights Act and any other state-law claims. The court also required disclosures concerning statutory damages and whether the plaintiff and counsel qualify as high-frequency litigants under California law, with a response due June 4, 2025.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Percy Anderson
JURISDICTION	United States District Court for the Central District of California
DECIDED	May 21, 2025
DOCKET	CV 25-4527 PA (MARx)
DISPOSITION	other
PROCEDURAL POSTURE	After the complaint was filed, the court issued an order to show cause requiring the plaintiff to explain why the court should exercise supplemental jurisdiction over the Unruh Act claim and any other state-law claims.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

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

PRACTICE AREAS

- civil procedure
- disability discrimination
- supplemental jurisdiction
- civil rights

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over the Unruh Civil Rights Act claim and any other state-law claims asserted in the complaint.
2. What amount of statutory damages the plaintiff seeks.
3. Whether the plaintiff and plaintiff's counsel satisfy the California statutory definition of a high-frequency litigant.

KEY QUOTATIONS

“The supplemental jurisdiction statute “reflects the understanding that, when deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in each case, and at every stage of the litigation, the values of judicial economy, convenience, fairness, and comity.’””

FACTUAL BACKGROUND

The complaint alleged a violation of the Americans with Disabilities Act and sought injunctive relief. It also sought damages under California's Unruh Civil Rights Act. The court required information about the amount of statutory damages sought and facts bearing on whether the plaintiff and counsel qualified as high-frequency litigants under California law.

PROCEDURAL HISTORY

The complaint asserted an ADA claim for injunctive relief and a California Unruh Civil Rights Act claim for damages. The court concluded that it appeared to possess only supplemental jurisdiction over the Unruh Act and other state-law claims and ordered the plaintiff to respond by June 4, 2025. The order warned that an inadequate or untimely response could result in dismissal without prejudice or declination of supplemental jurisdiction over the state-law claims.

DISPOSITION

other

CASES CITED

- City of Chicago v. International College of Surgeons, 522 U.S. 156, 173, 118 S. Ct. 523, 534, 139 L. Ed. 2d 525 (1997)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350, 108 S. Ct. 614, 619, 98 L. Ed. 2d 720 (1988)

OPINION

CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES - GENERAL Case No. CV 25-4527 PA (MARx) Date May 21, 2025 Title Larry Dunn v. Mud Australia, Incorporated et al Present: The Honorable PERCY ANDERSON, UNITED STATES DISTRICT JUDGE Kamilla Sali-Suleyman Not Reported Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants: None None Proceedings: IN CHAMBERS — ORDER TO SHOW CAUSE The Complaint filed in this action asserts a claim for injunctive relief arising out of an

alleged violation of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12010-12213, and a claim for damages pursuant to California’s Unruh Civil Rights Act (“Unruh Act”), Cal. Civ.

Code §§ 51-53. It appears that the Court possesses only supplemental jurisdiction over the Unruh Act claim, and any other state law claim that plaintiff may have alleged, pursuant to the Court’s supplemental jurisdiction. See 28 U.S.C. § 1367(a).

The supplemental jurisdiction statute “reflects the understanding that, when deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in each case, and at every stage of the litigation, the values of judicial economy, convenience, fairness, and comity.’” *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 173, 118 S. Ct.

523, 534, 139 L. Ed. 2d 525 (1997) (emphasis added) (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350, 108 S. Ct. 614, 619, 98 L. Ed. 2d 720 (1988)). The Court therefore orders plaintiff to show cause in writing why the Court should exercise supplemental jurisdiction over the Unruh Act claim and any other state law claim asserted in the Complaint.

See 28 U.S.C. § 1367(c). In responding to this Order to Show Cause, plaintiff shall identify the amount of statutory damages plaintiff seeks to recover. Plaintiff and plaintiff’s counsel shall also support their responses to the Order to Show Cause with declarations, signed under penalty of perjury, providing all facts necessary for the Court to determine if they satisfy the definition of a “high-frequency litigant” as provided by California Civil Procedure Code sections 425.55(b)(1) & (2).

Plaintiff shall file a Response to this Order to Show Cause by no later than June 4, 2025. Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the dismissal of the entire action without prejudice or the Court declining to exercise supplemental jurisdiction over the Unruh Act and other state law claims, if any, and the dismissal of any such claims pursuant to 28 U.S.C. § 1367(c).