

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Larry Dunn v. Paul Fernandez, et al.

Dunn v. Fernandez · No. CV 25-11054-MWF(JCx) · Decided December 11, 2025

SUMMARY

The court orders Plaintiff Larry Dunn to show cause why it should exercise supplemental jurisdiction over claims under California’s Unruh Civil Rights Act and other state-law claims. The response must address the statutory damages sought and provide facts concerning whether Plaintiff or counsel qualifies as a high-frequency litigant under California law; the response is due December 29, 2025.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Michael W. Fitzgerald
JURISDICTION	United States District Court for the Central District of California
DECIDED	December 11, 2025
DOCKET	CV 25-11054-MWF(JCx)
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause requiring Plaintiff to explain why the court should exercise supplemental jurisdiction over the Unruh Civil Rights Act claim and other state-law claims asserted alongside an Americans with Disabilities Act claim.
STANDARD OF REVIEW	The court independently confirmed its subject-matter jurisdiction and considered whether supplemental jurisdiction should be declined under 28 U.S.C. § 1367(c).
PRECEDENTIAL VALUE	Unknown; the source identifies the document as a district-court civil minutes order and provides no precedential-status determination.
PARTIES	Larry Dunn v. Paul Fernandez, et al.

TOPICS

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

PRACTICE AREAS

Civil procedure

Federal jurisdiction

Americans with Disabilities Act

California civil rights law

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over the Unruh Civil Rights Act claim and the other state-law claims.
2. Whether Plaintiff must provide the amount of Unruh Act statutory damages sought and facts concerning whether Plaintiff or counsel qualifies as a high-frequency litigant.
3. Whether the court may raise subject-matter jurisdiction sua sponte during the pendency of the action.

HOLDINGS

1. A federal court may raise the question of subject-matter jurisdiction sua sponte at any time during the pendency of an action.
2. The court may decline to exercise supplemental jurisdiction over the Unruh Act and other state-law claims for reasons identified in 28 U.S.C. § 1367(c), and Plaintiff was required to show cause why the court should exercise that jurisdiction.

KEY QUOTATIONS

“This Court has a sua sponte obligation to confirm that it has subject matter jurisdiction.” (at 1)

“a court may raise the question of subject matter jurisdiction, sua sponte, at any time during the pendency of the action” (at 1)

FACTUAL BACKGROUND

The complaint alleges an ADA violation and seeks injunctive relief. It also asserts a claim for damages under California's Unruh Civil Rights Act and other state-law claims, with supplemental jurisdiction identified as the sole basis for federal jurisdiction over the Unruh Act claim. The court noted that the complaint potentially implicated California's statutory provisions concerning high-frequency litigants.

PROCEDURAL HISTORY

Plaintiff filed a complaint asserting an ADA claim for injunctive relief, an Unruh Act claim for damages, and other state-law claims. The court sua sponte questioned the continued exercise of supplemental jurisdiction and ordered Plaintiff to submit a written response by December 29, 2025, warning that failure to respond could lead to dismissal without prejudice or declination of supplemental jurisdiction.

DISPOSITION

other

CASES CITED

- Arroyo v. Rosas, 19 F.4th 1202, 1211-14 (9th Cir. 2021)
- Nevada v. Bank of Am. Corp., 672 F.3d 661, 673 (9th Cir. 2012)
- Snell v. Cleveland, Inc., 316 F.3d 822, 826 (9th Cir. 2002)

OPINION

CIVIL MINUTES – GENERAL Case No. CV 25-11054-MWF(JCx) Date: December 11, 2025
 Title Larry Dunn v. Paul Fernandez, et al. Present: The Honorable: MICHAEL W. FITZGERALD,
 United States District Judge Rita Sanchez Not Reported Deputy Clerk Court Reporter / Recorder
 Attorneys Present for Plaintiffs: Attorneys Present for Defendants: Not Present Not Present
 Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE SUPPLEMENTAL
 JURISDICTION 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. §§ 12101-
 12213, a claim for damages pursuant to the Unruh Civil Rights Act (“Unruh Act”), Cal. Civ.

Code §§ 51–53, and other state law claims alleged by Plaintiff. The sole basis for jurisdiction over
 the Unruh Act claim is supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a). The Court,
 however, may decline to exercise supplemental jurisdiction for the reasons delineated in § 1367(c).
 See also Arroyo v. Rosas, 19 F.4th 1202, 1211–14 (9th Cir. 2021) (holding district courts may
 decline supplemental jurisdiction over ADA-based Unruh Act claims because of “very substantial
 threat to federal-state comity” presented by plaintiffs’ use of federal courts to evade California’s
 Unruh Act reforms).

This Court has a sua sponte obligation to confirm that it has subject matter jurisdiction. Nevada v.
 Bank of Am. Corp., 672 F.3d 661, 673 (9th Cir. 2012) (“[I]t is well established that ‘a court may
 raise the question of subject matter jurisdiction, sua sponte, at any time during the pendency of the
 action....’” (quoting Snell v. Cleveland, Inc., 316 F.3d 822, 826 (9th Cir.

2002))). Therefore, to assist this Court in its duty, Plaintiff is ORDERED to SHOW CAUSE in
 writing as to why this Court should exercise supplemental jurisdiction CIVIL MINUTES –
 GENERAL Case No. CV 25-11054-MWF(JCx) Date: December 11, 2025 Title Larry Dunn v.
 Paul Fernandez, et al. over the Unruh Act claim and the other state law claims alleged by Plaintiff.

The Response to the Order to Show Cause shall include (1) the amount of statutory damages
 sought pursuant to the Unruh Act; and (2) sufficient facts for the Court to determine whether
 Plaintiff or Plaintiff’s counsel meet the definition of a “high- frequency litigant” as defined in
 California Code of Civil Procedure section 425.55(b)(1) & (2). These facts shall be set forth in
 declarations signed under penalty of perjury.

The Response shall be filed on or before DECEMBER 29, 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's declining to exercise supplemental jurisdiction over the Unruh Act claim and the dismissal of that claim pursuant to 28 U.S.C. § 1367(c).

IT IS SO ORDERED.

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