

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Gilbert v. Alsamiri

Gilbert · No. 1:22-cv-00481-JLT-HBK · Decided March 13, 2023

SUMMARY

The United States District Court for the Eastern District of California ordered Plaintiff Darren Gilbert to show cause why the court should exercise supplemental jurisdiction over his California Unruh Act and California Health and Safety Code claims. The order relies on Ninth Circuit precedent concerning high-frequency litigators and construction-related accessibility claims. Plaintiff was directed to respond within fourteen days and submit declarations addressing whether he and his counsel qualify as high-frequency litigants.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 13, 2023
DOCKET	1:22-cv-00481-JLT-HBK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for default judgment after filing claims under Title III of the ADA, the California Unruh Act, and California Health and Safety Code sections 19955 and 19959. Before resolving the motion, the magistrate judge ordered Plaintiff to show cause why the court should exercise supplemental jurisdiction over the state-law accessibility claims.
PRECEDENTIAL VALUE	Unknown; order to show cause from a federal district court

TOPICS

- subject matter jurisdiction
- default judgment
- ada / disability
- civil procedure

PRACTICE AREAS

- civil procedure
- Americans with Disabilities Act
- supplemental jurisdiction
- accessibility litigation

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over Plaintiff's California Unruh Act claim.
2. Whether the court should exercise supplemental jurisdiction over Plaintiff's California Health and Safety Code accessibility claim.
3. Whether Plaintiff should be required to show cause and submit declarations addressing whether he and his counsel are high-frequency litigants before the court recommends declining supplemental jurisdiction.

HOLDINGS

1. A district court with original jurisdiction over the ADA claims may decline to exercise supplemental jurisdiction over related state-law claims when one of the circumstances identified in 28 U.S.C. § 1367(c) is present, including exceptional circumstances and other compelling reasons.
2. California's additional filing and heightened pleading requirements for construction-related accessibility claims may apply to Plaintiff's Health and Safety Code claim because the statutes concern accessibility standards covered by California law.

KEY QUOTATIONS

“Nonetheless, a district court may decline to exercise supplemental jurisdiction over a claim if:” (at 1)

“Thus, because these same filing and pleading requirements apply to Plaintiff's Health and Safety Code claim, Plaintiff shall show cause why the undersigned should recommend the district court exercise supplemental jurisdiction over Plaintiff's Health and Safety Code claim (Count III).” (at 2)

FACTUAL BACKGROUND

Plaintiff alleged that Defendants violated Title III of the ADA, the California Unruh Act, and California Health and Safety Code sections 19955 and 19959 in connection with accessibility at Obaid Smoke Shop Plus. He sought statutory damages, attorney fees, costs, litigation expenses, declaratory and injunctive relief, and interest. The court focused on California filing and pleading requirements applicable to high-frequency litigants bringing construction-related accessibility claims.

PROCEDURAL HISTORY

Darren Gilbert filed the action on April 24, 2022, and moved for default judgment on December 19, 2022. The matter was referred to Magistrate Judge Helena M. Barch-Kuchta under 28 U.S.C. § 636(b)(1)(B) and Local Rule 302(c)(19). The court issued an order to show cause requiring Plaintiff to provide written briefing and declarations addressing whether he and his counsel qualified as high-frequency litigants and warning that failure to respond would be deemed non-opposition to declining supplemental jurisdiction.

DISPOSITION

other

CASES CITED

- Vo v. Choi, 49 F.4th 1167 (9th Cir. 2022)
- Arroyo, Jr. v. Rosas, 19 F.4th 1202 (9th Cir. 2021)

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