

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

John Ho v. Great Hope Investments, LLC

Ho v. Great Hope Investments · No. 2:25-cv-00823-MEMF-PVC · Decided February 21, 2025

SUMMARY

The United States District Court for the Central District of California orders John Ho to show cause why the court should not decline supplemental jurisdiction over his California Unruh Civil Rights Act claim. The court requires Ho to identify the statutory damages sought and requires Ho and his counsel to provide declarations addressing whether they qualify as high-frequency litigants under California law.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Maame Ewusi-Mensah Frimpong
JURISDICTION	United States District Court for the Central District of California
DECIDED	February 21, 2025
DOCKET	2:25-cv-00823-MEMF-PVC
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause directing Plaintiff to explain why the court should exercise supplemental jurisdiction over his state-law Unruh Civil Rights Act claim.
PRECEDENTIAL VALUE	Unknown; interlocutory order to show cause

TOPICS

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

PRACTICE AREAS

- Federal civil procedure
- Disability rights
- Supplemental jurisdiction

QUESTIONS PRESENTED

- Whether the court should exercise supplemental jurisdiction over Ho's Unruh Civil Rights Act claim under 28 U.S.C. § 1367(c).

2. Whether Ho and his counsel must provide information and declarations concerning statutory damages and high-frequency-litigant status before the court decides whether to exercise supplemental jurisdiction.

KEY QUOTATIONS

“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.’” (at 2)

FACTUAL BACKGROUND

Ho alleged that Great Hope Investments, LLC violated the ADA and California's Unruh Civil Rights Act through construction-related accessibility barriers. He sought injunctive relief under the ADA and damages under the Unruh Act. The court identified California pleading and disclosure requirements applicable to certain construction-access claims and sought information regarding the amount of damages and whether Ho or his counsel qualified as high-frequency litigants.

PROCEDURAL HISTORY

On January 30, 2025, John Ho filed a complaint asserting a federal claim for injunctive relief under the Americans with Disabilities Act and a state-law damages claim under California's Unruh Civil Rights Act. The complaint invoked federal-question and civil-rights jurisdiction for the ADA claim and supplemental jurisdiction for the state claim. The district court did not decide the jurisdictional issue but ordered Ho and his counsel to respond with information and declarations concerning damages and high-frequency-litigant status.

DISPOSITION

other

CASES CITED

- City of Chicago v. International College of Surgeons, 522 U.S. 156, 173 (1997)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 (1988)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 Case No.: 2:25-cv-00823-MEMF-PVC 11 John Ho, 12 Plaintiff, ORDER TO
SHOW CAUSE WHY THE COURT SHOULD NOT DECLINE TO 13 v. EXERCISE
SUPPLEMENTAL JURISDICTION OV ER PLAINTIFF’S 14 STATE LAW CLAIMS Great
Hope Investments, LLC, 15 Defendant. 16 17 18 19 20 On January 30, 2025, John Ho filed a
Complaint against Great Hope Investments, LLC, 21 asserting: (1) a claim for damages pursuant
to California’s Unruh Civil Rights Act (“Unruh Act”), 22 Cal. Civ.

Code §§ 51–52, et seq.; and (2) a claim for injunctive relief arising out of an alleged 23 violation
of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12101, et seq. ECF No. 1. 24 The

Complaint alleges that this Court has jurisdiction over the ADA claim pursuant to 28 U.S.C. §§ 251331 and 1343, and supplemental jurisdiction over state claim under 28 U.S.C. § 1367.

Id. at ¶¶ 3, 4. 26 Principles of pendent jurisdiction have been codified in the supplemental jurisdiction statute, 27 28 U.S.C. § 1367. The supplemental jurisdiction statute “reflects the understanding that, when 28 deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in 1 each case, and at every stage of the litigation, the values of judicial economy, convenience, fairness, 2 and comity.’” *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 173 (1997) (emphasis added) 3 (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)).

4 California law sets forth a heightened pleading standard for a limited group of lawsuits 5 brought under the Unruh Act. See Cal. Civ. Proc. Code §§ 425.55(a)(2) & (3). The stricter pleading 6 standard requires certain plaintiffs bringing construction-access claims like the one in the instant 7 case to file a verified complaint alleging specific facts concerning the plaintiff’s claim, including the 8 specific barriers encountered or how the plaintiff was deterred and each date on which the plaintiff 9 encountered each barrier or was deterred.

See Cal. Civ. Proc. Code § 425.50(a). A “high-frequency 10 litigant fee” is also imposed on certain plaintiffs and law firms bringing these claims. See Cal. Gov’t 11 Code § 70616.5. A “high-frequency litigant” is “a plaintiff who has filed 10 or more complaints 12 alleging a construction-related accessibility violation within the 12-month period immediately 13 preceding the filing of the current complaint alleging a construction-related accessibility violation” 14 and “an attorney who has represented as attorney of record 10 or more high-frequency litigant 15 plaintiffs in actions that were resolved within the 12-month period immediately preceding the filing 16 of the current complaint alleging a construction-related accessibility violation.” Cal. Civ.

Proc. Code 17 §§ 425.55(b)(1) & (2). High frequency litigants are also required to state: (1) whether the complaint 18 is filed by, or on behalf of, a high-frequency litigant; (2) in the case of a high-frequency litigant who 19 is a plaintiff, the number of complaints alleging construction-related accessibility claim filed by the 20 high-frequency litigant during the 12 months prior to filing the instant complaint; (3) the reason the 21 individual was in the geographic area of the defendant’s business; and (4) the reason why the 22 individual desired to access the defendant’s business.” See id. § 425.50(a)(4)(A).

23 In light of the foregoing, the Court orders Ho to show cause in writing why the Court should 24 exercise supplemental jurisdiction over the Unruh Act claim. See 28 U.S.C. § 1367(c). In responding 25 to this Order to Show Cause: 26 1. Ho shall identify the amount of statutory damages Ho seeks to recover. 27 2. Ho and Ho’s counsel shall also support their responses to the Order to Show Cause with 28 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 Code of Civil Procedure §§ 425.55(b)(1) & (2).

This includes, but is not limited to: a. the number of construction-related accessibility claims filed by Ho in the twelve months preceding the filing of the present claim; and b. the number of construction-related accessibility claims in which Ho’s counsel has represented high-frequency litigant plaintiffs in the twelve months preceding the filing of the present claim.

Ho shall file a Response to this Order to Show Cause by no later than fourteen days from the date of this order. The failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the Court declining to exercise supplemental jurisdiction over the Unruh Act claim pursuant to 28 U.S.C. § 1367(c). IT IS SO ORDERED.

Dated: February 21, 2025
MAAME EWUSI-MENSAH FRIMPONG
United States District Judge