

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.

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. §§ 25
1331 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 1 determine if they satisfy the definition of a “high-frequency litigant” as provided by 2 California Code of Civil Procedure §§ 425.55(b)(1) & (2).

This includes, but is not limited 3 to: 4 a. the number of construction-related accessibility claims filed by Ho in the twelve 5 months preceding the filing of the present claim; and 6 b. the number of construction-related accessibility claims in which Ho’s counsel has 7 represented high-frequency litigant plaintiffs in the twelve months preceding the 8 filing of the present claim.

9 Ho shall file a Response to this Order to Show Cause by no later than fourteen days from the 10 || date of this order. The failure to timely or adequately respond to this Order to Show Cause may, 11 | without further warning, result in the Court declining to exercise supplemental jurisdiction over the 12 | Unruh Act claim pursuant to 28 U.S.C. § 1367(c). 13 14 IT IS SO ORDERED.

15 16 17 Dated: February 21, 2025 Mf — 18 MAAME EWUSI-MENSAH FRIMPONG 19 United States District Judge 20 21 22 23 24 25 26 27 28

