

**UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA**

Moises Villalobos v. Big Shotz Bar & Grill, et al.

No. 2:25-cv-06674-MEMF-PVC (C.D. Cal. July 30, 2025) · No. 2:25-cv-06674-MEMF-PVC · Decided July 30,
2025

SUMMARY

The United States District Court for the Central District of California ordered Plaintiff Moises Villalobos to show cause why the court should exercise supplemental jurisdiction over his California state-law claims arising from alleged disability-access violations. The order requests information about statutory damages and declarations addressing whether Villalobos and his counsel 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-06674-MEMF-PVC 11 MOISES VILLALOBOS, 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 BIG SHOTZ BAR & GRILL; RAYMOND 15 TED YOUNG; and DOES 1 to 10, 16
Defendants.

17 18 19 20 On July 22, 2025, Plaintiff Moises Villalobos (“Villalobos”) filed a Complaint against
21 Defendants Big Shotz Bar & Grill (“Big Shotz”); Raymond Ted Young; and Does 1 to 10
(together 22 with Big Shotz, “Defendants”), asserting: (1) a claim for injunctive relief arising out
of an alleged 23 violation of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12010–
12213; (2) a claim 24 for damages pursuant to California’s Unruh Civil Rights Act (“Unruh Act”),
Cal. Civ.

Code §§ 51– 25 52, et seq.; (3) a claim for damages pursuant to the California Disabled Persons
Act, Cal. Civ. Code 26 §§ 54, et seq.; (4) a claim for damages and injunctive relief based on
California Health and Safety 27 Code § 19955, et seq.; (5) a claim for damages for negligence.
ECF No. 1.

The Complaint alleges 28 1 that this Court has jurisdiction over the ADA claim pursuant to 28
U.S.C. §§ 1331 and 1343, and 2 that the state law claims are brought “pursuant to pendant [sic]
jurisdiction.” Id. at ¶¶ 6–7. 3 Principles of pendent jurisdiction have been codified in the
supplemental jurisdiction statute, 4 28 U.S.C. § 1367.

The supplemental jurisdiction statute “reflects the understanding that, when 5 deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in 6 each case, and at every stage of the litigation, the values of judicial economy, convenience, fairness, 7 and comity.’” *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 173 (1997) (emphasis added) 8 (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)).

9 California law sets forth a heightened pleading standard for a limited group of lawsuits 10 brought under the Unruh Act. See Cal. Civ. Proc. Code §§ 425.55(a)(2) & (3). The stricter pleading 11 standard requires certain plaintiffs bringing construction-access claims like the one in the instant 12 case to file a verified complaint alleging specific facts concerning the plaintiff’s claim, including the 13 specific barriers encountered or how the plaintiff was deterred and each date on which the plaintiff 14 encountered each barrier or was deterred.

See Cal. Civ. Proc. Code § 425.50(a). A “high-frequency 15 litigant fee” is also imposed on certain plaintiffs and law firms bringing these claims. See Cal. Gov’t 16 Code § 70616.5. A “high-frequency litigant” is “a plaintiff who has filed 10 or more complaints 17 alleging a construction-related accessibility violation within the 12-month period immediately 18 preceding the filing of the current complaint alleging a construction-related accessibility violation” 19 and “an attorney who has represented as attorney of record 10 or more high-frequency litigant 20 plaintiffs in actions that were resolved within the 12-month period immediately preceding the filing 21 of the current complaint alleging a construction-related accessibility violation.” Cal. Civ.

Proc. Code 22 §§ 425.55(b)(1) & (2). High frequency litigants are also required to state: (1) whether the complaint 23 is filed by, or on behalf of, a high-frequency litigant; (2) in the case of a high-frequency litigant who 24 is a plaintiff, the number of complaints alleging construction-related accessibility claim filed by the 25 high-frequency litigant during the 12 months prior to filing the instant complaint; (3) the reason the 26 individual was in the geographic area of the defendant’s business; and (4) the reason why the 27 individual desired to access the defendant’s business.” See *id.* § 425.50(a)(4)(A).

28 | In light of the foregoing, the Court orders Villalobos to show cause in writing why the Court 2 | should exercise supplemental jurisdiction over the Unruh Act claim, the California Disabled Persons 3 || Act claim, the California Health and Safety Code claim, and the negligence claim. See 28 U.S.C. § 4 | 1367(c).

In responding to this Order to Show Cause: 5 1. Villalobos shall identify the amount of statutory damages Villalobos seeks to recover. 6 2. Villalobos and Villalobos’s counsel shall also support their responses to the Order to Show 7 Cause with declarations, signed under penalty of perjury, providing all facts necessary for the 8 Court to determine if they satisfy the definition of a “high-frequency litigant” as provided by 9 California Code of Civil Procedure §§ 425.55(b)(1) & (2).

This includes, but is not limited to: 11 a. the number of construction-related accessibility claims filed by Villalobos in the 12 twelve months preceding the filing of the present claim; and 13 b. the number of construction-related accessibility claims in which Villalobos's counsel 14 has represented high-frequency litigant plaintiffs in the twelve months preceding the 15 filing of the present claim.

16 Villalobos shall file a Response to this Order to Show Cause by no later than fourteen days 17 || from the date of this order. The failure to timely or adequately respond to this Order to Show Cause 18 | may, without further warning, result in the Court declining to exercise supplemental jurisdiction over 19 || the Unruh Act claim, the California Disabled Persons Act claim, the California Health and Safety 20 || Code claim, and the negligence claim pursuant to 28 U.S.C. § 1367(c).

21 IT IS SO ORDERED. 22 Af 23 Dated: July 30, 2025 24 MAAME EWUSI-MENSAH FRIMPONG 25 United States District Judge 26 27 28