

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Michael Rhambo v. Dwight Ferguson et al

Rhambo · No. 2:25-cv-09229-SVW-AJR · Decided October 20, 2025

SUMMARY

The Central District of California orders the parties to submit a joint status report addressing measures taken to remedy alleged ADA barriers and the parties’ anticipated summary-judgment motions. The court also orders the plaintiff to show cause why it should exercise supplemental jurisdiction over the Unruh Act and other state-law claims, identify the statutory damages sought, and submit declarations concerning high-frequency-litigant status.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stephen V. Wilson
JURISDICTION	U.S. District Court for the Central District of California
DECIDED	October 20, 2025
DOCKET	2:25-cv-09229-SVW-AJR
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause and ordered the parties to file a joint status report before the initial status conference in an ADA action involving alleged access barriers and asserted state-law claims.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Michael Rhambo v. Dwight Ferguson et al

TOPICS

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

PRACTICE AREAS

- Americans with Disabilities Act
- civil procedure
- supplemental jurisdiction

QUESTIONS PRESENTED

1. Whether the parties should be required to submit a joint status report addressing investigation or remediation of the alleged ADA barriers and the possibility of summary judgment.
2. Whether the plaintiff should show cause why the federal court should exercise supplemental jurisdiction over the Unruh Act and any other state-law claims.
3. Whether the plaintiff and plaintiff's counsel must provide information and declarations concerning California's definition of a high-frequency litigant.

HOLDINGS

1. The parties were ordered to file a joint status report at least seven days before the initial status conference, addressing remedial measures concerning the alleged ADA barriers and whether and when they intend to move for summary judgment.
2. The plaintiff was ordered to show cause in writing why the court should exercise supplemental jurisdiction over the Unruh Act claim and any other state-law claims, including by identifying the statutory damages sought and addressing the considerations under 28 U.S.C. § 1367(c).

KEY QUOTATIONS

“In accordance with that policy, the Court reminds the parties that “a defendant’s voluntary removal of alleged barriers prior to trial can have the effect of mooted a plaintiff’s ADA claim.”” (unpaginated order)

“The supplemental jurisdiction statute “reflects the understanding that, 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.’”” (unpaginated order)

FACTUAL BACKGROUND

The complaint alleges barriers giving rise to a Title III ADA claim and asserts related state-law claims, including an Unruh Act claim. The order does not describe the specific barriers or any remedial measures already taken. The court directed the defendant to explain any investigation or remediation and directed the plaintiff to state its position regarding those measures.

PROCEDURAL HISTORY

The complaint asserted claims under Title III of the Americans with Disabilities Act and apparently invoked supplemental jurisdiction over an Unruh Act claim and other state-law claims. Before the initial status conference, the court directed the parties to report on any remedial measures, the possibility of summary judgment, and the status of the alleged ADA barriers. The court also ordered the plaintiff to show cause why it should exercise supplemental jurisdiction and required declarations addressing whether the plaintiff and counsel qualify as high-frequency litigants.

DISPOSITION

other

CASES CITED

- Oliver v. Ralphs Grocery Co., 654 F.3d 903, 905 (9th Cir. 2011)
- American Cargo Transport, Inc. v. United States, 625 F.3d 1176, 1179 (9th Cir. 2010)
- Hillesheim v. Holiday Stationstores, Inc., 953 F.3d 1059, 1062 (8th Cir. 2020)
- G. v. Fay School, 931 F.3d 1, 11 (1st Cir. 2019)
- Brooke v. A-Ventures, LLC, 2017 WL 5624941, at *5 (D. Ariz. Nov. 22, 2017)
- Oliver v. Ralphs Grocery Co., 654 F.3d 903, 911 (9th Cir. 2011)
- Buckhannon Board & Care Home, Inc. v. West Virginia Department of Health & Human Resources, 532 U.S. 598 (2001)
- Molski v. Foster Freeze Paso Robles, 267 Fed. App'x 631, 632 (9th Cir. 2008)
- 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

Michael Rhambo v. Dwight Ferguson et al

PER CURIAM.

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:25-cv-09229-SVW-AJR Date October 20, 2025 Title Michael Rhambo v. Dwight Ferguson et al Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE Daniel Tamayo N/A Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: N/A Attorneys Present for Defendants: N/A Proceedings: ORDER TO SHOW CAUSE AND ORDER FOR JOINT STATUS REPORT It is the policy of this Court to encourage expedient resolution of civil litigation. Cf. Fed. R. Civ. P. 1 (noting that rules of civil procedure should be construed to “secure the just, speedy, and inexpensive determination of every action and proceeding”). In accordance with that policy, the Court reminds the parties that “a defendant’s voluntary removal of alleged barriers prior to trial can have the effect of mooted a plaintiff’s ADA claim.” Oliver v. Ralphs Grocery Co., 654 F.3d 903, 905 (9th Cir. 2011). If the defendant in an ADA case removes the alleged barriers and demonstrates that the alleged barriers could not reasonably be expected to arise again, the ADA claim may be dismissed. See *id.*; see also *Am. Cargo Transp., Inc. v. United States*, 625 F.3d 1176, 1179 (9th Cir. 2010). This is true even if a plaintiff pleads nominal damages, because nominal damages are not available under Title III of the ADA. See *Hillesheim v. Holiday Stationstores, Inc.*, 953 F.3d 1059, 1062 (8th Cir. 2020); *G. v. Fay Sch.*, 931 F.3d 1, 11 (1st Cir. 2019); *Brooke v. A-Ventures, LLC*, 2017 WL 5624941, at *5 (D. Ariz. Nov. 22, 2017). If an ADA claim is mooted and dismissed at an early stage, the Court has the discretion to decline supplemental jurisdiction over state law claims. See *Oliver*, 654 F.3d at 911 (finding no abuse of discretion where district court declined supplemental jurisdiction after ADA claims were moot). Additionally, if an ADA claim is mooted and dismissed, the plaintiff is not entitled to attorney’s

fees. See *Buckhannon Bd. & Care Home, Inc. v. W. Va. Dept. of Health & Human Resources*, 532 U.S. 598 (2001) (affirming denial of attorney's fees where ADA claim rendered moot prior to trial); see also *Molski v. Foster Freeze Paso Robles*, 267 Fed.Appx. 631, 632 (9th Cir. 2008) (citing *Buckhannon*, 532

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:25-cv-09229-SVW-AJR Date October 20, 2025 Title Michael Rhambo v. Dwight Ferguson et al U.S. at 605) (affirming district court's order dismissing ADA claims as moot, dismissing supplemental state claims, and denying attorney's fees). In light of the foregoing, the parties are ORDERED to issue a joint status report at least 7 days prior to the initial status conference. In that status report, Defendant should describe the measures it has taken to investigate and/or remedy the alleged barriers. If Defendant implemented remedial measures, Plaintiff should state their position regarding those measures. Both parties should state whether and when they intend to move for summary judgment. Further, it appears that Plaintiff has invoked the Court's supplemental jurisdiction to assert state law claims. See 28 U.S.C. § 1367(a). The supplemental jurisdiction statute "reflects the understanding that, 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.'" *City of Chicago v. Int'l Coll. of Surgeons*, 522 U.S. 156, 173 (1997) (emphasis added) (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)). The Court therefore further ORDERS Plaintiff to show cause in writing why the Court should exercise supplemental jurisdiction over the Unruh Act claim and any other state law claim asserted in the Complaint. See 28 U.S.C. § 1367(c). In responding to this Order to Show Cause, Plaintiff shall identify the amount of statutory damages plaintiff seeks to recover. Plaintiff and Plaintiff's counsel shall also support their responses to the Order to Show Cause with 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 Civil Procedure Code sections 425.55(b)(1) & (2). Plaintiff shall file a Response to this Order to Show Cause within 14 days of this order. 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 declining to exercise supplemental jurisdiction over the state law claims and the dismissal of any such claims pursuant to 28 U.S.C. § 1367(c). IT IS SO ORDERED.