

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MICHAEL HARRISON,

Plaintiff,

v.

AUTO DETAIL SUPPLY PROS et al.,

Defendants.

Case No. 8:24-cv-01088-SB-KES

ORDER TO SHOW CAUSE RE
SANCTIONS AND STRIKING
AMENDED COMPLAINT [DKT.
NO. 32]

Plaintiff filed a complaint May 23, 2024, raising claims under the Americans with Disabilities Act (ADA) and California's Unruh Act based on allegations that Defendants—Auto Detail Supply Pros, Britos Transportation Inc., Alma Alejandra Brito, Bertha Prado, and Ramon Prado—failed to maintain adequate parking facilities at a premises located at 1117 S. Main St. #D, Santa Ana, California 92707 that impeded Plaintiff's access. Dkt. No. 6. The Court declined to exercise supplemental jurisdiction over the Unruh Act claim and dismissed it. Dkt. No. 19. After Defendants failed to respond to the complaint as required, the clerk entered default against them on August 30 at Plaintiff's request. Dkt. Nos. 22–27. The Court then ordered Plaintiff to file a motion for default judgment by October 4. Dkt. Nos. 28–30.

Instead, on September 24, 2024, Plaintiff dismissed two defendants (Bertha Prado and Ramon Prado), Dkt. No. 31, and filed an amended complaint that adds two defendants (OC Select Auto Sales and OC Select, Inc. (OC Select Defendants)) and brings ADA and Unruh Act claims, Dkt. No. 32. Beyond disregarding the Court's order dismissing the Unruh Act claim in the original complaint, the amended complaint includes no allegations about the premises at 1117 S. Main St. or any conduct by Defendants named in the original complaint. *Id.* Rather, it alleges only that the newly added OC Select Defendants did not provide ADA-compliant parking at a different premises, located at 1731 W. 1st St.,

Santa Ana, California 92703. *Id.* ¶¶ 8–10. The complaint does not allege any relationship between the original and new Defendants or any relationship between the original and new premises.

The Court strikes the amended complaint as improper. First, the amended complaint appears to bring a new lawsuit in an existing case—it keeps the original Defendants in the caption but raises allegations only against new defendants of ADA violations at a different location. *Cf. Best Carpet Values, Inc. v. Google LLC*, No. 5:20-CV-04700, 2024 WL 1973486, at *3 (N.D. Cal. May 1, 2024) (denying leave to amend because “the amended complaint would essentially constitute a new lawsuit”). Second, to the extent the original Defendants remain in this case, the OC Select Defendants appear to be improperly joined under Rule 20 because the claims against the original and new Defendants arise out of barriers to access at distinct premises. *See Welk v. Cal. Dep’t of Corr.*, No. 2:18-CV-3008, 2019 WL 4745272, at *2 (E.D. Cal. Sept. 30, 2019), *report and recommendation adopted*, No. 2:18-CV-3008, 2020 WL 568888 (E.D. Cal. Feb. 5, 2020) (finding ADA claims challenging denial of accommodations at different facilities improperly joined); *Richardson v. Diaz*, No. 2:20-CV-8030-JLS, 2021 WL 4773175, at *5 (C.D. Cal. July 24, 2021) (same as to claims challenging conditions at separate facilities).

The Court also orders Plaintiff to show cause by October 2, 2024, why he and his counsel should not be sanctioned for filing the amended complaint. In responding, Plaintiff shall explain the nonfrivolous legal basis for filing an amended complaint that (1) includes a dismissed claim (i.e., the Unruh Act claim); (2) includes original defendants in the caption without any allegations against them; (3) includes new defendants and a new location (such that the pleading appears to be the functional equivalent of a new lawsuit that should have been brought separately). Fed. R. Civ. P. 11(b). Moreover, because the amended complaint abandons the allegations against the original Defendants, Plaintiff’s failure to file a motion for default judgment on the original complaint by October 4, 2024, will be deemed consent to dismissal of this action with prejudice.

Date: September 26, 2024



Stanley Blumenfeld, Jr.
United States District Judge