

ORIGINAL

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For All Purposes
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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE**

10/08/2021

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA **CRIME MANAGEMENT CONFERENCE**
10 COUNTY OF TULARE

Hearing Date: 2/09/2022
Time: 8:30
Department: 127

11 STEVE FRYE and GEORGE ST. GEORGE
12 Plaintiffs,
13 v.
14 SHAW HOTEL GROUP, LLC; KATIE
15 PARKER DBA GIRRLFRIENDS EVENTS;
16 and DOES 1 through 10, Inclusive,
17 Defendants.

Case No. #

2890127

**COMPLAINT FOR INJUNCTIVE RELIEF
AND DAMAGES FOR:**

1. Violation of Civil Code § 51 - The Unruh Civil Rights Act;
2. Violation of Civil Code § 51.5; and
3. Violation of Business & Professions Code § 125.6

BY FAX

UNLIMITED JURISDICTION

18 Plaintiffs Steve Frye and George St. George allege the following:

19 **PARTIES**

20 1. At all times relevant hereto, Plaintiffs Steve Frye and George St. George were men over the age
21 of 21 and California residents.

22 2. At all times relevant hereto, Defendant SHAW HOTEL GROUP, LLC (hereinafter "SHAW")
23 was a business establishment, a California Limited Liability Company doing business as Wyndham
24 Visalia, a hotel in Visalia, California. SHAW advertised, marketed, hosted, employed, managed and/or
25 at least aided the August 27, 2021, women-only "Girrl Let's Go Out 'Karaoke Night'" at the center of
26 this action (hereinafter the "Event").

27 3. On information and belief, at all times relevant hereto, Defendant KATIE PARKER dba
28 Girrlfriends Events (hereinafter "PARKER"), was a business establishment of unknown form and

1 jurisdiction that was not registered with the California Secretary of State and did not have a California
2 agent for service of process. PARKER advertised, marketed, hosted, employed, managed and/or at
3 least aided the August 27, 2021, women-only Event as described below.

4 4. The true names and capacities of Does 1 through 10 are unknown to Plaintiffs. When their true
5 names and capacities are learned, Plaintiffs will amend this complaint accordingly. Plaintiffs are
6 informed and believe, and on that basis allege, each fictitiously named defendant is responsible in
7 some way for and at least aided the occurrences herein alleged, and those defendants proximately
8 caused Plaintiff damages. Each reference in this complaint to “Defendants,” “Defendant,” or a
9 specifically named defendant refers to all defendants sued under fictitious names.

10 5. Unless otherwise alleged, whenever reference is made in this complaint to any act of
11 “defendant,” “defendants,” or to a specifically named defendant, such allegation shall mean that each
12 defendant acted individually and jointly with the other defendant named in the complaint.

13 6. Unless otherwise alleged, whenever reference is made in this complaint to any act or omission
14 of any corporate or business defendant, such allegation shall mean that such corporation or other
15 business defendant committed or omitted to act as in this complaint through its officers, members,
16 directors, stockholders, employees, agents, and/or representatives while they were acting within the
17 actual or apparent scope of their authority.

18 7. At all relevant times alleged herein, each defendant has been each the agent, alter-ego,
19 representative, partner, joint venturer, employee, or assistant of the other defendants and has acted
20 within the course and scope of said agency, alter-ego, representation, partnership, or joint venture with
21 the knowledge, notification, authorization, and consent of each of the other defendants.

22 **NATURE AND BASIS OF CLAIMS**

23 8. This lawsuit is about Defendants’ “Girrl Let’s Go Out ‘Karaoke Night’” event held on August
24 27, 2021 at the Wyndham Visalia hotel in Visalia, California, which prohibited males, nonbinary
25 persons, and transgender males from participating in the Event based solely on their sex.

26 9. Defendant SHAW advertised the Event at the hotel via a sign posted in the Wyndham Visalia
27 hotel lobby as shown in Exhibit 1.

28 10. Defendant PARKER advertised the Event online as shown in Exhibit 2 and sold tickets to the

1 Event for \$40 per woman. The Event ad posted by PARKER boldly read, “Girrl Lets’ [sic] Go Out –
2 Karaoke Night – Ladies Only.”

3 11. Prior to the Event, on August 3, 2021, Plaintiff Steve Frye emailed PARKER and asked if the
4 Event was equally open to both women and men because Frye and St. George were planning to stay
5 at the hotel from August 27, 2021 through August 28, 2021 and wanted to attend the Event. PARKER
6 replied, “Hi Steve, Sorry unfortunately it’s ladies only. We focus on having a comfortable
7 environment for women to fully express themselves to achieve that its ladies only. Katie” See Exhibit
8 3.

9 12. On August 27, 2021, while Plaintiffs Frye and St. George were staying at the hotel, Plaintiff
10 Frye asked Erica, a bartender at the hotel, if they could attend the Event. Erica told Plaintiff Frye, “No
11 guys, just women.” Therefore, Plaintiffs were denied entrance into the Event solely because of their
12 sex, which violated California Civil Code section 51 (the codification of the Unruh Civil Rights Act),
13 51.5, and 52, as well as California Business & Professions Code section 125.6, which prohibits State
14 of California licensees, such as Defendant SHAW, which holds a license from the California
15 Department of Alcoholic Beverage Control, from discriminating against consumers in the
16 performance of SHAW’s ABC-licensed activity of providing food and alcoholic beverages to the
17 general public.

18 13. Defendants’ women-only Event prohibited all men, non-binary persons, and transgender males
19 from participating in Karaoke Night, a leisure activity in a place of public accommodations that under
20 California law everyone is entitled to attend and participate.

21 14. By prohibiting men, nonbinary people, and transgender men from participating in the Event,
22 Defendants perpetuated harmful, arbitrary, unreasonable, and/or invidious stereotypes and
23 generalizations about both men and women. This is precisely the type of behavior the Unruh Civil
24 Rights Act was intended to eradicate. Specifically, as noted above, PARKER’s rationale for excluding
25 all men was grounded in stereotypical and generalized beliefs about male behavior, i.e., that all men
26 make all women uncomfortable during karaoke, and that all women would be unable to “fully express
27 themselves” with any man present, despite the fact that karaoke is enjoyed together by millions of men
28 and women around the world, millions of times each year. Catering to such stereotypes and

1 generalizations is just as offensive and illegal as excluding Muslims from an event to create a
2 “comfortable” atmosphere for members of other religions, excluding members of the LGBTQ
3 community from an event to create a “comfortable” atmosphere for homophobes, or excluding women
4 from a yoga class so the male yogis feel more “comfortable.”

5 15. Despite the many State of California anti-discrimination statutes, two unanimous California
6 Supreme Court opinions, and the many edicts, rules, and regulations by the California Department of
7 Justice, Department of Fair Employment and Housing, and the Department of Alcoholic Beverage
8 Control that prohibit businesses operating in California from treating members of the general public
9 unequally based solely on their sex, Defendants had the temerity to create, advertise, host, employ,
10 manage, sponsor, support, and/or at least aid the sexist, divisive, and exclusive Event that
11 discriminated against Plaintiff and similarly situated consumers based solely on their sex.

12 16. The California Department of Fair Employment and Housing, the State agency charged with
13 preventing unlawful discrimination of consumers by businesses operating in California, has published
14 several fact sheets specifically warning businesses about the unlawfulness of treating customers
15 unequally based on their sex. Three of these California Department of Fair Employment and Housing
16 fact sheets are attached hereto as Exhibits 4, 5, and 6. Exhibits 5 and 6 can be found at
17 https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/12/DFEH_UnruhFactSheet.pdf, and at
18 https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/12/DFEH_UnruhPamphlet.pdf.

19 17. The California Department of Justice and the California Bureau of Gambling Control have
20 similarly expressed their condemnation of practices that ostensibly favor one sex over another,
21 specifically their disapproval of women-only poker tournaments hosted by California’s licensed card
22 rooms. The California Attorney General and the Bureau of Gambling Control issued a Gambling
23 Establishment Advisory, attached hereto as Exhibit 7, which warned licensed card rooms that women-
24 only poker tournaments violated the Unruh Act. The Attorney General warned that it may be unlawful
25 under the Unruh Act to simply advertise tournaments as “ladies only” even if men were in fact
26 admitted. This California Department of Justice Gambling Establishment Advisory can be found at
27 <https://oag.ca.gov/sites/all/files/agweb/pdfs/gambling/NUM&LOT.pdf>.

28 18. As a result of Defendants’ unequal treatment of the Plaintiffs and other men, including

1 transgender men and nonbinary persons, based solely on their sex, Defendants denied Plaintiffs and
2 other men, including transgender men, and nonbinary persons, the full and equal accommodations,
3 advantages, facilities, privileges, or services they are entitled to under Civil Code sections 51, 51.5
4 and 52, and Business & Professions Code section 125.6. Defendants' business practice of treating
5 members of the general public differently, specifically favoring one sex over others, based solely on a
6 person's sex violated California's strong public policy to eradicate sex discrimination, a public policy
7 that is reflected in the many California statutes that prohibit businesses from treating consumers
8 unequally based on their sex, such as the anti-discrimination statutes at the heart of this Complaint.

9 19. The State of California, specifically at least the California Department of Motor Vehicles,
10 recognizes three genders: (1) male, (2) female, and (3) nonbinary. See, e.g.,
11 www.dmv.ca.gov/portal/file/19olin03-pdf/ (entitled "Occupational Licensing Industry News OLIN
12 2019-03 Nonbinary Gender Designation"); Civil Code section 51e(5) ("Sex" includes, but is not
13 limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. "Sex" also
14 includes, but is not limited to, a person's gender. "Gender" means sex, and includes a person's gender
15 identity and gender expression.")

16 20. Any business operating in the progressive state of California in the 21st century knows that
17 California embraces diversity, inclusion, equality, and equity, and condemns sex discrimination and
18 favoring one sex over others. To treat consumers unequally based on their sex such as Defendants
19 have done with their women-only Karaoke Night, is as repugnant and unlawful as a business denying
20 female members of the general public access to a men-only Karaoke Night. Simply put, it is against
21 many California anti-discrimination statutes for a business to treat consumers unequally based on their
22 sex or other personal characteristics such as race, religion, or sexual orientation, which should surprise
23 no one.

24 21. The seminal California Supreme Court case on businesses treating members of the general
25 public unequally based on their sex is *Koire v. Metro Car Wash* (1985) 40 Cal.3d 24. *Koire* held
26 unanimously that businesses that treated patrons unequally based on their sex during Ladies' Day or
27 Ladies' Night events by charging male patrons more than female patrons for the same thing—as little
28 as fifteen cents more—violated the Unruh Civil Rights Act. *Koire* found "Public policy in California

1 strongly supports eradication of discrimination based on sex. The Unruh Act expressly prohibits sex
2 discrimination by business enterprises.” *Id.* at 37.

3 22. The Judicial Council of California's jury instructions for violations of Civil Code sections 51
4 and 51.5, i.e., CACI 3060 and 3061, respectively, reflect the Judicial Council's recognition of the
5 California Supreme Court's ruling in *Koire* that sex-based promotions are “per se injurious.” The
6 Directions For Use for CACI 3060 and 3061 recognize that a plaintiff asking for only the statutory
7 damages provided by Civil Code section 52 for violations of section 51 or 51.5, such as Plaintiffs pray
8 for here, does not have to prove he or she was harmed or that the defendant's conduct was a substantial
9 factor in causing the harm, because harm is presumed. Nevertheless, Plaintiffs and other similarly
10 situated male, transgendered male, and nonbinary consumers were indeed harmed and damaged here
11 by being denied equal accommodations, advantages, facilities, privileges, or services based solely on
12 their sex and the corresponding stereotype that all men make women “uncomfortable.”

13 23. *Koire* was upheld by the California Supreme Court in the Court's second opinion on businesses
14 treating members of the general public unequally based on their sex, *Angelucci v. Century Supper*
15 *Club* (2007) 41 Cal.4th 160, wherein the Court held – again, unanimously – that men charged a higher
16 price to enter a supper club during Ladies' Night events did not have to first confront the discriminating
17 business and affirmatively assert their right to equal treatment in order to have standing to sue for
18 violation of Civil Code sections 51 and 51.5.

19 30. Defendants' divisive, sexist, and exclusive Event caused discontent, divisiveness, animosity,
20 harm, resentment, and envy among the sexes; constituted intentional, arbitrary, unreasonable, and/or
21 invidious discrimination; promoted harmful stereotypes and generalizations about men and women;
22 and contravened California's historical effort and public policy to eradicate sex discrimination.

23 31. By this action, Plaintiffs seek redress for Defendants' divisive, sexist, and exclusive Event that
24 denied male, including transgender males, and nonbinary consumers the equal accommodations,
25 advantages, facilities, privileges, or services based solely on their sex, which is prohibited by Civil
26 Code sections 51, 51.5, and 52, and Business & Professions Code section 125.6.

1 JURISDICTION AND VENUE

2 32. This court has subject matter jurisdiction over this matter pursuant to Article VI, section
3 10 of the California Constitution because this action is a cause not given by statute to other trial courts,
4 and seeks, among other relief, a permanent injunction. Subject matter jurisdiction is also premised on,
5 *inter alia*, California Civil Code sections 51, 51.5, and 52, and Business & Professions Code section
6 125.6.

7 33. This court has personal jurisdiction over Defendants in this action because all
8 defendants do sufficient business in California, have sufficient minimum contacts in California to
9 render the exercise of personal jurisdiction over them by California courts consistent with traditional
10 notions of fair play and substantial justice.

11 34. Venue is proper in this court because the sex discrimination and unequal treatment
12 alleged herein occurred in Visalia, California.

13 FIRST CAUSE OF ACTION

14 **Violation of The Unruh Civil Rights Act, Civil Code Section 51**
15 **Against All Defendants**

16 35. Plaintiffs incorporate in this cause of action the allegations contained in each and every
17 preceding paragraph of this Complaint as if they were set out at length herein.

18 36. Defendants, by prohibiting Plaintiffs, other men, including transgender males, and non-
19 binary persons, from participating in Defendants' Event based solely on the persons' sex, intentionally
20 denied equal accommodations, advantages, facilities, privileges, or services to Plaintiffs and others
21 similarly situated to Plaintiffs, which is prohibited by the Unruh Civil Rights Act, codified as Civil
22 Code section 51.

23 37. A substantial motivating reason for Defendants' conduct was the Plaintiffs' sex.

24 38. Defendants' conduct harmed and damaged Plaintiffs.

25 39. Defendants' conduct was a substantial factor in causing harm to Plaintiffs.

26 40. Defendants' unequal treatment of the Plaintiffs subjects Defendants to injunctive relief.
27
28

SECOND CAUSE OF ACTION

1 **Violation of Civil Code Section 51.5**
2 **Against All Defendants**

3 41. Plaintiffs incorporate in this cause of action the allegations contained in each and every
4 preceding paragraph of this Complaint as if they were set out at length herein.

5 42. Defendants, by prohibiting Plaintiffs, other men, including transgender males, and non-
6 binary persons, from participating in Defendants' Event based solely on the persons' sex,
7 discriminated against, boycotted, blacklisted, and refused to contract or trade with Plaintiffs, other
8 males, including transgendered males and nonbinary persons, based on their sex, which is prohibited
9 by Civil Code section 51.5.

10 43. A substantial motivating reason for Defendants' conduct was the Plaintiffs' sex.

11 44. Defendants' conduct harmed Plaintiffs.

12 45. Defendants' conduct was a substantial factor in causing harm to Plaintiffs.

13 46. Defendants' discrimination against the Plaintiffs subjects Defendants to injunctive
14 relief.
15

16 **THIRD CAUSE OF ACTION**

17 **Violation of Business & Professions Code Section 125.6**
18 **Discrimination In The Performance Of ABC-Licensed Activity On Basis Of Patrons' Sex**
19 **Against Defendant SHAW**

20 47. Plaintiffs incorporate in this cause of action the allegations contained in each and every
21 preceding paragraph of this Complaint as if they were set out at length herein.

22 48. Defendant SHAW is the owner or holder of California Department of Alcoholic
23 Beverage Control License Number 542418.

24 49. SHAW's denying Plaintiffs, other men, including transgender men, and nonbinary
25 persons participation in the Event based on the consumers' sex constituted a discrimination or
26 restriction in the performance of SHAW's ABC-licensed activity of providing food and alcoholic
27 beverages to members of the general public in violation of California Business & Professions Code
28 section 125.6.

1 50. SHAW's unequal treatment of patrons based on the patrons' sex harmed Plaintiffs.

2 51. SHAW's unequal treatment of patrons based on the patrons' sex subjects SHAW's
3 conduct to injunctive relief.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff prays for the following relief:

6 1. For an order providing equitable and injunctive relief permanently enjoining
7 Defendants from continuing the discriminatory conduct alleged herein;

8 2. For an order requiring Defendants' officers and employees to undergo diversity,
9 inclusion, and equity training;

10 3. For statutory damages of \$4,000 for each and every offense pursuant to Civil Code
11 section 52;

12 4. For costs incurred herein, including attorneys' fees to the extent allowable by statute,
13 including by Civil Code sections 52 and Code of Civil Procedure section 1021.5; and

14 5. For such other and further relief as this court may deem proper.
15

16
17 Dated: October 6, 2021

Respectfully submitted,

18 By: /s/ Greg Adler
19 Greg Adler
20 Greg Adler P.C.
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EXHIBIT 1

Events
August 27-2021

Vietnam Veterans of America

GIRL JETS
BCH

Girrllet's Go On Karoke Night
7:00pm-10:00pm
Redwood

Delegate Registration
8:00am-11:00am
VOC Hallway

Vendor Displays
8:30am-5:30pm
Plaza

Convention Ceremony
9:00am-11:50am
Oak + Maple

AVVA Luncheon
12:00pm-1:15pm
Laurel

AVVA Meeting
1:30pm-3:00pm
Birch

Committee Hearing
1:30pm-3:00pm
Oak + Maple

Breakout Rooms
3:00pm-5:00pm
Pine-Cedar-Redwood

POW/MIA Ceremony
7:30pm-7:45pm
Birch

Candidates Forum
8:00pm-9:00pm
Birch

EXHIBIT 2

GIRRL LET'S GO OUT!

ESCAPE · WITH · LUXURY

AUG
27

Girrl Lets' Go Out - Karaoke Night- Ladies Only

by Delle's Go Out
24 followers [Follow](#)

\$40

[Tickets](#)

Karaoke, Drinks, Appetizers, Dancing! Come join us for a Ladies only Karaoke night. Come work your voice or enjoy the show!

About this event

Hey ladies ready for a night out? Come join us for karaoke whether you want to sing or just sing along it will be a great time. Bring your girlfriends or come solo and meet new ones. We will have Karaoke, a DJ, room to dance along, and appetizers. Alcohol Drinks available for purchase.

Tags

[United States Events](#) [California Events](#) [Things to do in Visalia, CA](#)
[Visalia Parties](#) [Visalia Film & Media Parties](#) [#visalia](#) [#entertainment](#)
[#wine](#) [#girlfriends](#) [#ladiesnight](#) [#ladies_night](#) [#ladies_night_out](#)

Share with friends

[f](#) [📧](#) [in](#) [🐦](#) [✉](#)

Date and time

Fri, August 27, 2021
7:00 PM - 10:00 PM PDT
[Add to calendar](#)

Location

Wyndham Visalia
9000 West Airport Drive
Visalia, CA 93277
[View Map](#)

Refund policy

Contact the organizer to request a refund.
Eventbrite's fee is non-refundable.

EXHIBIT 3

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6 Yahoo Mail - Re: Girrl Lets' Go Out - Karaoke Night- Ladies Only - Que...

<https://mail.yahoo.com/d/folders/23/messages/46885>

7
8 Re: Girrl Lets' Go Out - Karaoke Night- Ladies Only - Question from Steve Frye

9 From: Katie Parker (girlfriendsevents@gmail.com)

10 To: sfrye90@yahoo.com

11 Date: Tuesday, August 3, 2021, 11:26 PM PDT

12 Hi Steve,

13 Sorry unfortunately it's ladies only. We focus on having a comfortable environment for women to fully express themselves to achieve that its ladies only.

14 Katie

15 Sent from my iPhone

16 On Aug 3, 2021, at 11:18 AM, Steve Frye <noreply@event.eventbrite.com> wrote:

17 Steve Frye (sfrye90@yahoo.com) has a question for you about your event Girrl Lets' Go Out - Karaoke Night- Ladies Only.

18 Hi myself and another a guy friend of mine will be staying at the Wyndham in Visalia at time of the Girls night out event AUG 27th is it just for the ladies only as advertised or can guys join in as well Thx Steve

19
20 This message was sent to you via Eventbrite.

21 **eventbrite**

EXHIBIT 4

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Protections Under the Law Against Sex Discrimination

The Unruh Civil Rights Act (Civ. Code, § 51), originally enacted in 1959, was designed to protect the rights of Californians from arbitrary discrimination and to guarantee their rights to full and equal access to all public accommodations regardless of sex.

Discrimination by business establishments on the basis of sex is against the law. It is unlawful for any business that is open to the general public to discriminate against a patron based on any of the following classifications: sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation. The Unruh Act protection is not limited to these classifications. It is an Unruh Act violation for a business to offer special treatment, whether preferential or detrimental, to one class of patrons regardless of the business' motives for doing so.

Businesses that are Governed by the Unruh Civil Rights Act

The list below includes examples of businesses that are covered by the Unruh Act. This list is non-exhaustive, and may include any place of public accommodation regardless of whether the entity is a traditional business or non-profit entity.

- Bars and Nightclubs.
- Restaurants.
- Hotels and Motels.
- Retail Shops.
- Golf Courses.
- Fitness Clubs or Gyms.
- Theaters.
- Hospitals.
- Barber Shops and Beauty Salons.
- Non-Profit Organizations (open to the public).
- Public Agencies.
- Housing Accommodations.

Filing a Complaint

The Department of Fair Employment and Housing (DFEH or Department) is charged with the task of upholding the Unruh Act, and ensuring that its laws and principles are not violated. If you believe you are a victim of unlawful discrimination, do not hesitate to call the DFEH and file a complaint following these steps:

- Contact the DFEH by calling the toll free number at (800) 884-1684 to schedule an appointment.
- Be prepared to present specific facts about the alleged harassment or discrimination.
- Provide any copies you may have of documents that support the charges in the complaint.
- Keep records and documents about the complaint, such as receipts, stubs, bills, applications, flyers, witness contact information, and other materials.

Examples of Sex-Based Discrimination Under the Unruh Violations

The following are examples of potential violations of the Unruh Act. The list is not meant to be exhaustive, and there is other conduct that may violate the Act.

- Providing free admission, discounts, or promotional gifts to only one sex.
- Charging men and women different prices for comparable services, such as clothing alterations, haircuts, dry cleaning, or drinks at a restaurant or bar.

- Maintaining "women only" or "men only" exercise areas of a fitness club or gym and excluding or deterring the opposite sex from those areas.
- Establishing a "women only" or "men only" business establishment which would otherwise be completely open to the public.
- Excluding one sex from a business premises during certain times.
- Posting signs or adopting policies for "women recommended" or "men preferred."
- Requiring members of one sex to submit to searches to gain admittance to a business.

establishment while providing admittance to members of the other sex without the same level or degree of search.

- Promoting a business with "ladies night" discounts on admission and services.
- Denying access to a business, such as a nightclub to a particular sex, or giving preference to one sex over the other.



Complaints must be filed within one year from the last act of discrimination. The DFEH will conduct an impartial investigation.

The Department is not an advocate for either the person complaining or the person complained against. The Department represents the state. The DFEH will, if possible, try to assist both parties to resolve the complaint. If a voluntary settlement cannot be reached, and there is sufficient evidence to establish a violation of the law, the Department may issue an accusation and litigate the case before the Fair Employment and Housing Commission or in civil court. This law provides for a variety of remedies that may include the following:

- Out-of-pocket expenses.
- Cease and desist orders.
- Damages for emotional distress.
- Statutory damages of three times the amount of actual damages, or a minimum of \$4,000 for each offense.

For more information, contact the DFEH
Toll Free (800) 884-1684
Sacramento area and out-of-state (916) 227-0551
Videophone for the Deaf (916) 226-5285
E-mail contact.center@dfeh.ca.gov
Web site www.dfeh.ca.gov

Facebook

<http://www.facebook.com/#!/pages/Department-of-Fair-Employment-and-Housing/183801915445>

YouTube <http://www.youtube.com/califdfeh>

Twitter <http://twitter.com/DFEH>

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State of California
DEPARTMENT OF
FAIR EMPLOYMENT & HOUSING



References

1. California Civil Code section 51.
2. *Rotary Club of Duarte v. Board of Directors* (1987) 178 Cal.App.3d 1035. A non-profit club was a business establishment under the Unruh Act because it offered its members substantial "commercial advantages and business benefits." Membership in these kinds of organizations is a privilege or advantage under the Unruh Act. Thus, termination of membership based on sex is prohibited.
3. *Warfield v. Peninsula Golf & Country Club* (1995) 10 Cal.4th 594. By offering the public access to its facilities, the County Club became a business establishment under the Unruh Act and could not exclude women.

4. *Ibister v. Boys' Club of Santa Cruz* (1985) 40 Cal.3d 72. A non-profit activities center for boys was a place of public accommodation, and excluding an entire class of patrons, such as women, was illegal.
5. *Angelucci v. Century Supper Club* (2007) 41 Cal.4th 160. It was a violation of the Unruh Act for a night club to charge its male patrons a higher price for admission. The patrons need not affirmatively request nondiscriminatory treatment, but rather, are entitled to it. The Unruh Act imposes a compulsory duty upon business establishments to serve all persons without arbitrary discrimination.
6. *Koire v. Metro Car Wash* (1985) 40 Cal.3d 24. The Unruh Act broadly condemns any business establishment's policy of gender-based price discounts.

Unruh Civil Rights Act

All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

EXHIBIT 5

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PUBLIC ACCESS DISCRIMINATION AND CIVIL RIGHTS

FACT SHEET

DFEH



THE UNRUH CIVIL RIGHTS ACT PROVIDES PROTECTION FROM DISCRIMINATION BY ALL BUSINESS ESTABLISHMENTS IN CALIFORNIA

The unruh civil rights act provides protection from discrimination by all business establishments in California, including housing and public accommodations. The term "business establishments" may include governmental and public entities as well.

The language of the Unruh Civil Rights Act specifically outlaws discrimination in housing and public accommodations based on sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status. However, the California Supreme Court has held that protections under the Unruh Act are not necessarily restricted to these characteristics.

The Act is meant to cover all arbitrary and intentional discrimination by a business establishment on the basis of personal characteristics similar to those listed above.

The law also protects the rights of individuals with disabilities to use streets, highways, and other public places; public conveyances; places of public accommodation, amusement or resort, and housing accommodations; and guide, signal, or service animals or alternative accommodations for persons with disabilities. The law clearly distinguishes between the right of a business to refuse service based on conduct as opposed to personal characteristics. The misconduct or disruptive behavior of particular individuals may be grounds for refusing to do business with them or denying them services.

BUSINESSES COVERED UNDER THE LAW

The Unruh Civil Rights Act requires "[f]ull and equal accommodations, advantages, facilities, privileges or services in all business establishments." This includes, but is not limited to, the following places:

- Hotels and motels
- Nonprofit organizations that have a business purpose or are a public accommodation
- Restaurants
- Theaters
- Hospitals
- Barber shops and beauty salons
- Housing accommodations – including rental housing and shared-economy housing
- Public agencies
- Retail establishments

SENIOR HOUSING

The Unruh Civil Rights Act contains provisions regulating the establishment of specialized housing designed to meet the physical and/or social needs of senior citizens.

Housing that meets these requirements is exempt from the familial status and age provisions of the Fair Employment and Housing Act and may, therefore, legally exclude households with children. Similar provisions are provided for senior citizen mobile home parks under federal fair housing laws.

PUBLIC ACCESS DISCRIMINATION AND CIVIL RIGHTS

FACT SHEET

DFEH



EXAMPLES OF UNRUH ACT VIOLATIONS

The following examples represent potential violations of the Unruh Civil Rights Act. Other situations may also qualify as Unruh Act violations depending on the specific circumstances:

- A hotel charges a \$100 service fee only to guests of a certain racial group but not to other guests of the hotel
- A doctor refuses to treat a patient who has been diagnosed as HIV positive
- A same-sex couple is denied a table at a restaurant even though there are vacant tables available and other customers are seated immediately
- A visually impaired individual is told their service animal is not allowed in a store
- Charging men and women different prices for comparable services, such as clothing alterations, haircuts, dry cleaning, or drinks at a restaurant or bar
- Promoting a business with “ladies night” discounts on admission and services

WHAT DFEH DOES

The Department of Fair Employment and Housing (DFEH) enforces this law by:

1. Investigating harassment and discrimination complaints;
2. Assisting involved parties to voluntarily resolve complaints;
3. Prosecuting violations of the law; and
4. Educating Californians about the Unruh Act by providing written materials and participating in seminars and conferences.

If you think you have been a victim of discrimination based on a protected class, file a complaint. A DFEH complaint must be filed within one year from the date of the last act of discrimination.

If you have a disability that requires a reasonable accommodation, the DFEH can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or you can contact us below.

TO FILE A COMPLAINT

Department of Fair Employment and Housing

dfeh.ca.gov

Toll Free: 800.884.1684

TTY: 800.700.2320

EXHIBIT 6

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COMPLAINTS MUST BE FILED WITHIN ONE YEAR OF THE LAST ACT OF DISCRIMINATION

FILING A COMPLAINT

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS, AND FROM THE PERPETRATION OF ACTS OF HATE VIOLENCE AND HUMAN TRAFFICKING.

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

PUBLIC ACCESS DISCRIMINATION AND CIVIL RIGHTS



If you believe you are a victim of illegal discrimination, you can file a complaint with DFEH by following these steps:

- 1 Contact DFEH by using the information on the back of this brochure
- 2 Be prepared to present specific facts about the alleged discrimination or harassment
- 3 Provide copies of documents that support the charges in the complaint
- 4 Keep records and documents about the incident(s), such as receipts, stubs, bills, applications, and other materials

DFEH will conduct an impartial investigation. We represent the State of California. DFEH will, if possible, try to assist both parties to resolve the complaint.

If a voluntary settlement cannot be reached, and there is sufficient evidence to establish a violation of the law, DFEH may litigate the case in civil court.

If a court decides in favor of the complaining party, remedies may include out-of-pocket expenses, cease and desist orders, damages for emotional distress, statutory damages, attorney's fees and costs, and punitive damages. Court-ordered damages may include a maximum of three times the amount of the complainant's actual damages.

Individuals wishing to file directly in court may do so without contacting DFEH.

FOR MORE INFORMATION

Department of Fair Employment and Housing
Toll Free: (800) 884-1684
TTY: (800) 700-2320
Online: www.dfeh.ca.gov

Also find us on:



If you have a disability that prevents you from submitting a written intake form on-line, by mail, or email, the DFEH can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice).

To schedule an appointment, contact the Communication Center at (800) 884-1684 (voice or via relay operator 711) or (800) 700-2320 (TTY) or by email at contact.center@dfeh.ca.gov.

DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested.

Contact DFEH at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or contact.center@dfeh.ca.gov to discuss your preferred format to access our materials or webpages.

THE FACTS

The Unruh Civil Rights Act provides protection from discrimination by all business establishments in California, including housing and public accommodations. The term "business establishments" may include governmental and public entities as well.

WHAT DFEH DOES

The Department of Fair Employment and Housing (DFEH) enforces this law by:

- ① Investigating harassment and discrimination complaints;
- ② Assisting involved parties to voluntarily resolve complaints;
- ③ Prosecuting violations of the law; and
- ④ Educating Californians about the Unruh Act by providing written materials and participating in seminars and conferences.

PROTECTIONS UNDER THE LAW



BUSINESSES COVERED UNDER THE LAW

EXAMPLES OF UNRUH ACT VIOLATIONS

The language of the Unruh Civil Rights Act specifically outlaws discrimination in housing and public accommodations based on sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status. However, the California Supreme Court has held that protections under the Unruh Act are not necessarily restricted to these characteristics. The Act is meant to cover *all* arbitrary and intentional discrimination by a business establishment on the basis of personal characteristics similar to those listed above.

The law also protects the rights of individuals with disabilities to use streets, highways, and other public places; public conveyances; places of public accommodation, amusement or resort, and housing accommodations; and guide, signal, or service animals or alternative accommodations for persons with disabilities.

The law clearly distinguishes between the right of a business to refuse service based on conduct as opposed to personal characteristics. The misconduct or disruptive behavior of particular individuals may be grounds for refusing to do business with them or denying them services.

The Unruh Civil Rights Act requires “[f]ull and equal accommodations, advantages, facilities, privileges or services in all business establishments.” This includes, but is not limited to, the following places:

- Hotels and motels
- Nonprofit organizations that have a business purpose or are a public accommodation
- Restaurants
- Theaters
- Hospitals
- Barber shops and beauty salons
- Housing accommodations
- Public agencies
- Retail establishments

SENIOR HOUSING

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The following examples represent potential violations of the Unruh Civil Rights Act. Other situations may also qualify as Unruh Act violations depending on the specific circumstances.

- A hotel charges a \$100 service fee only to guests of a certain racial group but not to other guests of the hotel
- A doctor refuses to treat a patient who has been diagnosed as HIV positive
- A same-sex couple is denied a table at a restaurant even though there are vacant tables available and other customers are seated immediately
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- Promoting a business with “ladies night” discounts on admission and services

THE UNRUH CIVIL RIGHTS ACT
PROVIDES PROTECTION FROM
DISCRIMINATION BY ALL BUSINESS
ESTABLISHMENTS IN CALIFORNIA

EXHIBIT 7

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BUREAU OF GAMBLING CONTROL

EDMUND G. BROWN JR.
Attorney General

Mathew J. Campoy
Acting Bureau Chief

NUMBER 8

GAMBLING ESTABLISHMENT ADVISORY

January 18, 2008

“LADIES ONLY TOURNAMENTS”

It has come to the attention of the Bureau of Gambling Control that some gambling establishments conduct “ladies only” poker tournaments that exclude men from participating, or admit them on different terms from those accorded to women. It is the Bureau’s view that such tournaments may violate California’s anti-discrimination laws.

Under the Unruh Civil Rights Act (Civil Code sections 51 and 51.5), businesses may not discriminate in admittance, prices, or services offered to customers based on the customers’ sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation. “Ladies only” tournaments or any other promotional events that fail to admit men and women to advertised activities on an equal basis regardless of sex are unlawful. It may also be unlawful under the Unruh Act to advertise tournaments as “ladies only” even if men are in fact admitted.

The Bureau will approve only those events that include the following features: the event will be open to all customers, the promotional gifts will be given equally to all event participants, the fees and prices will be the same for all event participants, any discounts will not be based on gender or another personal characteristic protected by the Unruh Act, and the event’s promotional materials do not advertise gender-based discounts or imply a gender-based entrance policy or any other unlawful discriminatory practice.

Gambling establishments should take notice that pursuant to Business and Professions Code section 125.6, violations of the Unruh Act are cause for discipline under the Gambling Control Act.

For more information regarding this advisory, contact the California Department of Justice, Bureau of Gambling Control at (916) 263-3408.