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6 Attorney for Plaintiff Rich Allison

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF SAN DIEGO – CENTRAL JUSTICE CENTER

9 RICH ALLISON,

10 Plaintiff,

11 v.

12 RED DOOR EPICUREAN, LLC, d/b/a THE
13 RED DOOR RESTAURANT & WINE BAR;
14 LADIES GET PAID; CLAIRE WASSERMAN;
15 and DOES 1 through 50, Inclusive,

16 Defendants.

Case No. 37-2017-00036282-CU-CR-CTL

**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;
3. Violation of Civil Code § 51.6 - The Gender Tax Repeal Act of 1995;
4. Business & Professions Code § 125.6; and
5. Negligence

17 UNLIMITED JURISDICTION

18 All animals are equal, but some animals are more equal than others.
19 – George Orwell, *Animal Farm*

20 Plaintiff Rich Allison alleges the following:

21
22 **NATURE AND BASIS OF CLAIMS**

23 1. Imagine the uproar, the protests, and the calls for a boycott by feminists and equal rights
24 advocates if Defendant Red Door Epicurean, LLC’s Red Door Restaurant & Wine Bar, located in the
25 heart of San Diego’s Hillcrest neighborhood – the hub of San Diego’s apparently all-inclusive LGBT
26 community – had the temerity to host an event with the exclusionary title of “Men Get Drinks,” for
27 which the advertisements brazenly promised that only people with certain personal characteristics
28 would be welcome, as follows:

1 **Bring friends—the more the merrier :)**

2 Male-identifying, non-binary folks are welcome. Sorry, girls!

3
4 2. Yet, as seen in the below excerpt from Exhibit 1 to this Complaint, Defendants Red Door,
5 Ladies Get Paid, and Claire Wasserman had no problem advertising, marketing, sponsoring, hosting,
6 employing, or otherwise at least aiding an event with the exclusionary title of “Ladies Get Drinks,”
7 which was held at Red Door on Tuesday, August 15, 2017, and for which the advertisements brazenly
8 promised that the only people who were and who were not welcomed at this event in San Diego’s
9 Hillcrest neighborhood were the following:

10
11 **Bring friends—the more the merrier :)**

12 Female-identifying, non-binary folks are welcome. Sorry, guys!

13
14 3. On August 15, 2017, and at all times relevant to this Complaint, Plaintiff Rich Allison was not
15 and is not a female-identifying, non-binary folk, but instead was and still is a heterosexual male and
16 retired U.S. Marine Corps captain. Several days before attempting to attend Defendants’ Ladies Get
17 Drinks event, Mr. Allison registered for it through the www.eventbrite.com website. Then, on August
18 15, 2017, Mr. Allison attempted to enter the Red Door premises where the Ladies Get Drinks event
19 was being held, when he was confronted by a Red Door bartender who kicked Mr. Allison out of the
20 event because Mr. Allison was a man, despite Mr. Allison showing the Red Door bartender proof that
21 Mr. Allison had registered for the event. Mr. Allison was kicked out of Defendant’s Ladies Get Drinks
22 event because of his sex, that is, because he was a male, and not a female, female-identifying, non-
23 binary folk. Defendants did indeed make it sorry for guys that evening by not allowing men, solely
24 based on their sex, to attend this Ladies Get Drinks event that was advertised, marketed, sponsored,
25 hosted, employed, or otherwise aided by Defendants Red Door, Ladies Get Paid, and Claire
26 Wasserman.

27 4. After the Red Door bartender kicked Mr. Allison out of the Ladies Get Drinks event and into
28 the street, Mr. Allison entered another entrance into the Red Door and into another Red Door barroom

1 that was not hosting the Ladies Get Drinks event. Here, another Red Door bartender allowed Mr.
2 Allison to stay and buy a drink, which Mr. Allison. However, on information and belief, Mr. Allison
3 was denied the same discount on drinks that the women who were permitted to attend the Ladies Drink
4 Free event nearby received for their drinks. Defendants' failure to provide Mr. Allison a discount for
5 a beverage while women were provided a discount on their beverages required male patrons to pay a
6 Man Tax on drinks and services during the time the Ladies Get Drinks event was held at the Red Door.

7 5. Despite the many State of California anti-discrimination statutes, California Supreme Court
8 opinions, California Attorney General and Department of Fair Employment and Housing actions, and
9 California Department of Alcoholic Beverage Control regulations that prohibit California businesses
10 from treating patrons unequally based on their sex, and specifically condemn and forbid Ladies' Night
11 and Ladies' Day promotions that treat female and male patrons unequally, Defendants boldly
12 advertised, marketed, sponsored, hosted, employed, or otherwise aided a sex-based marketing
13 promotion that treated male and female patrons unequally based solely on their sex.

14 6. As a result of Defendants' unequal treatment of patrons based solely on their sex, Defendants
15 denied consumers the equal accommodations, advantages, facilities, privileges, or services they are
16 entitled to under California's Unruh Civil Rights Act, codified as Civil Code section 51. Defendants'
17 Ladies Get Drinks event violated California's strong public policy to eradicate sex discrimination,
18 reflected in the many California statutes that prohibit businesses from discriminating against patrons
19 based on their sex. Defendants' Ladies Get Drinks event violated California Civil Code sections 51,
20 51.5, and 51.6 (Gender Tax Repeal Act of 1995), and California Business & Professions Code section
21 125.6, all of which prohibit California businesses from treating patrons unequally based on their sex.

22 7. For a business operating in the progressive state of California, in the year 2017, to provide
23 accommodations, advantages, privileges, or services to only female patrons, is as repugnant and
24 unlawful as businesses being involved in a "Caucasian Night" or a "Heterosexual Night" and denying
25 admission and discounted drinks and other accommodations, advantages, privileges, or services to
26 patrons of color or to gay or lesbian patrons, respectively. Simply put, it is against many California
27 laws for a business to discriminate against patrons based on their sex or other personal characteristics,
28 such as race or sexual orientation, which should surprise no one.

1 8. The seminal California Supreme Court case on businesses that treat male and female consumers
2 unequally based on their sex, *Koire v. Metro Car Wash* (1985) 40 Cal.3d 24, held that Ladies’ Day
3 and Ladies’ Night promotions that treated patrons unequally based on sex by charging male patrons
4 more than female patrons for the same thing—as little fifteen cents more—violated the Unruh Civil
5 Rights Act. *Koire* found “Public policy in California strongly supports eradication of discrimination
6 based on sex. The Unruh Act expressly prohibits sex discrimination by business enterprises.” *Id.* at
7 37.

8 9. Defendants’ no-men-allowed Ladies Get Drinks event repudiated hundreds of years of women’s
9 struggles to be viewed as being equal to men and is typical of old-fashioned sexism that might also
10 advise a young woman that her best chance for a happy life is to ace her home economics class and
11 learn how to make queso from Velveeta to catch a good man. Not only has the California Supreme
12 Court twice unanimously expressed its disapproval of how Ladies’ Day and Ladies’ Night promotions
13 harm women, the United States Supreme Court has similarly weighed in as well about "romantic
14 paternalism" directed at women. In *Frontiero v. Richardson*, 411 U.S. 677, 684 (1973), the U.S.
15 Supreme Court ruled the military must provide its female members with the same housing and medical
16 benefits as it provides its male members. Justice William J. Brennan Jr. wrote that the military’s
17 unequal treatment of men and women is yet another example of one of those types of traditional sex
18 discrimination that ostensibly appears to benefit women, but is “rationalized by an attitude of
19 ‘romantic paternalism’ which, in practical effect, put women, not on a pedestal, but in a cage.”

20 10. The Judicial Counsel of California's jury instructions for violations of Civil Code sections 51,
21 51.5, and 51.6, i.e., CACI 3060, 3061, and 3062, respectively, reflect the Judicial Counsel's recognition
22 of the California Supreme Court ruling in *Koire* that sex-based pricing promotions are “per se
23 injurious.” The Directions For Use for CACI 3060, 3061, and 3062 all recognize that a plaintiff asking
24 for only the statutory damages provided by Civil Code section 52 for violations of section 51, 51.5,
25 and 51.6, respectively, does not have to prove that he or she was harmed or that defendant’s conduct
26 was a substantial factor in causing the plaintiff’s harm, because harm is presumed.

27 11. *Koire* was upheld by the California Supreme Court in its most recent opinion on sex-based
28 promotions, *Angelucci v. Century Supper Club* (2007) 41 Cal.4th 160, wherein the Court unanimously

1 ruled that men who were charged more than women to enter a supper club on Ladies Night did not
2 have to assert their right to equal treatment to the offending business in order to have standing for a
3 Civil Code section 51, 51.5, or 51.6 claim.

4 12. Defendants' no-men-allowed Ladies Get Drinks event caused discontent, animosity, harm,
5 resentment, or envy among the sexes, constituted arbitrary, unreasonable, and/or invidious
6 discrimination, constituted a willful and malicious injury to Plaintiff, and contravened California's
7 historical effort to eradicate sex discrimination. Defendants willfully and maliciously injured Plaintiff
8 during its Ladies Get Drinks event by knowingly and intentionally denying Plaintiff admission,
9 discounted drinks, and other services based solely on Plaintiff's sex.

10 13. The California Department of Fair Employment and Housing ("DFEH"), the State agency
11 charged with preventing unlawful discrimination in places of public accommodation, has published a
12 brochure specifically addressing the unlawfulness of sex-based events. This DFEH brochure is
13 attached hereto as Exhibit 2, and can also be found at
14 <http://www.dfeh.ca.gov/DFEH/Publications/PublicationDocs/UnruhActBrochure.pdf>.

15 14. The California Department of Justice and the California Bureau of Gambling Control has
16 similarly expressed its condemnation of sex-based events, specifically their disapproval of the
17 proliferation of no-men-allowed poker tournaments hosted by California's licensed card rooms. The
18 California Attorney General and the Bureau of Gambling Control issued a Gambling Establishment
19 Advisory, attached hereto as Exhibit 3, warned card rooms that ladies-only poker tournaments violated
20 the Unruh Act. The Attorney General warned that it may be unlawful under the Unruh Act to simply
21 advertise tournaments as "ladies only" even if men were in fact admitted. This Advisory can be found
22 at <http://ag.ca.gov/gambling/pdfs/NUM8LOT.pdf>.

23 15. By this action, Plaintiff Rich Allison seeks redress for Defendants' above no-men-allowed
24 Ladies Get Drinks event that treated men and women unequally based solely on their sex.

25 **PARTIES**

26 16. Plaintiff Rich Allison is a man and a California resident.

27 17. On information and belief, at all times relevant hereto, Defendant Red Door Epicurean, LLC
28 is a California limited liability company, doing business as "The Red Door Restaurant & Wine Bar"

1 located at 741 W. Washington Street in San Diego, and holding California Secretary of State limited
2 liability company registration number 200907810011, and California Department of Alcoholic
3 Beverage Control License Number 477296.

4 18. On information and belief, at all times relevant hereto, Defendant Ladies Get Paid is a business
5 of unknown form not registered with the California Secretary of State.

6 19. On information and belief, at all times relevant hereto, Defendant Claire Wasserman is the sole
7 proprietor and/or founder of Ladies Get Paid.

8 20. The true names and capacities of Does 1 through 50 are unknown to Plaintiff. When their true
9 names and capacities are learned, Plaintiff will amend this complaint accordingly. Plaintiff is
10 informed and believes, and on that basis alleges, each fictitiously named defendant is responsible in
11 some way for the occurrences herein alleged, and those defendants proximately caused plaintiff and
12 the other male consumers' damages. Each reference in this complaint to "defendant," "defendants,"
13 or a specifically named defendant refers to all defendants sued under fictitious names.

14 21. Unless otherwise alleged, whenever reference is made in this complaint to any act of
15 "defendant," "defendants," or to a specifically named defendant, such as "McFadden's" such
16 allegation shall mean that each defendant acted individually and jointly with the other defendant
17 named in the complaint.

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

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

1 **JURISDICTION AND VENUE**

2 24. 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 further premised
5 on, *inter alia*, California Civil Code sections 51, 51.5, and 51.6, and Business and Professions Code
6 section 125.6.

7 25. This court has personal jurisdiction over defendants in this action because all
8 defendants do sufficient business in California and 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 26. Venue is proper in this court because the unequal treatment alleged herein occurred in
12 San Diego, California.
13

14 **FIRST CAUSE OF ACTION**

15 **Violation of The Unruh Civil Rights Act, Civil Code Section 51**

16 **Refusing to Allow Plaintiff Admission Into Defendants’ Ladies Get Drinks Event**

17 27. Plaintiff incorporates in this cause of action the allegations contained in each and every
18 preceding paragraph of this Complaint as if they were set out at length herein.

19 28. By denying Plaintiff admission into the no-men-allowed Ladies Get Drinks event and
20 providing admission to only female patrons, Defendants intentionally denied equal accommodations,
21 advantages, facilities, privileges, or services to Plaintiff based on his sex, which is prohibited by the
22 Unruh Civil Rights Act, codified as Civil Code section 51.
23

24 29. A substantial motivating reason for Defendants’ conduct was the Plaintiff’s sex.

25 30. Defendants’ conduct harmed Plaintiff.

26 31. Defendants’ conduct was a substantial factor in causing harm to Plaintiff.

27 32. Defendants’ unequal treatment of customers subjects Defendants to injunctive relief.
28

1 **FOURTH CAUSE OF ACTION**

2 **Violation of Civil Code Section 51.5**

3 **Denial Of Discounted Drink Services To Plaintiff**

4 45. Plaintiff incorporates in this cause of action the allegations contained in each and every
5 preceding paragraph of this Complaint as if they were set out at length herein.

6 46. By denying Plaintiff discounted drink services that were provided to only female
7 patrons during the no-men-allowed Ladies Get Drinks event, Defendants discriminated against
8 Plaintiff based on his sex, which is prohibited by Civil Code section 51.5.

9 47. A substantial motivating reason for Defendants' conduct was the Plaintiff.

10 48. Defendants' conduct harmed Plaintiff.

11 49. Defendants' conduct was a substantial factor in causing harm to Plaintiff.

12 50. Defendants' unequal treatment of customers subjects Defendants to injunctive relief.
13
14

15 **FIFTH CAUSE OF ACTION**

16 **The Gender Tax Repeal Act Of 1995, Civil Code Section 51.6**

17 **Denial Of Discounted Drink Services To Plaintiff**

18 51. Plaintiff incorporates in this cause of action the allegations contained in each and every
19 preceding paragraph of this Complaint as if they were set out at length herein.

20 52. By denying Plaintiff discounted drink services during the course of the no-men-
21 allowed Ladies Get Drinks event, Defendants discriminated with respect to the price charged for
22 services of similar or like kind, against Plaintiff because of his gender, which is prohibited by Civil
23 Code section 51.6.

24 53. A substantial motivating reason for Defendants' conduct was the Plaintiff's sex.

25 54. Defendants' conduct harmed Plaintiff.

26 55. Defendants' conduct was a substantial factor in causing harm to Plaintiff.

27 56. Defendants' unequal treatment of customers subjects Defendants to injunctive relief.
28

1 **SIXTH CAUSE OF ACTION**

2 **Violation of Business & Professions Code Section 125.6**

3 57. Plaintiff incorporates 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 58. Defendant Red Door Epicurean, LLC is the holder of California Department of
6 Alcoholic Beverage Control License Number 477296.

7 59. Upon information and belief, by denying Plaintiff admission to Defendants’ no-men-
8 allowed Ladies Get Drinks event, and denying Plaintiff discounted drinks during the Ladies Get Drinks
9 event, Red Door Epicurean, LLC made a discrimination or restriction in the performance of its ABC-
10 licensed activity of providing and serving alcoholic beverages to the public on the basis of the patrons’
11 sex, as proscribed by California Business & Profession Code section 125.6.

12 60. Red Door Epicurean, LLC’s conduct harmed Plaintiff.

13 61. Red Door Epicurean, LLC’s conduct subjects Red Door Epicurean, LLC to injunctive
14 relief

15 **SEVENTH CAUSE OF ACTION**

16 **Negligence**

17 62. Plaintiff incorporates in this cause of action the allegations contained in each and every
18 preceding paragraph of this Complaint as if the same were set out at length herein.

19 63. Red Door Epicurean, LLC had a duty of care to avoid injury to Plaintiff. Specifically,
20 Red Door Epicurean, LLC had a duty of care to avoid treating Plaintiff unequally based on their sex.

21 64. Red Door Epicurean, LLC selected, hired, retained, and contracted with persons and/or
22 entities that harmed Plaintiff, as described above.

23 65. Red Door Epicurean, LLC had the authority and duty to supervise, prohibit, control,
24 and/or regulate these persons and/or entities that harmed Plaintiff.

25 66. Red Door Epicurean, LLC knew or reasonably should have known that persons or
26 entities would indeed harm Plaintiff.
27
28

1 67. Red Door Epicurean, LLC breached its duty of care by (1) denying Plaintiff his right
2 to equal treatment, and (2) failing to use reasonable care in selecting, hiring, supervising, retaining, or
3 contracting with persons or entities that harmed Plaintiff.

4 68. In the alternative, Red Door Epicurean, LLC negligently conceived, implemented,
5 and/or aided the no-men-allowed Ladies Get Drinks event.

6 69. As a direct and proximate result of Red Door Epicurean, LLC negligence and negligent
7 hiring, supervision, and retention, Plaintiff suffered damages in amounts to be proven at trial.
8

9
10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff prays for the following relief:

12 1. For an order providing equitable and injunctive relief permanently enjoining
13 Defendants from engaging in unequal treatment of consumers based on the consumers' sex in violation
14 of Civil Code sections 51, 51.5, and 51.6, and Business & Profession Code section 125.6.

15 2. For statutory damages pursuant to Civil Code section 52;

16 3. For costs incurred herein, including attorneys' fees to the extent allowable by statute,
17 including but not limited to Civil Code sections 52 and Code of Civil Procedure section 1021.5; and

18 4. For such other and further legal and equitable relief as this court may deem proper.
19

20 Dated: September 28, 2017

 Respectfully submitted,

21
22 By: /s/ Alfred G. Rava
 Alfred G. Rava
23 Rava Law Firm
24
25
26
27
28

EXHIBIT 1



AUG 15 **Ladies Get Drinks: San Diego**

by Ladies Get Paid



Free

Register

DESCRIPTION

The lady revolution is starting. But first, let's have drinks.

[Ladies Get Paid](#) is a community of women who help each other rise up at work and get paid what they deserve. We hope you'll join our meetup at [The Red Door](#) so we can get to know you and figure out more ways LGP can support you.

Bring friends—the more the merrier :)

Female-identifying, non-binary folks are welcome. Sorry, guys!

Stay in touch

Be sure to follow Ladies Get Paid Chicago on [Facebook](#), [Twitter](#), and [Instagram](#) for updates.

TAGS

DATE AND TIME

Tue, August 15, 2017

6:00 PM – 8:00 PM PDT

LOCATION

Bar By Red Door
741 W. Washington Street
San Diego, CA 92103
[View Map](#)



Things To Do In San Diego, CA

Networking

Business

SHARE WITH FRIENDS



Ladies Get Paid

Organizer of Ladies Get Drinks: San Diego

[Website](#)

Ladies Get Paid helps women achieve their professional goals and get paid fairly. We speak up about challenges in the workplace, and provide the tools you need to take the next steps in your career.

www.ladiesgetpaid.com

PROFILE

CONTACT

More Events From This Organizer

MON, AUG 14 6:30 PM

Ladies Get Drinks: Burlington

The Spot, Burlington



FREE

#Business #Networking



TUE, AUG 15 6:00 PM

Ladies Get Drinks: Chicago

Plymouth Rooftop Bar & Grill, Chicago



FREE

#Business #Networking



EXHIBIT 2

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 of 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

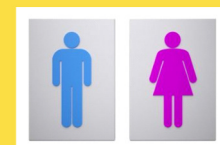
The following are examples of potential violations of the Unruh Act. The list is not meant to be exhaustive, and there is other conduct that may violate the Act.

- 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 3



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.