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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN DIEGO – NORTH COUNTY REGIONAL CENTER

11 STEVE FRYE,

12 Plaintiff,

13 v.

14 SAGE CLIENT 349, LLC d/b/a SPRINGHILL
15 SUITES OCEANSIDE; DJ MANDYMIXES;
16 MANDY RODRIGUEZ; and DOES 1 through
17 50, Inclusive,

18 Defendants.

Case No. 37-2017-00038591-CU-CR-NC

**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. Business & Professions Code § 125.6; and
4. Negligence

UNLIMITED JURISDICTION

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

21 Plaintiff Steve Frye alleges the following:

NATURE AND BASIS OF CLAIMS

22 1. Imagine the uproar, the protests, and the calls for a boycott by feminists and equal rights
23 advocates if Defendant Sage Client 349, LLC’s Springhill Suites Oceanside hotel (“Springhill Suites”)
24 had the temerity to host an event with the exclusionary title of “Men’s Night Out,” for which the
25 advertisements brazenly promised that only people with certain personal characteristics would be
26 welcome, as follows:
27
28

1 **Who can attend?**

2 This event is open to ALL men 21 and over! You just have to be pre-
3 registered and like to have fun! Invite and register as many friends as
4 you like!

5
6 2. Yet, as seen in the below excerpt from Exhibit 1 to this Complaint, Defendants Springhill Suites,
7 DJ MandyMixes, and Mandy Rodriguez had no problem advertising, marketing, sponsoring, hosting,
8 employing, or otherwise at least aiding an event with the exclusionary title of “Girls’ Night Out,”
9 which was held at Springhill Suites on Saturday, August 26, 2017, and for which the advertisements
10 brazenly promised that only women were welcome at this event in this supposed place of public
11 accommodations, as follows:

12
13 **Who can attend?**

14 This event is open to ALL women 21 and over! You just have to be pre-
15 registered and like to have fun! Invite and register as many friends as
16 you like!

17
18 3. At all times relevant to this Complaint, Plaintiff Steve Frye was and still is a man. In May of
19 2017, after seeing an advertisement for Defendants’ Girls’ Night Out that read that the event was
20 seemingly only “open to ALL ladies 21 and over,” Mr. Frye sent Defendants DJ MandyMixes and
21 Mandy Rodriguez an email asking if he could attend the event given that he was a man and the ad
22 seemed to be saying that this was a no-men-allowed event at this place of public accommodation. DJ
23 MandyMixes and Mandy Rodriguez promptly replied to Mr. Frye with an email that read as follows:

24
25 Hi Steve - Thank you for your interest in my dance party! As of right now it's just for
26 the girls. But I'm looking into possibly having a separate dance party that would be
27 guys and gals. Would you like me to add you to my interest list so you get an update
28 when that happens?

1 4. Nevertheless, thinking that a hotel, i.e., a place of public accommodation, would not host a no-
2 men-allowed event, on August 26, 2017, the date of the event, Mr. Frye attempted to enter the
3 Springhill Suites' premises where the Girls' Night Out event was being held, and he was told by a
4 woman sitting at the entrance to the Girls' Night Out event that he could not attend. Mr. Frye was then
5 told by a Springhill Suites employee at the Springhill Suites hotel registration or front desk that the
6 event was for women only. Defendants refused Mr. Frye admission into the Girls' Night Out event
7 because of his sex. This event was advertised, marketed, sponsored, hosted, employed, or otherwise
8 at least aided by Defendants Springhill Suites, DJ MandyMixes, and Mandy Rodriguez.

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

16 6. As a result of Defendants' unequal treatment of patrons based solely on their sex, Defendants
17 denied consumers the equal accommodations, advantages, facilities, privileges, or services they are
18 entitled to under California's Unruh Civil Rights Act, codified as Civil Code section 51. Defendants'
19 Girls' Night Out event violated California's strong public policy to eradicate sex discrimination,
20 reflected in the many California statutes that prohibit businesses from discriminating against patrons
21 based on their sex. Defendants' Girls' Night Out event violated California Civil Code sections 51 and
22 51.5, and California Business & Professions Code section 125.6, all of which prohibit California
23 businesses from treating patrons unequally based on their sex.

24 7. For a business operating in the progressive state of California, in the year 2017, to provide
25 accommodations, advantages, privileges, or services to only female patrons, is as repugnant and
26 unlawful as businesses being involved in a "Caucasian Night" or a "Heterosexual Night" and denying
27 admission and discounted drinks and other accommodations, advantages, privileges, or services to
28 patrons of color or to gay or lesbian patrons, respectively. Simply put, it is against many California

1 laws for a business to discriminate against patrons based on their sex or other personal characteristics,
2 such as race or sexual orientation, which should surprise no one.

3 8. The seminal California Supreme Court case on businesses that treat male and female consumers
4 unequally based on their sex, *Koire v. Metro Car Wash* (1985) 40 Cal.3d 24, held that Ladies’ Day
5 and Ladies’ Night promotions that treated patrons unequally based on sex by charging male patrons
6 more than female patrons for the same thing—as little fifteen cents more—violated the Unruh Civil
7 Rights Act. *Koire* found “Public policy in California strongly supports eradication of discrimination
8 based on sex. The Unruh Act expressly prohibits sex discrimination by business enterprises.” *Id.* at
9 37.

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

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

1 11. *Koire* was upheld by the California Supreme Court in its most recent opinion on sex-based
2 promotions, *Angelucci v. Century Supper Club* (2007) 41 Cal.4th 160, wherein the Court unanimously
3 ruled that men who were charged more than women to enter a supper club on Ladies Night did not
4 have to assert their right to equal treatment to the offending business in order to have standing for a
5 Civil Code section 51 or 51.5 claim.

6 12. Defendants’ no-men-allowed Girls’ Night Out event caused discontent, animosity, harm,
7 resentment, or envy among the sexes, constituted arbitrary, unreasonable, and/or invidious
8 discrimination, constituted a willful and malicious injury to Plaintiff, and contravened California’s
9 historical effort to eradicate sex discrimination. Defendants willfully and maliciously injured Plaintiff
10 during its Girls’ Night Out event by knowingly and intentionally denying Plaintiff admission and other
11 services and goods based solely on Plaintiff’s sex.

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

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

25 15. By this action, Plaintiff Steve Frye seeks redress for Defendants’ no-men-allowed Girls’ Night
26 Out event that treated men and women unequally based solely on their sex.

1 **PARTIES**

2 16. Plaintiff Steve Frye is a man and a California resident.

3 17. On information and belief, at all times relevant hereto, Defendant Sage Client 349, LLC is a
4 Colorado limited liability company, registered with the California Secretary of State as limited liability
5 company Number 201131210196, and doing business as “Springhill Suites Oceanside” located at 110
6 North Myers Street, Oceanside, California, and holding California Department of Alcoholic Beverage
7 Control License Number 47-532652.

8 18. On information and belief, at all times relevant hereto, Defendant DJ MandyMixes is a
9 business of unknown form not registered with the California Secretary of State.

10 19. On information and belief, at all times relevant hereto, Defendant Mandy Rodriguez is the sole
11 proprietor and/or alter ego of DJ MandyMixes.

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

18 21. Unless otherwise alleged, whenever reference is made in this complaint to any act of
19 “defendant,” “defendants,” or to a specifically named defendant, such as “McFadden’s” such
20 allegation shall mean that each defendant acted individually and jointly with the other defendant
21 named in the complaint.

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

27 23. At all relevant times alleged herein, each defendant has been each the agent, alter-ego,
28 representative, partner, joint venturer, employee, or assistant of the other defendants and has acted

1 within the course and scope of said agency, alter-ego, representation, partnership, or joint venture with
2 the knowledge, notification, authorization, and consent of each of the other defendants.

3
4 **JURISDICTION AND VENUE**

5 24. This court has subject matter jurisdiction over this matter pursuant to Article VI, section
6 10 of the California Constitution because this action is a cause not given by statute to other trial courts,
7 and seeks (among other relief) a permanent injunction. Subject matter jurisdiction is further premised
8 on, *inter alia*, California Civil Code sections 51, 51.5, and 51.6, and Business and Professions Code
9 section 125.6.

10 25. This court has personal jurisdiction over defendants in this action because all
11 defendants do sufficient business in California and have sufficient minimum contacts in California to
12 render the exercise of personal jurisdiction over them by California courts consistent with traditional
13 notions of fair play and substantial justice.

14 26. Venue is proper in this court because the unequal treatment alleged herein occurred in
15 Oceanside, California.

16
17 **FIRST CAUSE OF ACTION**

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

19 **Against All Defendants**

20 **Refusing to Allow Plaintiff Admission Into Defendants' Girls' Night Out Event**

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

23 28. By denying Plaintiff admission into the no-men-allowed Girls' Night Out event and
24 providing admission to only female patrons, Defendants intentionally denied equal accommodations,
25 advantages, facilities, privileges, or services to Plaintiff based on his sex, which is prohibited by the
26 Unruh Civil Rights Act, codified as Civil Code section 51.

27 29. A substantial motivating reason for Defendants' conduct was the Plaintiff's sex.
28

- 1 30. Defendants' conduct harmed Plaintiff.
2 31. Defendants' conduct was a substantial factor in causing harm to Plaintiff.
3 32. Defendants' unequal treatment of customers subjects Defendants to injunctive relief.
4

5 **SECOND CAUSE OF ACTION**

6 **Violation of Civil Code Section 51.5**

7 **Against All Defendants**

8 **Refusing to Allow Plaintiff Admission Into Defendants' Girls' Night Out Event**

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

11 34. By denying Plaintiff admission into the no-men-allowed Girls' Night Out event and
12 providing admission to only female patrons, Defendants discriminated against Plaintiff based on his
13 sex, which is prohibited by Civil Code section 51.5.
14

15 35. A substantial motivating reason for Defendants' conduct was the Plaintiff's sex.

16 36. Defendants' conduct harmed Plaintiff.

17 37. Defendants' conduct was a substantial factor in causing harm to Plaintiff.

18 38. Defendants' unequal treatment of customers subjects Defendants to injunctive relief.
19

20 **THIRD CAUSE OF ACTION**

21 **Against Defendant Sage Client 349, LLC**

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

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

25 40. Defendant Sage Client 349, LLC is the holder of California Department of Alcoholic
26 Beverage Control License Number 47-532652.

27 41. Upon information and belief, by denying Plaintiff admission to Defendants' no-men-
28 allowed Girls' Night Out event, Sage Client 349, LLC made a discrimination or restriction in the

1 performance of its ABC-licensed activity of providing and serving alcoholic beverages to the public
2 on the basis of the patrons' sex, as proscribed by California Business & Profession Code section 125.6.

3 42. Sage Client 349, LLC's conduct harmed Plaintiff.

4 43. Sage Client 349, LLC's conduct subjects Sage Client 349, LLC to injunctive relief

5
6 **FOURTH CAUSE OF ACTION**

7 **Against Defendant Sage Client 349, LLC**

8 **Negligence**

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

11 45. Sage Client 349, LLC had a duty of care to avoid injury to Plaintiff. Specifically, Sage
12 Client 349, LLC had a duty of care to avoid treating Plaintiff unequally based on his sex.

13 46. Sage Client 349, LLC selected, hired, retained, and contracted with persons and/or
14 entities that harmed Plaintiff, as described above.

15 47. Sage Client 349, LLC had the authority and duty to supervise, prohibit, control, and/or
16 regulate these persons and/or entities that harmed Plaintiff.

17 48. Sage Client 349, LLC knew or reasonably should have known that persons or entities
18 would indeed harm Plaintiff.

19 49. Sage Client 349, LLC breached its duty of care by (1) denying Plaintiff his right to
20 equal treatment, and (2) failing to use reasonable care in selecting, hiring, supervising, retaining, or
21 contracting with persons or entities that harmed Plaintiff.

22 50. In the alternative, Sage Client 349, LLC negligently conceived, implemented, and/or
23 aided the no-men-allowed Girls' Night Out event.

24 51. As a direct and proximate result of Sage Client 349, LLC negligence and negligent
25 hiring, supervision, and retention, Plaintiff suffered damages in amounts to be proven at trial.
26
27
28

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff prays for the following relief:

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

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

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

9 4. For such other and further legal and equitable relief as this court may deem proper.
10

11 Dated: October 4, 2017

Respectfully submitted,

12
13 By: /s/ Alfred G. Rava
14 Alfred G. Rava
15 Rava Law Firm
16
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EXHIBIT 1



2nd Annual
**Back-to-School
 DANCE PAR-TAY!**
 #MMDP2017
 a MandyMixes Production
 Girls' Night Out
 Saturday, August 26, 2017
 5pm - 9pm, \$15 cover
 SpringHill Suites Marriott, Oceanside
 Dancing on the rooftop with ocean views to songs YOU want to hear...
 From "back in the day" to today!

Sponsored by:

- Venue Sponsor: SPRINGHILL SUITES® MARRIOTT
- Event Planning Sponsor: Signature Style EVENTS
- Marketing Sponsor: Jordan & Jordan MARKETING
- Anchor FINANCIAL
- Laurie HOPPS clean living consultant
- STACEY HOY Origami Owl
- RUBY RIBBON INDEPENDENT STYLIST
- Lil' Biggs Bakery
- COG
- Slip's Club
- Makeup Deb
- SAGGIO POCKET Magnetic Pocket
- TRUEBLUE portrait design TRUEBLUEPORTRAIT.COM

AUG 26 Dance Party! A Girls' Night Out!

by DJ MandyMixes



\$15

Tickets

TICKET SALES HAVE ENDED

Can't wait to see you on the dance floor on August 26th!

DESCRIPTION

TICKETS ARE SOLD OUT, BUT CLICK THE GREEN "TICKETS" TO BE ADDED TO THE WAITLIST.

#MMDP2017

DATE AND TIME

Sat, August 26, 2017

5:00 PM – 9:00 PM PDT

LOCATION

SpringHill Suites San Diego
Oceanside/Downtown
110 North Myers Street
Oceanside, CA 92054



[View Map](#)

FRIENDS WHO ARE GOING



Connect



Come dance the night away on the rooftop with ocean views to songs YOU want to hear...from "back in the day" to today! Here are the details:

Saturday, August 26, 2017

5pm-9pm

SpringHill Suites by Marriott Oceanside

110 North Myers Street, Oceanside, CA 92054

DON'T FORGET TO CHECK OUT THE FAQs AT THE VERY BOTTOM

THEME: Let's See Your Sparkle!

ATTIRE:

Sparkles! A sequin dress, a sparkly t-shirt, a bedazzled jean jacket or you FAVE sparkly jewelry!

Sparkles aren't your thing? No worries, come as you are! Have fun with it!

FOOD:

Appetizers provided!

Looking for a full dinner? *Consider having dinner before the party at "Hello Betty" right next door!

BEVERAGE:

Fully stocked *CASH BAR with beer, wine and cocktails right on the rooftop!

CASH ONLY! Remember to BRING CASH!

*Please only purchase your beverages from the on-site event bar NOT via Hello Betty as we have an agreement with the hotel. Thank you!

SLUMBER PARTY!

Get a hotel room that leads right to the dance floor! We only have 10 available for our party.

[VIEW: VENUE & HOTEL ROOM TOUR](#)

[BOOK HOTEL ROOM](#)

FAQs

Can my friends still get tickets at the door?

Sorry, no. The event is sold out and has reached its max capacity.

Who can attend?

This event is open to ALL ladies 21 and over! You just have to be pre-registered and like to have fun! Invite and register as many friends as you like!

Why should I attend?

Check out all the fun we had in the video coverage from the [1st Annual Dance Party](#) in 2016!

Are there special discounted rates if I want to spend the night at the hotel?

Yep! In fact we encourage you to grab some friends and make it a slumber party! Rooms are only \$209 per night! Only 10 Rooms available at this discounted price. Each room has a balcony that connects directly to the dance floor with a gorgeous ocean view! ROOMS sleep 4-8 people! (2 Queens OR 1 King, PLUS a pull-out couch/mini-living room) [BOOK HERE](#) by August 1, 2017.

Why does the event end at 9pm?

We are sharing the balcony with other hotel guests; therefore the hotel requires the music to be turned off at 9pm; however you are welcome to hang out on the balcony for awhile afterwards!

Are there ID requirements or an age limit to enter the event?

It is a 21+ party, Wristbands will be handed out at the door that you must wear to identify you are with our group.

What are my transport/parking options getting to the event?

PARKING:

- On-site valet: \$15 per day/\$26 overnight (no self-parking)
- Metered Street Parking: \$1 per hour, don't forget your coins!
- FREE Parking Garage: Oceanside Transit Station about 3 blocks away (195 S. Tremont St.)
- There are other (fee-based) parking lots/garages in the area as well.

PUBLIC TRANSPORTATION:

- Amtrak & Sprinter stations are located within 1-2 blocks from the hotel

What can/can't I bring to the event?

No outside food or drinks, with the exception of food from the "Hello Betty" Restaurant

Where can I contact the organizer with any questions?

Mandy@MandyMixes.com

Is my registration/ticket transferrable?

Yes, if you can't attend and want to give away your admission you can make adjustments to your ticket here on Eventbrite or email

Mandy@MandyMixes.com with the name(s) of the new attendee no later than 5pm PST, August 25, 2017.

TAGS

Things To Do In Oceanside, CA

Party

Music

SHARE WITH FRIENDS



DJ MandyMixes

Organizer of Dance Party! A Girls' Night Out!

 [mandymixes](#)

 [mandymixes](#)

DJ MandyMixes has been a lover of music since she first stepped on the dance floor at the age of 3 at her uncle's wedding and threw a fit when the DJ had to leave at the end of the night. She was in show choir throughout high school and has informally been the DJ and/or Emcee at many family and friend's parties almost her whole life. She spent 10 years in the event planning industry before becoming a full-time DJ and that experience gave her the ability to understand the details and importance of keeping the flow of your event moving while keeping the mood lively. With nearly 5 years experience and 125+ events since its inception, Mandy Mixes DJ & MC, is your experienced solution for your corporate and private events

Why hire MandyMixes?

- Pre-event planning and collaboration included in all packages
- Experienced DJ and MC knows how to read the crowd and keep the event flowing smoothly
- Affordable rates with all equipment, set up and pre-planning included
- Did you know people respond better to a female voice?

Get the best for your event!

- Focus on your guests, not on the technical details
- Reduce stress with pre-planning and collaboration
- Feel at ease knowing the music is handled and the event will stay on schedule
- Relax and enjoy your event as the music sets the mood

Contact or [BOOK DJ MANDYMIXES](#)

[See DJ MandyMixes in Action!](#)

[PROFILE](#)

[CONTACT](#)

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

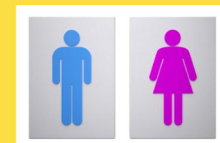
The following are examples of potential violations of the Unruh Act. The list is not meant to be exhaustive, and there is other conduct that may violate the Act.

- 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>

In accordance with the California Government Code and Americans with Disabilities Act requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact the DFEH at the telephone numbers and links above.



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

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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.