December 23, 2020

Via Electronic Filing

Honorable Chief Justice and Honorable Associate Justices
Supreme Court of California
350 McAllister Street
San Francisco, California 94102

Re: Amicus Letter of Public Rights Project *et al*. in Support of Petition for Review
Wood v. Superior Court
Supreme Court Case No. S262303
Fourth Appellate District Case No. D076325
San Diego Superior Court Case No. 37-2018-00019066

Dear Honorable Justices:

Public Rights Project, A Better Balance, Centro Legal de la Raza, Equal Justice Society, People's Parity Project, and Women's Law Project (collectively, "*Amici*") respectfully submit this letter brief pursuant to California Rules of Court, rule 8.500(g) in support of the Petition for Review filed by the ACLU Foundation of San Diego. The Petition seeks review of *Wood v. Superior Court of San Diego Cty.*, 259 Cal. Rptr. 3d 798 (Cal. Ct. App. 2020), *as modified* (Apr. 8, 2020). In *Wood*, the Court of Appeal concluded that attorney-client privilege did not apply to communications between a *pro se* complainant alleging civil rights violations and the Department of Fair Employment and Housing, California's agency charged with enforcing civil rights protections in public accommodations. *Amici* urge this court to review the *Wood* decision, which errs in both law and policy.

IDENTITY AND INTEREST OF AMICI

Amici are nonprofit organizations that support local and state government efforts to protect the rights of their residents, especially their most vulnerable.[1] We support enforcement of California's civil rights laws, and in some cases, have brought complaints to the attention of the Department of Fair Employment and Housing and have worked with victims to file complaints. As organizations dedicated to protecting civil rights, *amici* have a substantial interest in ensuring that the protections under California's fair employment and housing laws are available to all residents. Robust state and local enforcement of civil rights is necessary to achieve those ends. Among other things, longstanding enforcement gaps have been exacerbated

[1] *Amici*'s individual statements of interest can be found attached hereto in Appendix A.

by federal inaction and, in some cases, efforts to undermine civil rights. In order for the promise of our civil rights laws to be made true, we need strong state and local enforcement.

LETTER BRIEF IN SUPPORT OF PETITIONER

The California legislature has charged the Department of Fair Employment and Housing (the "Department") with eliminating discrimination in housing, employment, and places of public accommodation. To fulfill this vital purpose, the Department employs attorneys to investigate complaints brought by victims of discrimination and to litigate civil actions at its direction. At each stage of this process, the Department's attorneys must engage in sensitive and strategic communications with civil rights complainants—many of whom come from historically marginalized groups and may be particularly distrustful of government given histories of systemic racism.

In *Wood v. Superior Court of San Diego Cty.*, 259 Cal. Rptr. 3d 798 (Cal. Ct. App. 2020), *as modified* (Apr. 8, 2020), *review filed* (May 21, 2020) (hereafter, the "Court of Appeal Decision" or the "Decision"), the Court of Appeal decided that the attorney-client privilege did not apply to communications between the Department and a complainant. This decision conflicts with this Court's precedent, undermines the Department's ability to enforce state civil rights laws, and dissuades complainants from coming forward and sharing their experiences of harassment and discrimination. Without a guarantee of confidentiality, the Department's attorneys cannot have the full and frank communications with complainants necessary to vindicate their civil rights under California law and make progress toward the Department's goal of eliminating discrimination.

Amici urge this Court to grant the petition and reverse the Court of Appeal for four principal reasons. First, the Court of Appeal made two errors of law relating to the confidentiality of the communications. Communications with third parties are protected by the attorney-client privilege when they are reasonably necessary to accomplish the purpose of the client. Here, the emails between the Department's attorneys and Ms. Wood were necessary to achieve the client's (here, the Department) purposes. The Court of Appeal failed to apply this analysis to in error. Communications between the Department and Ms. Wood are also protected by the common interest doctrine.

Second, the Decision undermines the complementary federal and state systems of civil rights enforcement. Generally speaking, federal law provides the legal floor and states are encouraged to adopt more protective civil rights laws—both in substance and procedure. According to federal law, the communications between a complainant and a federal agency are treated as confidential. The Decision thus turns this parallel system on its head such that California's system offers less protections for civil rights complainants.

Third, the Court of Appeal Decision threatens the Department's ability to vindicate claims on behalf of the most vulnerable civil rights complainants. Without confidentiality of pre-litigation communications, the Department's attorneys cannot properly utilize trauma-informed

practices with complainants nor fully prepare those complainants for the challenges of civil rights litigation. Complainants who have experienced stress and trauma as a result of discrimination and harassment will be less likely to trust the Department.

Finally, the Decision disadvantages *pro se* complainants. A resourced complainant with private counsel could file their own suit to vindicate their rights. In addition, a represented complainant—when pursuing a claim through the Department—could have entered into a formal common interest agreement with the Department. The Decision uniquely disadvantages unrepresented complainants by failing to shield pre-litigation communications between Ms. Wood, who was *pro se* when she made the communications at issue, and the Department. Low-income individuals already face significant barriers when accessing justice under California's civil rights laws. The Decision puts them at a further disadvantage.

1. The Court of Appeal Erred by Failing to Recognize that Communications with Ms. Wood Were Reasonably Necessary to Accomplish the Purpose of the Department

The Court of Appeal Decision acknowledges that "a public entity enjoys an attorney-client relationship with its lawyers and the attorney-client privilege protects communications made in the course of that relationship," *Wood*, 259 Cal. Rptr. 3d at 808, but erred by failing to consider the implications of such a relationship to the communications at issue here. Under well-established precedent, there is an attorney-client relationship between the Department (a governmental agency) and its lawyers, analogous to the relationship between in-house attorneys and their corporate clients. *See D. I. Chadbourne, Inc. v. Superior Court of City & Cty. of San Francisco*, 388 P.2d 700, 709-10 (Cal. 1964) (establishing principles of corporate attorney-client relationship). In light of that attorney-client relationship between the Department and its attorneys, the question becomes whether communications between Ms. Wood, a third party, and the attorneys were reasonably necessary to accomplish the purpose of the client, the Department.

As defined in the Evidence Code, a "confidential communication between client and lawyer" includes information disclosed to third persons that "are present to further the interest of the client in the consultation" and those to whom "disclosure is reasonably necessary for the transmission of the information or the accomplishment of the purpose for which the lawyer is consulted." Cal. Evid. Code § 952; *see also* Cal. Evid. Code § 912(d) ("disclosure in confidence" of an attorney-client privileged communication does not constitute not waiver "when disclosure is reasonably necessary for the accomplishment of the purpose for which the lawyer . . . was consulted"). California courts have interpreted this standard to include disclosures ***from*** third parties as well as well as those ***to*** third parties. *Benge v. Superior Court*, 182 Cal. Rptr. 275, 280 (Cal. Ct. App. 1982).

In private litigation, for example, courts have concluded that communications with third parties such as a business associate, joint client, or "any other person who may meet with the client and his attorney in regard to a matter of joint concern" are protected by the attorney-client privilege. *Benge*, 182 Cal. Rptr. at 280. The privilege includes the "giving of [factual]

information to the lawyer to enable him to give sound and informed advice," particularly information gathered in anticipation of litigation. *Wellpoint Health Networks v. Superior Court*, 68 Cal. Rptr. 2d 844, 855 (Cal. Ct. App. 1997) (quotations omitted); *see also Scripps Health v. Superior Court*, 135 Cal. Rptr. 2d 126, 127, 131 (Cal. App. Ct. 2003) (applying privilege to investigative materials prepared in anticipation of litigation).[2]

Courts have found that necessary third persons include potential claimants like Ms. Wood, even when the third party does not have an attorney-client relationship with the disclosing attorney. *Benge*, 182 Cal. Rptr. at 281; *accord California Oak Found. v. Cty. of Tehama*, 94 Cal. Rptr. 3d 902, 905 (2009) (finding disclosure by County's counsel to third party developers as potential co-parties was necessary). In *Benge*, an attorney retained by a labor union held meetings with potential claimants who were union members in a lead poisoning suit. *Id.* at 278. Although most of the union members were unrepresented and most did not ultimately retain counsel to pursue claims, the court nonetheless held that communications with the potential claimants were protected by the attorney-client privilege. *Id.* at 281. The court in *Benge* concluded that the relevant inquiry was whether the presence of the union members was "essential for an objective evaluation of the lead poisoning situation at the plant and the rights of the union and its members." *Id.*

Here, communications with Ms. Wood, a third party, were reasonably necessary to accomplish the Department's purpose of conducting an "objective evaluation" as to whether Defendants have violated the Unruh Civil Rights Act by discriminating against an individual because of her gender identity. The confidential communications at issue here came at the behest of the Department's attorneys in May 2017, after the attorneys had shared their legal analysis with Ms. Wood in a confidential conversation about her claims. This conversation took place after the Department had reviewed Ms. Wood's pre-complaint inquiry, conducted an intake, and transferred the matter to its Legal Division for expedited investigation. As part of this confidential conversation concerning the legal analysis of the Department's claims, the Department sought certain information in confidence about her claims. In direct response to this request, Ms. Wood sent the confidential emails at issue here.

As in *Benge*, where the court concluded all members had a common goal of discussing and receiving "legal advice concerning their workers' compensation rights against their employer," 182 Cal. Rptr. at 281, the Department and Ms. Wood had a common goal in discussing the Department's legal analysis concerning whether Defendants had violated the Unruh Act. Here, it is undisputed that Ms. Wood sent the emails at issue at the direction of the Department's attorneys and that these emails revealed details arising from a conversation in which the Department's attorneys provided legal analysis of Ms. Wood's claims. Department's

[2] To be covered, the communications must have some "relationship to the attorney's provision of legal consultation" *Los Angeles Cty. Bd. of Supervisors v. Superior Court*, 386 P.3d 773, 779 (Cal. 2016). For example, communications concerning facts that *would not* reveal "a government agency's investigative efforts and trial strategy" fall outside the scope of the privilege. *Id.* at 781 (quotations omitted); *accord Coito v. Superior Court*, 278 P.3d 860, 869 (Cal. 2012) (applying attorney-client privilege to witness statements that reveal an attorney's "theory of the case" or "evaluation of what issues are most important"). That limitation is not applicable here.

Return to Order to Show Cause at 11, *Wood v. The Superior Court of San Diego County*, No. D076325, (Cal. Ct. App. Nov. 8, 2019) ("DFEH Return").

Hence, the pre-litigation emails at issue constitute the type of communications protected by the attorney-client privilege because they would reveal the agency's investigative efforts and legal strategy. *Los Angeles Cty. Bd. of Supervisors*, 386 P.3d at 781. The context of these communications supports the conclusion that the emails contain information that enabled the Department's lawyers to provide sound and informed legal advice to the agency.[3] In contrast, for example, the information provided by a complainant in a pre-complaint inquiry or a complaint filed with the Department does not yet reveal any aspects of the agency's legal strategy and would not be covered by the attorney-client privilege.

2. The Common Interest Doctrine Protects Pre-Litigation Communications Between Government Entities and Complainants

The Court of Appeal Decision also erroneously dismissed the applicability of the common interest doctrine to the communications between Ms. Wood and the Department's attorneys. *Wood*, 259 Cal. Rptr. 3d at 817 n.4 (concluding the common interest doctrine was "not at issue here"). Pursuant to the common interest doctrine, parties who possess common legal interests may share privileged information without losing the protection afforded by the attorney-client privilege or the work product doctrine. *OXY Res. California LLC v. Superior Court*, 9 Cal. Rptr. 3d 621, 634 (Cal. Ct. App. 2004). Courts apply a three-part test to determine whether parties are protected by the common interest doctrine: a disclosure is protected when (1) it relates to a common interest between the two parties; (2) the disclosing attorney has a reasonable expectation that the third party will preserve confidentiality; and (3) the disclosure is reasonably necessary for the accomplishment of the purpose for which the disclosing attorney was consulted. *See Meza v. H. Muehlstein & Co*., 98 Cal. Rptr. 3d 422, 431 (Cal. Ct. App. 2009). Applying the test here, the Department and Ms. Wood share a common interest and their disclosures are protected.

First, communications between Ms. Wood and the Department are related to their common interest. Courts have found that the first prong of the common interest doctrine test is satisfied when the parties share a common interest in pursuing investigation or litigation—in other words when the parties are squarely aligned on the same side in an investigation or litigation. *See Seahaus La Jolla Owners Assn. v. Superior Court*, 169 Cal. Rptr. 3d 390, 400, 404 (Cal. Ct. App. 2014) (finding homeowners and homeowner association shared a common interest in investigation and litigation of construction defect); *Meza v. H. Muehlstein & Co.*, 98 Cal. Rptr. 3d 422, 432 (Cal. Ct. App. 2009) (defendants shared a common interest in "anticipating and analyzing Meza's litigation strategies and in retaining joint defense consultants and experts").

[3] The Department has already disclosed non-privileged information related to the investigation to Crunch, including the names of interviewed witnesses as well as notes regarding the witness interviews conducted by Enforcement Division rather than Legal Division staff. DFEH Return at 11.

The commonality of interest is quite clear in this case, given that the Department brought suit in its own name and also on behalf of Ms. Wood as the real party in interest.

Second, the Department attorneys had a reasonable expectation that Ms. Wood would preserve the confidentiality of their communications, given the course of their dealings with Ms. Wood. Throughout their review process, Department attorneys took steps to limit the disclosure to third parties. *See Seahaus*, 169 Cal. Rptr. 3d at 405 (finding there was a reasonable expectation of confidentiality when association's attorneys limited communications to parties with common interests); *accord Benge*, 182 Cal. Rptr. at 277, 281 (concluding expectation of privacy was reasonable when meeting was limited to union members who shared lead poisoning claims in common). In May 2017, the Department's attorneys asked Ms. Wood to provide "certain information in confidence about her claim" in a private communication to her alone. DFEH Return at 10. In response to that request, Ms. Wood sent the confidential emails at issue here. DFEH Return at 10-11. The Department and Ms. Wood have subsequently taken steps to preserve the confidentiality of those emails. DFEH Return at 18.

As to the third prong, confidential communications, including soliciting information from Ms. Wood related to the Department's legal analysis of her claims, were reasonably necessary to further the Department's purpose of holding Defendants liable for violations of the Unruh Civil Rights Act. Without knowing the contents of the communications at issue, it is very likely that said communications from Ms. Wood might have indicated how her experiences did, or did not, accord with the Department's legal analysis. Such communications would have been reasonably necessary to further the Department's efforts in vetting and testing its claims and application of the law to facts in Ms. Wood's possession.

3. The Decision Undermines a Fundamental Goal of Parallel State and Federal Enforcement of Civil Rights Laws

The Court of Appeal Decision's application of attorney-client privilege and common interest doctrine to the Department renders California civil rights law inconsistent with federal law, thereby undermining one of the fundamental purposes of the parallel structure of state and federal enforcement.[4] Every state in the country has a civil rights agency like the Department that is tasked with enforcing state civil rights laws.[5] Under this parallel federal-state structure, federal

[4] *Compare* the Decision *with Relationship Between Dep't of Justice Attorneys & Persons on Whose Behalf the United States Brings Suits Under the Fair Hous. Act*, 19 U.S. Op. Off. Legal Counsel 1 (1995) (analyzing language that Department of Justice undertakes matters "on behalf of" complainants and finding that parties do have a "mutual interest in vindicating federally established protection from housing discrimination, and disclosures made by the complainant would facilitate the rendition of legal services to both the government as a client and to the complainant" such that the common interest doctrine applies).

[5] U.S. Comm'n on Civil Rights, "Civil Rights Directory: State and Local Agencies," https://www.usccr.gov/pubs/crd/stateloc/all.htm.

law sets a floor and gives states the opportunity to enact more protective measures, including more protective civil rights procedures.[6]

California is one such state that has enacted civil rights protections and procedures that are more extensive than those provided under federal law. *See, e.g., Romano v. Rockwell Int'l., Inc.*, 32, 926 P.2d 1114, 1124-26 (Cal. 1996) (rejecting federal precedent that the statute of limitations starts to run when an employee is *notified* of their termination and instead finding the limitations period starts to run at the time of discharge for the Fair Employment Housing Act, a more protective interpretation). Moreover, this Court has stated that the Fair Employment Housing Act "shall not be 'construed to afford to the classes protected under this part, fewer rights or remedies' than the federal statutory scheme." *Konig v. Fair Employment and Hous. Comm'n.*, 50 P.3d 718, 727 (Cal. 2002).

Here, the Court of Appeal Decision undermines federal-state parallel structure with respect to agency-complainant communications. Federal courts have concluded that communications between a complainant and a federal agency in anticipation of litigation are protected by the common interest doctrine. *See E.E.O.C. v. v. DiMare Ruskin, Inc.*, No. 2:11-CV-158-FTM-99, 2012 WL 12067868, at *6 (M.D. Fla. Feb. 15, 2012) (applying the common interest doctrine to communications between the Equal Employment Opportunity Commission and victims); *U.S. v. Gumbaytay*, 276 F.R.D. 671, 674-76 (M.D. Ala. 2011) (applying the common interest doctrine to pre-litigation communications with complainants to the Department of Housing and Urban Development); *see also Illinois ex. rel. Madigan v. Illinois High Sch. Ass'n.*, No. 12-cv-3758, 2014 WL 517969 (N.D. Ill. Feb. 10, 2014) (reasoning that state Attorney General and private party as co-plaintiffs had a common interest in obtaining compliance with federal disability discrimination laws and that doctrine precluded waiver of attorney-client privilege).

4. Without Confidentiality, the Department Is Unable to Utilize Much-Needed Trauma-Informed Practices.

The Decision prevents the Department from adopting a trauma-informed approach to complainants. In order to bring cases for violations of California civil rights laws, the Department requires the cooperation of victim-complainants during litigation, many of who have experienced trauma. Yet, disclosure during the legal process of their personal information without their consent can be re-traumatizing and cause lasting harm.[7] Trauma-informed

[6] Title VII explicitly states that federal law does not "relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State." 42 U.S.C. § 2000e-7; *see also California Fed. Sav. & Loan Ass'n v. Guerra*, 479 U.S. 272, 283 (1987) (discussing "importance Congress attached to state antidiscrimination laws in achieving Title VII's goal of equal employment opportunity"). Other federal antidiscrimination laws similarly act as a floor for liability and authorize additional state and local enforcement. *See generally* Stephen F. Befort, *Demystifying Federal Labor and Employment Law Preemption*, 13 THE LAB. LAWYER 429 (1998).

[7] *See, e.g., Matter of M.E.B.*, 126 N.E.3d 932, 936-38 (Ind. Ct. App. 2019) (holding that public access to a transgender woman's case records would create significant risk of substantial harm, relying on evidence that

advocacy involves creating "a safe environment" in which an individual can share their stories and experiences.[8] Individuals who have experienced trauma are more likely to approach legal consultations "with deeply rooted feelings of distrust"[9] and transgender people in particular report experiencing "misunderstanding or hostility from other service providers and the legal system."[10] The same is true of people with disabilities,[11] people of color,[12] and other protected groups. "[P]rivacy and confidentiality" are key to creating an environment of trust and understanding for individuals who have experienced trauma.[13] Without assurances of confidentiality, many who have experienced discrimination or harassment and subsequent trauma will not report their experiences.[14]

5. The Court of Appeal Decision Particularly Disadvantages *Pro Se* Complainants

The Decision has the effect of further discouraging *pro se* complainants, who otherwise face significant barriers to seeking relief through the legal system, from coming forward. Finding support through the Department is often the only feasible way for low-income complainants to access justice under California state civil rights laws. When complainants file a claim, the Department investigates 82 percent of complaints and bears the costs of any potential

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transgender individuals were disproportionately impacted by violence, homicide, discrimination, and harassment). *See also* Thomas G. Gutheil *et al.*, *Preventing "Critogenic" Harms: Minimizing Emotional Injury from Civil Litigation*, J. Psychiatry L., Spring 2000, 5, 13-15 (arguing that each stage of the legal process can produce retraumatization, violate boundaries, and arrest healing). For the transgender community, stigma is a "fundamental cause of adverse health" because it induces stress (a key driver of morbidity and mortality) and restricts access to health protective resources such as money and safe housing. Jaclyn M. White Hughto *et al.*, *Transgender Stigma and Health: A Critical Review of Stigma Determinants, Mechanisms, and Interventions*, 147 SOCIAL SCIENCE & MEDICINE 222, 223 (2015).

[8] Sara E. Gold, *Trauma: What Lurks Beneath the Surface*, 24 CLINICAL L. REV. 201, 230 (2018).

[9] *Id.* at 225.

[10] Catherine Sakimura and Daniel Redman, *A Great Unmet Need: Legal Aid Services for Low-Income Transgender Clients*, MANAGEMENT INFORMATION EXCHANGE J., 29, 31 (Spring 2012).

[11] *See* Stephanie Ortoleva, *Inaccessible Justice: Human Rights, Persons with Disabilities and the Legal System*, 17 ILSA J. INT'L & COMP. L. 282, 300-02 (2011) (describing barriers for people with disabilities in obtaining legal assistance).

[12] *See, e.g.*, Sara Sternberg Greene, *Race, Class, and Access to Civil Justice*, 101 IOWA L. REV. 4, 1263 (2016) (finding that low levels of trust in legal and other institutions and negative past experiences with the criminal justice system play a significant role in why black respondents did not pursue help through the civil justice system).

[13] Gold, *supra* note 8, at 230.

[14] *See* Sarah Steadman, *From Out to In: The Opportunity and Need for Clinical Law Programs to Effectively Serve Low-Income LGBT Individuals*, 26 S. Cal. REV. L. & SOC. JUST. 1, 27 (2016) ("Because of past and ongoing experiences of discrimination or invisibility, many LGBT individuals who need access to legal aid may fear that they will not be welcome or safe within our agencies or in the justice system—and may therefore not seek out the help they need.")

investigation, mediation, and litigation.[15] In comparison, low-income households receive inadequate or no legal assistance for 86 percent of civil legal problems they face, despite being more likely to experience civil legal issues.[16] Low-income complainants also are disproportionately affected by the costs in pursuing their cases, including for transportation, childcare, and lost wages.[17] In many situations, those relatively high costs derail their efforts to begin an action or see it through to obtain a remedy, irrespective of the merit of the case.

The misapplication of the attorney-client privilege and common interest doctrine also uniquely disadvantages the Department when communicating with *pro se* complainants who are unable to afford an attorney. If Ms. Wood was represented by legal counsel at the time she brought her complaint to the Department, she would likely have entered into a common interest agreement with the Department, and a court would have been more likely find the communications at issue were protected under such an agreement. *See, e.g.*, *Armenta v. Superior Court*, 124 Cal. Rptr. 2d 273, 275-76 (Cal. Ct. App. 2002) (finding confidential communications covered by common interest agreement between private plaintiff and public entity). Alternatively, private counsel for well-resourced complainants can seek a right to sue letter from the Department and file suit directly. Cal. Gov't Code § 12965(b). Because private attorneys are less likely to accept cases from individuals earning lower wages,[18] the effect of this Decision disparately disadvantages victims of civil rights violations who lack means to hire private counsel. This Court should not allow such an unfair result to stand.

CONCLUSION

For the foregoing reasons, *amici* respectfully urge the Court to grant the Petitioner's petition for review.

[15] Gary Blasi & Joseph W. Doherty, *California Employment Discrimination Law and its Enforcement: The Fair Employment and Housing Act at 50*, UCLA School of Law Research Paper No. 10-06, (2010) 30, 36, *available at* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1596906.

[16] *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans*, Legal Services Corporation (2017).

[17] *See, e.g.*, Hillary Jo Baker, *No Good Deed Goes Unpunished: Protecting Gender Discrimination Named Plaintiffs from Employer Attacks*, HASTINGS WOMEN'S L. J., Jan. 1, 2009, 112.

[18] Blasi, *supra* note 15, at 40.

Respectfully Submitted,

By: /s/ *Jill E. Habig*

JILL E. HABIG
President
JONATHAN B. MILLER
Legal Director
LIJIA GONG
Counsel
Public Rights Project
4096 Piedmont Avenue #149
Oakland, CA 94612
(301) 335-3828
lijia@publicrightsproject.org

Attorneys for *amici curiae*

Appendix A
Amici's Statements of Interest

Public Rights Project ("PRP") works at the intersection of community organizing and government enforcement, with a specific focus on catalyzing equitable and community-based enforcement. Spurred by a mission to bridge the gap between the promise of laws and the lived experience of communities of color as well as other historically marginalized groups, PRP has focused considerable attention advocating for government enforcement of civil rights laws. For example, PRP has worked with gig workers in the home services industry to file a complaint with the Department of Fair Employment and Housing against Handy for company policies that enable and exacerbate sexual harassment.

A Better Balance ("ABB") is a national legal advocacy organization using the power of the law to advance justice for workers, so they can care for themselves and their loved ones without jeopardizing their economic security. Through legislative advocacy, direct legal services, strategic litigation, and public education, our expert legal team combats discrimination against pregnant workers and caregivers and advances supportive policies like paid sick time, paid family and medical leave, fair scheduling, and accessible, quality childcare and eldercare. ABB believes that when we value the work of providing care, which has long been marginalized due to sexism and racism, our communities and our nation are healthier and stronger. A significant part of ABB's work involves assisting low-wage workers with education and enforcement under the law through our free and confidential legal helpline.

Founded in 1969, **Centro Legal de la Raza** is a legal services agency protecting and advancing the rights of low-income and immigrant communities through legal representation, education, and advocacy. By combining quality legal services with know-your-rights education and youth development, Centro Legal ensures access to justice for thousands of individuals throughout Northern and Central California. Centro Legal has an interest in the outcome of this case because its tenants' and workers' rights practices provide legal assistance to hundreds of low-income and immigrant tenants and workers each year, including assistance with many *pro se* complaints with the Department of Fair Employment and Housing.

The **Equal Justice Society** ("EJS") is transforming the nation's consciousness on race through law, social science, and the arts. A national legal organization focused on restoring constitutional safeguards against discrimination, EJS's goal is to help achieve a society where race is no longer a barrier to opportunity. Specifically, EJS is working to fully restore the constitutional protections of the Fourteenth Amendment and the Equal Protection Clause, which guarantees all citizens receive equal treatment under the law. EJS uses a three-pronged approach to accomplish these goals, combining legal advocacy, outreach and coalition building, and education through effective messaging and communication strategies. EJS's legal strategy aims to broaden conceptions of present-day discrimination to include unconscious and structural bias by using cognitive science, structural analysis, and real-life experience.

The **People's Parity Project** ("PPP") is a nationwide network of law students and new attorneys organizing to unrig the legal system and build a justice system that values people over profits. As members of the legal profession, the People's Parity Project network believes that it has a

responsibility to demystify—and dismantle— the coercive legal tools that have stacked the system against the people. It is fighting for a civil legal system that works for working people, especially workers of color, women, and low-wage, precarious, immigrant, disabled, and LGBTQ+ workers.

Founded in 1974, the **Women's Law Project** ("WLP") is a nonprofit public interest legal organization working to defend and advance the rights of women, girls, and LGBTQ+ people in Pennsylvania and beyond. WLP uses an intersectional analysis to prioritize work on behalf of people facing multiple forms of oppression based on sex, gender, race, ethnicity, class, disability, incarceration, pregnancy, and immigration status. WLP leverages impact litigation, policy advocacy, public education, and direct assistance and representation to dismantle discriminatory laws, policies, and practices and eradicate institutional biases and unfair treatment based on sex or gender. WLP believes reproductive freedom is the keystone to our work. WLP seeks equitable opportunity in many arenas including healthcare, education, athletics, employment, public benefits, insurance, and family law, and seeks justice for survivors of gender-based violence.

PROOF OF SERVICE

I am employed in the State of Pennsylvania. I am over the age of 18 years and not a party to the action; my residence address is at 931 Clinton Street #400 Philadelphia PA 19107.

On December 23, 2020, I served the following document(s):

AMICUS LETTER OF PUBLIC RIGHTS PROJECT ET AL. IN SUPPORT OF PETITION FOR REVIEW

on the interested parties in this action in the manner described below:

☒ **(By Mail)**

I placed a true copy thereof enclosed in a sealed envelope in the United States Mail at Richmond, VA addressed as follows in the attached Service List.

☒ **(By Filing via TrueFiling)**

I filed such document(s) via TrueFiling, thus sending an electronic copy of the filing and effecting service pursuant to CRC 8.212(b)(1), (c).

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on December 23, 2020, in Richmond, Virginia.

Nicole Harumi Miura
Paralegal
Public Rights Project

SERVICE LIST

Nelson Chan Jeanette Hawn DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING 2218 Kausen Drive, Suite 100 Elk Grove, CA 95758 elizabeth.munoz@dfeh.ca.gov jeanette.hawn@dfeh.ca.gov renee.paradis@dfeh.ca.gov *Attorneys for Plaintiff* *Department of Fair Employment and Housing*	By electronic service through TrueFiling
David Loy Melissa Deleon AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF SAN DIEGO AND IMPERIAL COUNTIES P.O. Box 87131 San Diego, CA 92138 dloy@aclusandiego.org mdeleon@aclusandiego.org lnaters@aclusandiego.org *Attorneys for Plaintiff-Intervenor* *Christynne Lili Wrene Wood*	By electronic service through TrueFiling
Amanda Goad Aditi Fruitwala AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF SOUTHERN CALIFORNIA 1313 W. 8th Street, Suite 200 Los Angeles, CA 90017 agoad@aclusocal.org afruitwala@aclusocal.org jdelgadillo@aclusocal.org *Attorneys for Plaintiff-Intervenor* *Christynne Lili Wrene Wood*	By electronic service through TrueFiling
Michael Lindsay Seth D. Levy Erin Holyoke NIXON PEABODY LLP 300 S. Grand Avenue, Suite 4100 Los Angeles, CA 90071 mlindsay@nixonpeabody.com slevy@nixonpeabody.com eholyoke@nixonpeabody.com *Attorneys for Plaintiff-Intervenor* *Christynne Lili Wrene Wood*	By electronic service through TrueFiling

Tamara G. Vail Liedle, Larson & Vail, LLP 12520 High Bluff Drive, Suite 200 San Diego, CA 92130 tvail@liedlelaw.com amayr@liedlelaw.com rrupe@liedlelaw.com *Attorneys for Real Parties in Interest CFG Jamacha, LLC dba Crunch Fitness and John Romeo*	By electronic service through TrueFiling
Anthony Vahram Seferian Office of the Attorney General 300 S. Spring Street, Suite 1725 Los Angeles, CA 90013 anthony.seferian@doj.ca.gov	By electronic service through TrueFiling
Office of the Clerk Honorable Joel R. Wohlfeil San Diego County Superior Court Department C-73, Sixth Floor 330 W. Broadway San Diego, CA 92101	By U.S. Mail
Office of the Clerk California Court of Appeal Fourth Appellate District, Division One 750 B Street, Suite 300 San Diego, CA 92101	By U.S. Mail