

http://www.farmersinsuranceopen.com/print_womensday.php

Women's Day



Presents **Healthy, Wealthy & Wise**



Friday, January 28, 2011 • 11:30 a.m.
at the Farmers Insurance Open

Golf is a lot like life...no matter what happens, you've got to keep playing and moving forward. Please reserve time for this unique golf experience with women of caliber who will share their perspective on strategies to staying in the game and winning.

Your day includes admission to the 2011 Farmers Insurance Open and private luncheon with keynote remarks, golf demonstration and special gift bag.

KEYNOTE SPEAKERS:

- Carol Lebeau
- Bonnie Dumanis
- Chancellor Marye Anne Fox

Women's Day Individual Ticket

Price: \$150

- Entrance to the Expo, Demonstration and Luncheon
- Daily Patron Badge which provides access to the Farmers Insurance Open on Friday, January 28th
- VIP Parking near Torrey Pines with continuous shuttle
- Event bag including promotions, products, and samples

Add to Cart

Women's Day Table of 10

Price: \$1,500

- Entrance to the Expo, Demonstration and Luncheon
- Daily Patron Badge which provides access to the Farmers Insurance Open on Friday, January 28th
- VIP Parking near Torrey Pines with continuous shuttle
- Event bag including promotions, products, and samples

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National Coalition For Men (NCFM)

Since 1977

932 C Street, Suite B, San Diego, CA 92101 - 619-231-1909 - www.ncfm.org - 501(c)3 charitable corporation

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January 7, 2011

Mr. Steve Black
Senior Vice President
Torrey Pines Bank
550 West C Street, Suite 100
San Diego, CA 92101

Re: Farmers Insurance Open Torrey Pines Bank Presents
Healthy, Wealthy & Wise Women's Day

Dear Mr. Black:

I am the president of The National Coalition For Men ("NCFM"). NCFM is a nonprofit educational organization that raises awareness about how sex discrimination adversely affects men and boys. NCFM is the oldest and largest men's rights organization in the United States, with members throughout every state and in several countries. NCFM is also a customer of Torrey Pines Bank.

I am writing because of the advertisements I have seen for the subject "Women's Day" promotion sponsored by Torrey Pines Bank that is scheduled to take place on January 28, 2011, at the Farmers Insurance Open. See, for example, the attached Women's Day advertisement on the Farmers Insurance Open website. I am both puzzled and disappointed that Torrey Pines Bank would sponsor a promotion such as a Women's Day, just as any women's equal rights organization, the general public, or any equal rights organization would be if Torrey Pines Bank sponsored a "Men's Day," "Caucasian Day," or "Heterosexual Day" promotion.

While it appears Women's Day is not exclusively for women, and men can attend by purchasing tickets or receiving complimentary ducats – the same as women, the Women's Day title will obviously deter men from attending this event at this place of public accommodation, just as labeling a promotion "Men's Day" would deter women from attending. Being deterred from a business based

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on a protected personal characteristic such as sex, race, sexual orientation, or medical condition is actionable under California's Unruh Civil Rights Act. See *Lentini v. California Center for the Arts, Escondido*, 370 F.3d 837 (9th Cir. 2005) (quadriplegic awarded statutory damages for the theatre performances she was deterred from attending because of defendants' actions); Cal. Civ. Code § 51 (codification of Unruh Act). And while it appears men can attend Torrey Pines Bank's Women's Day if they are not deterred from trying, the California Supreme Court has repeatedly found that sex-based promotions such as Ladies' Day and Ladies' Night violate the Unruh Civil Rights Act. *Angelucci v. Century Supper Club, LP* (2007) 41 Cal.4th 160 (men do not have to assert their right to equal treatment at a Ladies' Night to have standing for an Unruh Act or Gender Tax Repeal Act claim); *Koire v. Metro Car Wash* (1985) 40 Cal.3d 24 (Ladies' Day and Ladies' Night promotions violate the Unruh Act).

Civil Code section 52 provides the remedies for Unruh Act violations, which include minimum statutory damages of \$4,000 per offense, plus attorneys' fees to prevailing plaintiffs. Civil Code section 52 also imposes liability on those persons or businesses that aid in any discrimination. Therefore, if a bank were to sponsor a "Caucasian Day" or "Men's Day" that allowed people of color or men to attend despite the title of the event, and unsurprisingly people of color or women were deterred from attending because of the title, and the event were to be held at a golf course owned by a city and managed by a third party, in conjunction with a golf tournament sponsored by a major insurance company, and any other businesses were to somehow aid the seemingly exclusive promotion, all of those third parties could be liable for at least aiding in the discrimination. Given a large event such as this PGA tournament, there could be hundreds or thousands of offenses because of the many people of color or women who would attend the tournament. The PGA is already defending an Unruh Civil Rights class action lawsuit in Los Angeles Superior Court concerning its 2008 American Express Women's Golf Month promotion – *Campbell et al. v. American Express et al.*, Case Number BC414740.

Therefore, NCFM asks Torrey Pines Bank and Farmers Insurance to please promptly rename this event to something that is more inclusive and less of a deterrent to men. For example, "Women and Men's Night," "Men's and Women's Night," or simply "Everyone's Night" so that men, women, or anyone is deterred from attending this event because of some protected personal characteristic. Or, to drop such pretense entirely and use something like "Special Event Day."

After all, you wouldn't dream of sponsoring a "Men's Day" asking the public – and your customers – to "Please reserve time for the unique golf experience with men of caliber who will share their perspective on strategies to staying in the game and winning." Nor do I think Torrey Pines Bank would dare host a recurring "Men's Day" gathering at its branches where all of its employees are welcome, but the get-togethers have a male-dominant theme complete with all male speakers. So why would you think it is okay to host a similarly themed Women's Day promotion offsite at the Farmers Insurance Open at Torrey Pines golf course, and ask San Diego County's top law enforcement official, District Attorney Bonnie Dumanis, to get involved.

I look forward to your earliest response so I am confident Torrey Pines Bank, Farmers Insurance, and all the other entities and individuals involved in Women's Day are not employing, sponsoring, or aiding an event that deters men from attending and enjoying equal advantages, facilities, privileges, or services in this place of public accommodation. Much like a women's equal rights organization would be concerned about a "Men's Day" promotion deterring women from attending, or any equal rights organization would be concerned about a "Caucasian Day" event – even if women or people of color were allowed to attend.

Respectfully,



Harry A. Crouch
President, NCFM

cc: Robert Woudstra, Chief Executive Officer, Farmers Group
Allen Wronowski, President, PGA of America
Bonnie Dumanis, San Diego County District Attorney



January 14, 2011

Mr. Harry A. Crouch, President
National Coalition For Men (NCFM)
932 "C" Street, #B
San Diego, CA 92101

Re: Farmers Insurance Open/Torrey Pines Bank

Dear Mr. Crouch:

The Century Club of San Diego is a non-profit corporation organized for the main purpose of administering and promoting San Diego's annual PGA TOUR event, the Farmers Insurance Open. The net earnings are used solely for charitable purposes.

We received a copy of your letter of January 7, 2011 concerning the naming of one of our special events. We want to thank you for bringing your organization's concerns to our attention. In the spirit of cooperation, we will rename the event. We will also reword our promotional material to prevent any future concerns.

Very truly yours,

Tom Wilson, PGA
Executive Director
The Century Club of San Diego

Cc: Robert Woudstra, Chief Executive Officer, Farmers Insurance Group
Allen Wronowski, President, PGA of America
Bonnie Dumanis, San Diego County District Attorney