



AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Southern California

February 26, 2019

Anschutz Entertainment Group  
800 West Olympic Boulevard, Suite 305  
Los Angeles, CA 90015

AEG Presents, LLC  
425 West 11th Street, Suite 500  
Los Angeles, CA 90015

Goldenvoice, Inc.  
7175 Sunset Boulevard  
Los Angeles, CA 90046

*Via U.S. Certified Mail*

**RE: Ending Discrimination Against Transgender Concertgoers**

Dear Anschutz Entertainment Group (“AEG”), AEG Presents, and Goldenvoice:

We write on behalf of our clients Donavion (“Navi”) and Taiyande (“Juice”) Huskey, attendees of the 2018 Coachella Valley Music and Arts Festival (“Coachella”). Navi identifies as a transgender woman and Juice identifies as transmasculine, and they are siblings. Distressingly, on successive nights at Coachella 2018, both Navi and Juice were denied access to the restrooms that correspond to their respective gender identities by Coachella security personnel. This treatment violated California law and disrespected our clients. These incidents were especially problematic given organizers’ efforts to market Coachella as a safe and affirming environment for the LGBTQ community, representations that the Huskeys experienced as patently untrue. It is our understanding that Coachella is jointly produced by AEG’s subsidiary AEG Presents (formerly “AEG Live”) and Goldenvoice.

No one should be treated the way Navi and Juice were at Coachella 2018, either at a future Coachella festival or at any of the other concerts and venues under the ownership or control of AEG, AEG Presents, Goldenvoice, and their various affiliated entities. To prevent these disrespectful and illegal practices from occurring in the future, we ask that AEG, AEG Presents, and Goldenvoice establish, disseminate, and enforce clear, legally sound policies regarding restrooms and other gendered facilities, so as to allow transgender people (like everyone else) to use the restroom or other facility that corresponds to their gender identity as required by California law. We further ask that AEG and its affiliates and subsidiaries train all of their

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employees and contractors, including security contractors, on this policy. This change needs to occur not just at Coachella, but also at all other AEG and/or Goldenvoice events and properties in California, including but not limited to the Stagecoach Festival, Desert Trip, STAPLES Center, Fonda Theatre, Oracle Arena, and Shrine Auditorium. We ask that you provide documentation of your improved policies and training plan by March 6, 2019.

### **Facts**

In April of 2018, Navi and Juice attended Coachella along with several of their friends. On the second evening of the festival, Navi, a transgender woman, attempted to use the women's restroom. There were no complaints from anyone in the women's restroom line, but a security guard posted near the restroom entrance stopped Navi and told her she could not use the women's restroom. Navi asked why she was not allowed to use the women's restroom. The security guard did not answer Navi's question, nor did she direct Navi to the men's restroom or a gender-neutral restroom. Navi was extremely upset about this interaction and about the disruption it caused to what should have been a joyous evening of watching Beyoncé perform. Despite the distress it caused her, Navi left the women's restroom and did not use the restroom for the remainder of the evening. She used the gender-neutral portable toilets at the entrance of the festival for the remainder of her time at Coachella.

On the next day of the festival, Juice, who identifies as transmasculine, attempted to use the men's restroom. Remarkably, a security guard stationed inside the men's room confronted Juice, the same way the security guard had confronted Navi the night before. Like Navi, no one had objected to Juice's presence. Instead, the security guard said he would show Juice a gender-neutral restroom anyone could use. As soon as Juice was escorted out of the restroom through a back exit, the security guard turned around and left without saying anything more, which was surprising and hurtful for Juice. Juice was never directed to an alternative restroom and avoided using any on-site restrooms for the remainder of that day.

Navi has been clinically diagnosed with gender dysphoria, meaning that as a transgender woman, she has experienced significant distress as a result of others' perception that her gender identity does not align with her body or her sex assigned at birth. Navi has endured a history of difficult encounters while attempting to access public restrooms safely, and her treatment at Coachella caused her additional distress. Juice, meanwhile, as a transmasculine person feels more comfortable using men's restrooms in safe environments. Navi and Juice chose to attend Coachella in large part because it purports to be a welcoming environment for members of the LGBTQ community. Both were surprised and deeply troubled by the treatment they received at the festival, given its carefully crafted reputation as welcoming for all.

Moreover, Coachella has made specific representations regarding restroom access that Navi and Juice experienced as untrue. The [Frequently Asked Questions](#) section of the website for last year's festival stated that "...Gender-neutral restrooms will be available and may be used by any person regardless of gender identity or expression." [It also stated](#) that "Free, separate male, female and gender neutral private bathrooms and showers will be available in camping." We

highlight these representations because it is important that Coachella staff and contractors going forward honor them by making information available to all attendees about where and how to access gender-neutral facilities, but we also note that the availability of a gender-neutral facility does NOT excuse interference with any person's right to access gendered facilities that align with their gender identity, whether or not that person is transgender.

Navi and Juice, attending the festival together, were especially horrified that both of them separately experienced discriminatory and disrespectful treatment by two different security guards. Sadly, their experience is not unique. In a blog post, a copy of which is attached as Exhibit B, one transgender woman recounted the horror she felt being pulled from the women's shower line at the camp site during Coachella 2018. Further, media reports indicated that a woman attending a country music show at the STAPLES Center in September 2016 was escorted out of a women's restroom by a security guard who perceived her appearance as masculine. It appears that AEG's and Goldenvoice's failures to respect the gender identities of their patrons are widespread, and that security personnel are either receiving no guidance on this issue or perhaps even being trained to "gender police" patrons in violation of California law. We are concerned about the high likelihood that, if these practices are allowed to continue, other patrons will be misled by Coachella's marketing as a safe place for the LGBTQ community only to find that, in fact, these representations are untrue, and to endure hurtful confrontation and exclusion like our clients and others have.

### Law

California's Unruh Civil Rights Act states:

All persons within the jurisdiction of this state are free and equal, and no matter what their sex . . . are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

Civil Code § 51(b). Civil Code Section 51(e)(5) of the statute specifies that the definition of "sex" "includes, but is not limited to . . . a person's gender." "Gender" includes "a person's gender identity and gender expression." *Id.* "Gender expression" means "a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth." *Id.*

Refusing people access to the restroom which corresponds to their gender identity constitutes a denial to the full and equal accommodations, advantages, facilities, privilege, or services of a business establishment, as California courts have previously found under the Unruh Act. *See, e.g. Hankins v. El Torito Restaurants, Inc.*, 63 Cal. App. 4th 510, 74 Cal. Rptr. 2d 684 (1998) (disability discrimination found when restaurant denied a mobility impaired patron access to a ground floor restroom). Specifically, California law is clear across various contexts that individuals have the right to access restrooms (and other gender-segregated facilities) in accordance with their gender identity. *See Lozano v. AMPAC*, Sacramento Superior Court Case

No. 34-2013-00151153-CU-CR-GDS (March 13, 2014), *available at* <https://transgenderlawcenter.org/archives/10033> (allowing transgender employee to proceed with discrimination case based on exclusion from gender-appropriate locker room and restroom); 2 C.C.R. §11034(e)(3)(A) (specifying that employers must allow employees to use facilities corresponding to their gender identity rather than their sex assigned at birth); Education Code §221.5 (affirming that public school students have the right to access sex-segregated facilities based on their gender identity). Denying festival-goers access to the restroom that corresponds to their gender identity is a clear violation of the Unruh Act. Navi and Juice suffered illegal discrimination when they attended Coachella. AEG, AEG Presents, and Goldenvoice, as the producers of Coachella, are ultimately responsible for training both their employees *and* contractors to act in accordance with California law. Their failure to do so is manifest.

### **Solutions**

The Huskeys and their counsel are primarily interested in making sure no one else has to endure what the Huskeys experienced, or any other AEG/Goldenvoice event. We ask that you share in writing, by March 6, your:

- Written policy guaranteeing all patrons access to restrooms and other facilities based on gender identity
- Plan for training all Coachella 2019 on-site staff and contractors regarding the policy
- Plan for training personnel at other venues regarding the policy. Discrimination against the transgender community must stop not only at Coachella, but at all other events and properties in California that are under the control of AEG, AEG Presents, Goldenvoice, and their affiliates and/or contractors.

We would welcome the opportunity to work with AEG, AEG Live, and Goldenvoice to craft, appropriate and legally compliant policies and procedures. Our contact information appears below.

We look forward to resolving this matter promptly and amicably. However, in the alternative, the Huskeys could seek redress in court. In addition to their claims under the Unruh Civil Rights Act, Navi and Juice could assert a variety of tort claims against AEG and Goldenvoice given the severe emotional distress they suffered as a result of either negligent or intentional conduct by Coachella security guards, as well as other potential legal claims related to Coachella's false representations of inclusivity.

If forced to proceed to litigation, the Huskeys could seek statutory damages, restitution of the profits Coachella's producers obtained as a result of their false advertising, and attorney's fees, as well as injunctive and declaratory relief barring further violation(s) of California law. Nonetheless, they hope to secure policy changes and training in lieu of litigation and in time to benefit attendees of this year's Coachella festival.

Sincerely,



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