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April 20, 2010

The Honorable Ronald M. George, Chief Justice  
And the Honorable Associate Justices of the  
California Supreme Court  
350 McAllister Street  
San Francisco, CA 94102

Re: *Amicus Curiae* Letter in Support of Petition for Review of  
*Harris v. City of Santa Monica*, S 181 004, 2d Appellate Dist. Case No.B199571

Dear Chief Justice George and Associate Justices:

Pursuant to Rule 8.500(g), the California Women's Law Center submits this amicus letter in support of the Petitioners to urge the review of *Harris v. City of Santa Monica*, 2d Appellate Dist. No. B199571.

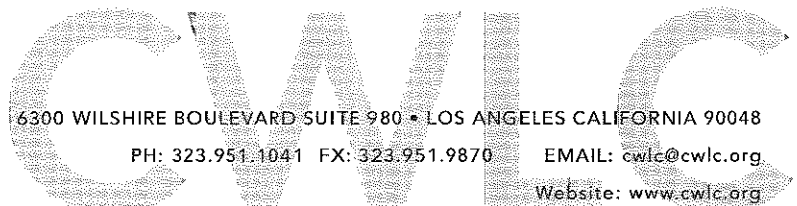
The California Women's Law Center (CWLC) is a private, nonprofit public interest law center specializing in the civil rights of women and girls. Since its inception in 1989, CWLC has placed a strong emphasis on eradicating sex discrimination in employment. CWLC has particular expertise regarding discrimination against pregnant women, and has authored numerous amicus briefs, articles, and legal education materials on this issue. *Harris v. City of Santa Monica* raises questions within the expertise and concern of the California Women's Law Center.

The mixed motive jury instruction upheld in the Appellate Court makes it significantly harder for victims of discrimination to assert their claims and forces plaintiffs in discrimination cases to address defenses that do not necessarily exist. The complexity of human affairs makes such a mixed motive instruction an unreasonable burden on any plaintiff. Such an instruction is a clear departure from the law in this state, which has long recognized that a discriminatory motive that was a motivating factor of the adverse employment action violates California law.

CWLC further supports the legal analyses and arguments set forth in the March 29, 2010 amicus letter submitted by the Legal Aid Society – Employment Law Center in this case. We urge the Court to grant the petition.

Sincerely,

Vicky L. Barker  
Legal Director



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1 **PROOF of SERVICE**

2 I, Vicky Barker, declare:

3 I am a citizen of the United States, over 18 years of age, employed in the County of Los  
4 Angeles, and not a party to or interested in the within entitled action. I am an employee of The  
5 California Women’s Law Center, and my business address is 6300 Wilshire Blvd., Suite 980,  
6 Los Angeles, California 90048.

7 On April 20, 2010, I served the within:

8 **April 20, 2010 Amicus Curiae Letter of the California Women’s Law Center in**  
9 **Support of Petition for Review of *Harris v. City of Santa Monica*, S181004, 2d**  
10 **Appellate Dist. Case No. B199571**

11 On all parties in said action by placing a true copy thereof in a sealed envelope and then serving  
12 by mail to:

13 Michael Nourmand  
14 Kokozyan & Nourmand LLP  
15 5900 Wilshire Boulevard, Suite 1730  
Los Angeles, CA 90036

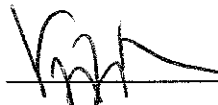
Clerk of the Court  
Court of Appeal, Second Appellate District  
Ronald Reagan State Building, Division 8  
300 South Spring Street, Second Floor  
Los Angeles, CA 90013

16 David Michael DeRubertis  
17 Michael H. Leb  
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Clerk of the Court  
Los Angeles County Superior Court  
Department 71  
111 North Hill Street  
Los Angeles, CA 90012

19 Carol Ann Rohr  
20 Deputy City Attorney  
21 Office of the City Attorney  
1685 Main Street, No. 310  
22 Santa Monica, CA 92625

23 I declare under penalty of perjury under the laws of the State of California that the  
24 foregoing is true and correct. Executed on April 20, 2010 at Los Angeles, California.

25  
26   
27 \_\_\_\_\_  
28 Vicky L Barker