

ANTHONY M. AMOSCATO

LAW OFFICES OF  
**ANTHONY M. AMOSCATO**  
18321 VENTURA BOULEVARD  
SUITE 800  
TARZANA, CALIFORNIA 91356  
TELEPHONE (818) 609-7890  
FAX (818) 609-7758

March 12, 2007

Daniel A. DiNardo  
587 N. Ventu Park Road E302  
Newbury Park, CA 91320

Re: Alleged Violations of California Civil Code §51 by the Sagebrush Cantina

Dear Mr. DiNardo:

This office represents the Sagebrush Cantina and Robert McCord. Your letter of February 19, 2007 has been referred to me for response.

Although your letter is most eloquently written, it erroneously applies California Civil Code § 51, more commonly know as the Unruh Civil Rights Act, as interpreted by the California Appellate court.

Mr. McCord and the Sagebrush Cantina can appreciate that the West Coast Weasels is nothing more than a "loose social organization or a drinking club with a motorcycle problem." However, by your own admission, the West Coast Weasels have jackets and vests embroidered with the facsimile of a weasel smoking a cigar in front of a maltese cross bearing the West Coast Weasels name in the same manner as West Coast Choppers. It is because of this patch, which signifies membership in your club, that your members are requested to remove their jackets or refused entry if they fail to do so.

This policy has been upheld by the California Court of Appeals in the case of Hessians Motorcycle Club, v. J.C. Flanagans, 86 Cal. App. 4<sup>th</sup>, 833; 103 Cal. Rptr. 2<sup>nd</sup>, 552. (2001)

In the Hessians case, members of a motorcycle club brought action against a sports bar, alleging violation of their rights under the Unruh Civil Rights Act based on the bar's denial of admittance to members who refused to remove their "colors," in the form of a patch on a jacket signifying membership in a particular club. By applying a three step inquiry, the Court held that the Unruh Civil Rights Act did not prohibit a sports bar from denying admittance to motorcycle club members who refused to remove their colors.

This same three step inquiry is applicable to the allegations of the West Coast Weasels.

Firstly, the policy of the Sagebrush Cantina is applied uniformly, to all persons, regardless of

Daniel A. DiNardo  
March 12, 2007  
Page 2

race, color, sex, or religion. No one is singled out. The "no colors" rule at the Sagebrush Cantina is precisely such a policy.

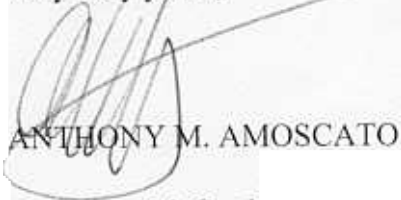
Secondly, the Sagebrush has a legitimate business interest in excluding persons wearing "colors." As long as the policy bears a reasonable relation to a commercial objective appropriate to an enterprise serving the public, it is valid. Here, as in the Hessians case, the legitimate business is that of security reasons, thereby preventing barroom brawls. The Court has held that prevention of brawls is a legitimate business interest.

Thirdly, allowing a discrimination claim of this nature would lead to endless, increasingly frivolous challenges to dress codes and other neutral admission policies common in many restaurants and retail establishments.

Based upon the forgoing analysis, the Unruh Act does not encompass discrimination based on the wearing of colors.

The Sagebrush Cantina and Mr. McCord regret any inconvenience this may cause you or the other members of the West Coast Weasels, however, the policy will continue to be enforced.

Very truly yours,



ANTHONY M. AMOSCATO

cc: Robert McCord