



Littler Mendelson, P.C.
One PPG Place
Suite 2400
Pittsburgh, PA 15222

Mark T. Phillis
412.201.7636 direct
412.201.7600 main
412.774.1956 fax
mphillis@littler.com

December 26, 2024

6450 SW Gemini Drive PMB 44671
President
Soft Lights Foundation
6450 SW Gemini Drive
PMB 44671
Beaverton, OR 97008

Re: LED Flashing Lights

Mr. Baker:

Pacific Gas & Electric received your request that it cease using flashing LED Lights on its vehicles. You assert that the use of LED lights is not authorized in California and that P&GE is violating California law, the federal Americans with Disabilities Act (ADA), and the California Unruh Civil Rights Act.

PG&E disagrees with your contentions. We are aware of the petition your organization filed with the California Highway Patrol earlier this year asking it to explicitly prohibit the use of supplemental LED flashing lights on motor vehicles. Since there is no prohibition on the practice, and private citizens have no ability to enforce the California Vehicle Code, PG&E does not believe your claim has merit. If you have concerns about these lights, you may want to address it with the manufacturers.

With respect to your alleged discrimination claims under ADA and the Unruh Civil Rights Act, both the US Court of Appeals for the Ninth Circuit and the California Court of Appeals have ruled that only physical places of public accommodation are covered by the ADA and the Unruh Civil Rights Act. *See, e.g., Robles v. Domino's Pizza, LLC*, 913 F.3d 898 (9th Cir. 2019); *Martinez v. Cot'n Wash, Inc.*, 81 Cal. App. 5th 1026 (Cal. Ct. App. 2022); *Martin v. Thi E-Commerce, LLC*, 95 Cal.App.5th 521 (Cal. Ct. App. 2023) PG&E's vehicles are not places of public accommodation as members of the public cannot use these vehicles.

As you know, the use of flashing lights on PG&E's vehicles is critical to ensuring the safety of our employees and members of the general public.

Mark Baker
December 26, 2024
Page 2

While we appreciate your concern, we do not believe there is a valid basis for your claims.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'M. Phillis', written in a cursive style.

Mark T. Phillis

MTP/acw

4898-6875-6746.1 / 101443-1211