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7 Attorneys for *Amici Curiae*
Communities-of-Color Organizations
8 (names listed in signature block)

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SAN FRANCISCO

11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA,
13 Plaintiff,
14 v.
15 HANDY TECHNOLOGIES, INC., and DOES
16 1 through 10, inclusive,
17 Defendants.

Case No.: CGC-21-590442

**APPLICATION FOR LEAVE TO FILE
BRIEF FOR *AMICI CURIAE*
COMMUNITIES-OF-COLOR
ORGANIZATIONS IN SUPPORT OF
HANDY TECHNOLOGIES, INC.'S
OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION**

Date: September 16, 2021
Time: 11:00 a.m.
Judge: Hon. Anne-Christine Massullo
Dept: 304

1 TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Prospective *amici curiae* California Asian Pacific Chamber of Commerce, California
3 Hispanic Chambers of Commerce, Los Angeles Metropolitan Churches, National Action
4 Network Sacramento Chapter Inc., National Asian American Coalition, National Diversity
5 Coalition, and National Newspaper Publishers Association (collectively, “Communities-of-
6 Color Organizations”) respectfully submit this Application for Leave to File Brief for *Amici*
7 *Curiae* Communities-of-Color Organizations in Support of Handy Technologies, Inc.’s
8 Opposition to Motion for Preliminary Injunction (attached as **Exhibit A** hereto).

9 As explained in greater detail below, the proposed *amici curiae* respectfully submit that
10 their brief will assist the Court in deciding Plaintiff’s Motion for Preliminary Injunction. *See*
11 Cal. Rule of Court 8.200(c)(2) (“The application [for leave] must state the applicant’s interest
12 and explain how the proposed amicus curiae brief will assist the court in deciding the matter.”).
13 This brief has not been funded or authored by any party in this action.

14 **IDENTITY AND INTEREST OF PROPOSED AMICI CURIAE**

15 Proposed *amici curiae* (listed below) are California and national organizations dedicated
16 to supporting workers and communities of color, as well as minority-owned businesses. *Amici*
17 *curiae* have a strong interest in the outcome of this case. As explained in detail in the proposed
18 *amicus curiae* brief, workers and communities of color, as well as minority-owned businesses,
19 stand to be harmed directly or indirectly if the preliminary injunction sought by Plaintiff issues.

- 20
- 21 • **California Asian Pacific Chamber of Commerce:** The California Asian Pacific
22 Chamber of Commerce (CalAsian Chamber) was founded in 2010 to give a voice to
23 the over 600,000 Asian Pacific Islander (API)-owned businesses in California. Today,
24 the CalAsian Chamber is the largest statewide ethnic chamber in California, with the
25 mission to grow and empower the API business community throughout California.
 - 26 • **California Hispanic Chambers of Commerce:** Through its statewide network of
27 over 90 Hispanic chambers and trade associations, the California Hispanic Chambers
28 of Commerce (CHCC) represents the interest of the over 815,000 Hispanic businesses
in California. As the nation's leading regional Hispanic and ethnic business

1 organization, the CHCC for more than forty years has brought forth the issues and
2 needs impacting Hispanic entrepreneurs and small businesses to the forefront of both
3 California and national economic agendas. The CHCC promotes the economic
4 growth and development of Hispanic entrepreneurs and California's emerging
5 businesses.

- 6 • **Los Angeles Metropolitan Churches:** Los Angeles Metropolitan Churches (LAM)
7 is an association of neighborhood African American churches that formed in the
8 aftermath of the 1992 South Central Los Angeles riots. Its overall vision is to develop
9 faith leaders as organizers. LAM deliberately works with smaller churches because
10 their members are more likely to be in and of the community in which the churches
11 are located. The African American church is one of the oldest models of organizing
12 and one of the only ones that has produced lasting change. LAM creates greater
13 equality of opportunity in a social and economic context marked by pervasive
14 inequalities for black people; shaping compelling narratives and messages; building
15 the communication capacity of neighborhood churches through cutting edge training
16 and resources; and engaging with policy experts, system leaders, artists, creatives,
17 and culture makers as powerful storytellers to shift the public discourse around the
18 criminal justice system, black workers, health care and gentrification.
- 19 • **National Action Network Sacramento Chapter Inc.:** The National Action Network
20 is one of the leading civil rights organizations in the nation founded by the Rev. Al
21 Sharpton. National Action Network Sacramento Chapter Inc. has worked diligently in
22 advancing legislation supporting criminal justice reform, amending police use of
23 force practices, ensuring equal voting rights, and school choice for all throughout
24 California.
- 25 • **National Asian American Coalition:** National Asian American Coalition is a HUD-
26 approved non-profit housing counseling organization and a community diversity
27 financial institution, advocating for homeownership affordability, greater economic
28

1 growth focusing on the underserved communities, small business development, and
2 advancing the growing economic and social power of Asian Americans nationwide.

3 • **National Diversity Coalition:** National Diversity Coalition is a 501(c)(3) nonprofit
4 organization focusing on financial equality and economic development. It advocates
5 for greater opportunity, economic empowerment, and financial equality for low-
6 income, minority, and other disadvantaged and underserved communities. As it
7 aggressively seeks a brighter economic future for America’s historically underserved
8 populations, its goal is that through advocacy work and policy changes, more
9 corporate entities will be held to a greater standard of social responsibility in helping
10 to reduce income and wealth inequality.

11 • **National Newspaper Publishers Association:** The National Newspaper Publishers
12 Association (“NNPA”) is a trade association of the more than 200 African American-
13 owned community newspapers from around the United States. Since its founding 79
14 years ago, NNPA has consistently been the voice of the black community and an
15 incubator for news that makes history and impacts our country. As the largest and
16 most influential Black-owned media resource in America, NNPA delivers news,
17 information, and commentary to over 20 million people each week.

18 **THE PROPOSED AMICI CURIAE BRIEF WILL ASSIST THE COURT**
19 **IN DECIDING PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION**

20 This Court has “broad discretion over the conduct of pending litigation,” including the
21 authority to grant applications for leave to file amicus briefs relevant to matters pending before
22 the Court. *See In re Marriage Cases* (2008) 43 Cal. 4th 757, 791 n.10 (“[T]he superior court, in
23 exercising its traditional broad discretion over the conduct of pending litigation, retained the
24 authority to determine the manner and extent of . . . entities’ participation as amici curiae that
25 would be of most assistance to the court.”).

26 The Court should grant this Application because the proposed *amici curiae* brief will aid
27 this Court’s consideration of Plaintiff’s Motion for Preliminary Injunction by providing the
28 perspective of how the preliminary injunction sought by Plaintiff will inflict irreparable harm on

1 workers and communities of color, as well as minority-owned businesses. As explained in the
2 proposed *amici curiae* brief, the preliminary injunction will cause Handy to indefinitely suspend
3 its business operations in the State of California, which will, in turn, eliminate income-earning
4 opportunities for workers and minority-owned businesses and service options for people of
5 color. The proposed brief also explains this irreparable harm would be particularly inopportune
6 during the ongoing COVID-19 pandemic, which has disproportionately affected people and
7 communities of color. People of color have not only been more likely to contract and die from
8 COVID-19, they have also suffered disproportionate economic harm from the pandemic.

9 Proposed *amici* respectfully request that the Court grant this Application.

10 Respectfully submitted,

11 Dated: September 1, 2021

WILLENKEN LLP


12
13 By: 
14 Kenneth M. Trujillo-Jamison
15 Attorneys for *Amici Curiae*
16 California Asian Pacific Chamber of
17 Commerce, California Hispanic Chambers of
18 Commerce, Los Angeles Metropolitan
19 Churches, National Action Network
20 Sacramento Chapter Inc., National Asian
21 American Coalition, National Diversity
22 Coalition, and National Newspaper Publishers
23 Association
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EXHIBIT A

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16 1 through 10, inclusive,

17 Defendants.

Case No.: CGC-21-590442

**[PROPOSED] BRIEF FOR *AMICI*
CURIAE COMMUNITIES-OF-COLOR
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1 **INTRODUCTION**

2 Defendant Handy Technologies, Inc. (“Handy”) maintains a useful referral service for
3 businesses that provide household services to consumers throughout the State of California.
4 Workers of color and minority-owned businesses get work opportunities through Handy’s
5 platform, and consumers find service providers through the platform, too. Handy’s platform
6 allows businesses to supplement the jobs they get through word of mouth, social media,
7 websites, or other ways to advertise. Those work opportunities have been particularly valuable
8 during the ongoing COVID-19 pandemic, which has disproportionately impacted workers and
9 communities of color.

10 Despite these benefits, Plaintiff seeks to force Handy to treat each of the service
11 providers that uses its platform as its employees—even though they are independent businesses.
12 Complying with the preliminary injunction Plaintiff seeks would require Handy to reorganize its
13 business, and Handy represents it will suspend its operations indefinitely as a result. And because
14 many service providers using Handy’s platform do not want to be treated as Handy’s employees,
15 those providers would likely cease using Handy’s platform altogether, even after a
16 reorganization. The injunction would thus irreparably harm workers of color and minority-owned
17 businesses by depriving them of a valuable service through which they find work opportunities,
18 and by eliminating a convenient means through which people of color can locate businesses
19 capable and willing to perform household services they want done.

20 Imposing such harm would be inadvisable at any time. But it is hard to envision a more
21 inopportune time than now to do that. The ongoing COVID-19 pandemic has devastated
22 communities of color. People of color have been disproportionately likely to contract COVID-19
23 and to die from it. And the economic disruption caused by the pandemic has disproportionately
24 affected workers and communities of color, who have experienced higher rates of unemployment
25 and economic uncertainty.

26 The Court should deny Plaintiff’s motion for preliminary injunction.
27
28

1 **ARGUMENT**

2 **I. HANDY’S PLATFORM FACILITATES VALUABLE INCOME-EARNING**
3 **OPPORTUNITIES TO MINORITY-OWNED BUSINESSES AND WORKERS OF**
4 **COLOR**

5 Handy’s app-based platform is a useful job referral service. On the platform, consumers
6 looking for household help like home cleaning or lawn care, or handyman services like
7 plumbing or furniture assembly, can search for service providers that will perform those
8 services.¹ And independent businesses can use Handy’s platform to find potential customers and
9 fulfill their service requests. Handy’s platform is a network connecting customers to service
10 providers, providing businesses with a useful means of supplementing their work found through
11 word of mouth, social media, or other modes of advertising.²

12 Of particular note, Handy’s platform connects customers to service providers in
13 industries in which workers of color are overrepresented. For instance, the platform matches
14 customers to “Home Cleaning” providers. Nationally, about 46.1 percent of maids and
15 housekeeping cleaners are Hispanic, 17 percent are Black, and 4.1 percent are Asian.³ (Of note,
16 these statistics include the self-employed—so they encompass minority-owned businesses *and*
17 employees.⁴) Home cleaning jobs obtained through Handy’s platform generates income for
18 these workers of color and for minority-owned businesses providing home cleaning services. As
19 another example, customers can find “Assembly” and “General Handyman” service providers

20 _____
21 ¹ Declaration of Xavier DeGracia in Supp. of Handy Technologies, Inc.’s Opp. to Mot. for
22 Preliminary Injunction ¶¶ 12-14.

23 ² See Declaration of James Munn in Supp. of Handy Technologies, Inc.’s Opp. to Mot. for
24 Preliminary Injunction ¶¶ 8, 10; Declaration of Sevdet Lima in Supp. of Handy Technologies,
Inc.’s Opp. to Mot. for Preliminary Injunction ¶ 6.

25 ³ U.S. Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey,
Household Data, Annual Averages, 11. Employed persons by detailed occupation, sex, race, and
26 Hispanic or Latino ethnicity, 2020 [“2020 BLS Labor Force Data”]
<https://www.bls.gov/cps/cpsaat11.htm> (last visited Sept. 1, 2021).

27 ⁴ See U.S. Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey,
Household Data, Concepts and Definitions, “Employed,” *available at*
28 <https://www.bls.gov/cps/definitions.htm#employed> (last visited Sept. 1, 2021).

1 through the Handy platform.⁵ Nationwide, 20.6 percent of general maintenance and repair
2 workers, and 10.7 percent are Black;⁶ and in the state of California, 46 percent of “installation,
3 maintenance and repair” workers are Hispanic.⁷ Again, when customers find assembly and
4 handyman service providers through Handy’s platform, workers of color and minority-owned
5 businesses supplement their income and build stronger businesses.

6 **II. THE PRELIMINARY INJUNCTION WILL IRREPARABLY HARM WORKERS**
7 **AND COMMUNITIES OF COLOR DURING THE ONGOING COVID-19**
8 **PANDEMIC**

9 The preliminary injunction Plaintiff seeks would inflict serious, irreparable harm on
10 workers and communities of color, as well as minority-owned businesses. Handy represents that
11 if the preliminary injunction is issued, it will shut down its platform for an indefinite period.⁸
12 That would eliminate work opportunities for minority-owned businesses that find work through
13 Handy’s platform, and for workers of color whose employers find work through the platform.
14 People of color will also no longer be able to use Handy’s platform to find service providers for
15 their household tasks. And if Handy restructures its business using an employee-based model, as
16 Plaintiff seeks, many businesses using Handy’s service will cease using the platform to avoid
17 employee treatment.⁹ That would also deprive workers of color of income-earning opportunities,
18

19 ⁵ See <https://www.handy.com/services> (last visited Sept. 1, 2021).

20 ⁶ See 2020 BLS Labor Force Data, *supra* note 3.

21 ⁷ See EEO-ALL02R-Geography-California- Estimate-Estimate: EEO 2r. Detailed Census
22 Occupation by Sex, and Race/Ethnicity for Residence Geography, Total Population - Universe:
23 [https://www.labormarketinfo.edd.ca.gov/file/demoaa/cal\\$DetOcc.xls](https://www.labormarketinfo.edd.ca.gov/file/demoaa/cal$DetOcc.xls) (last visited Sept. 1, 2021).

24 ⁸ See Handy’s Opp. to Mot. for Preliminary Injunction (Aug. 10, 2021), at 35-36.

25 ⁹ See Declaration of Sevdet Lima in Supp. of Handy Technologies, Inc.’s Opp. to Mot. for
26 Preliminary Injunction ¶ 13 (“I do not want to be a Handy employee or [my business’s]
27 employees to be Handy employees . . . If I or any [my business’s] employees are reclassified as
28 Handy employees, I would withdraw [my business] from Handy’s platform and stop accepting
their referrals.”); Declaration of James Munn in Supp. of Handy Technologies, Inc.’s Opp. to
Mot. for Preliminary Injunction ¶ 16 (“I would stop accepting Handy referrals if I lost the ability
to work for myself and build [my business] even more, or if I lost the flexibility to work when,
where, how long, and for whomever I can and want.”); See Declaration of Joseph Otto in Supp.

1 and eliminate a platform through which people of color find service providers. This harm would
2 be particularly damaging during the ongoing COVID-19 pandemic, which has disproportionately
3 impacted workers and communities of color.

4 **A. People and Communities of Color Have Been, and Continue to Be, Hardest**
5 **Hit by the COVID-19 Pandemic**

6 The ongoing COVID-19 pandemic has had a disproportionate and devastating impact on
7 communities of color. Among U.S. adults enrolled in Medicare and Medicaid, Latinos have been
8 1.6 times as likely as their White counterparts to be hospitalized from COVID-19, and African
9 Americans 1.7 times as likely.¹⁰ Latinos’ infection rate from COVID-19, 19.7 percent, is about
10 80 percent higher than that for White Americans, and African Americans’ infection rate is about
11 30 percent higher than for Whites.¹¹ And low-income Latinos and African Americans without
12 college degrees are at “extremely high risk” from contracting COVID.¹²

13 The national trends have borne true in California. Latinos, who are 38.9 percent of the
14 State’s population, are 54.3 percent of the number of confirmed COVID-19 cases and 46.2
15 percent of the deaths.¹³ African Americans, who are 6 percent of the State’s population, are 6.6
16 percent of the deaths, despite being only 4.9 percent of those testing positive for COVID.¹⁴ By
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20 of Handy Technologies, Inc.’s Opp. to Mot. for Preliminary Injunction ¶ 14 (“I am not, and [my
21 business] is not, an employee of Handy. And we do not want to be. We would not continue using
Handy if we were made employees.”).

22 ¹⁰ Jonathan T. Rothwell and Ember Smith, *Socio-Economic Status as a Risk Factor in Economic*
23 *and Physical Harm from COVID-19: Evidence from the United States*, THE ANNALS OF THE
24 AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE (forthcoming), Apr. 2021, at 11,
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25 ¹¹ *Id.* at 15.

26 ¹² *Id.*

27 ¹³ California Department of Public Health, *COVID-19 Race and Ethnicity Data* (Aug. 25, 2021)
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Race-Ethnicity.aspx> (last
28 visited Sept. 1, 2021).

¹⁴ *Id.*

1 contrast, Whites, who are 36.6 percent of the state’s population, are only 21.6 percent of the
2 cases and 31.4 percent of deaths.¹⁵

3 And COVID-19’s disproportionate effect on communities of color stands to worsen,
4 given far lower vaccination rates for Blacks and Latinos in California. As of late June 2021, only
5 39 percent of eligible Black Californians and 40 percent of Latinos were vaccinated, as
6 compared to nearly 60 percent of eligible Californians overall.¹⁶ As increasingly contagious and
7 harmful variants of the coronavirus continue to spread in the State, the lower vaccination rates in
8 the Black and Latino communities stands to impose even greater harm in the future.

9 **B. Workers and Communities of Color Have Suffered Significant Economic**
10 **Impact From the COVID-19 Pandemic**

11 The COVID-19 epidemic has inflicted serious economic harm on workers and
12 communities of color. A report by the UCLA Latino Policy and Politics Initiative and the UCLA
13 Center for Neighborhood Knowledge shows that at the height of the COVID-19 crisis, about 22
14 percent of African American and 26 percent of Latinos in California were jobless, as compared
15 to 17 percent for both white and Asian workers.¹⁷ From mid-March to mid-May, more than a
16 quarter of California’s Black and Asian workers filed jobless insurance claims, as did 21 percent
17 of Latinos.¹⁸ That Latinos are overrepresented among the population of workers ineligible for
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21 ¹⁵ *Id.* Asians, which comprise 15.4 percent of the state’s population, have fared somewhat better;
22 they have comprised 6.9 percent of cases and 11.9 percent of the deaths. *Id.*

23 ¹⁶ Kaiser Health News, *Without Enough Boots on the Ground, California’s Vaccination Efforts*
24 *Falter* (June 29, 2021), <https://www.healthleadersmedia.com/covid-19/without-enough-boots-ground-californias-vaccination-efforts-falter>.

25 ¹⁷ Eliza Moreno, *State’s Black, Latino workers less likely to be covered by unemployment*
26 *insurance amid COVID-19*, UCLA NEWSROOM (June 11, 2020),
<https://newsroom.ucla.edu/releases/california-black-latino-workers-unemployment-insurance>
(last visited Sept. 1, 2021).

27 ¹⁸ Margot Roosevelt and Taylor Avery, *There’s a black jobs crisis. Coronavirus is making it*
28 *worse*, L.A. TIMES (June 5, 2020), <https://www.latimes.com/business/story/2020-06-05/black-jobs-coronavirus> (last visited Sept. 1, 2021).

1 unemployment insurance compounds the economic calamity.¹⁹ Although California’s general
2 unemployment rate as of June 2021 was 7.7 percent, an improvement from the State’s
3 unemployment rate of 14.1 percent in June 2020, Blacks (10.6 percent) and Latinos (10.3
4 percent) are still disproportionately likely to be unemployed.²⁰

5 At the community level, Los Angeles County neighborhoods with significant Latino and
6 Asian American populations are particularly vulnerable to economic uncertainty during the
7 COVID-19 pandemic.²¹ An academic study published in April 2020 predicted that almost 60
8 percent of Latino-majority neighborhoods and 40 percent of Asian-majority neighborhoods will
9 have economic uncertainty; by contrast, only 12 percent of white-majority neighborhoods will
10 face the same level of economic disruption stemming from the crisis.²² Residents in majority
11 Latino neighborhoods have been less likely to receive the stimulus payments under the federal
12 CARES Act.²³ And many Los Angeles African Americans and Latinos live in neighborhoods
13 with restricted access to open spaces and limited access to food.²⁴

14 Because of the health and economic devastation wrought by the pandemic, this is a
15

16 ¹⁹ Moreno, *supra* note 17 (Latinos are 59% of Californians who are ineligible for unemployment
17 insurance).

18 ²⁰ Economic Policy Institute, *Economic Indicators: State unemployment by race and ethnicity*,
<https://www.epi.org/indicators/state-unemployment-race-ethnicity/> (last visited Sept. 1, 2021);
19 *California unemployment rate holds at 7.7% for June 2021*,
20 [https://www.edd.ca.gov/Newsroom/unemployment-june-
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21 ²¹ *Latino, Asian American Areas at High Economic Risk, According to New Report*, UCLA
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american-neighborhoods-at-high-economic-risk-new-ucla-report-finds](https://luskin.ucla.edu/latino-asian-american-neighborhoods-at-high-economic-risk-new-ucla-report-finds) (last visited Sept. 1,
23 2021).

24 ²² *Id.*

25 ²³ Eliza Moreno, *Residents in L.A.’s Latino neighborhoods less likely to receive relief funds amid
COVID-19*, UCLA NEWSROOM (Apr. 14, 2020), [https://newsroom.ucla.edu/releases/latino-
neighborhoods-covid19-relief-funds](https://newsroom.ucla.edu/releases/latino-neighborhoods-covid19-relief-funds) (last visited Sept. 1, 2021).

26 ²⁴ Eliza Moreno, *For many Blacks and Latinos in L.A., neighborhood conditions make safer-at-
home orders harder*, UCLA NEWSROOM (May 20, 2020),
27 <https://newsroom.ucla.edu/releases/blacks-latinos-los-angeles-neighborhoods-safer-at-home> (last
28 visited Sept. 1, 2021).

1 particularly precarious time for workers and communities of color, and for minority-owned
2 businesses. Now is a particularly inopportune time to issue an injunction that would cause
3 Handy to suspend its operations in the state of California, in turn eliminating access to income-
4 earning opportunities and a convenient means of finding service providers.

5 **III. CONCLUSION**

6 For all these reasons, as well as those stated in Handy’s Opposition to Motion for
7 Preliminary Injunction, Plaintiff’s motion for preliminary injunction should be denied.

8 Respectfully submitted,

9 Dated: September 1, 2021

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11 By: 

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