

**SUPREME COURT MINUTES
MONDAY, AUGUST 21, 2023
SAN FRANCISCO, CALIFORNIA**

S273630

**RAINES (KRISTINA) v. U.S.
HEALTHWORKS MEDICAL
GROUP**

Opinion filed

We answer the Ninth Circuit’s question as follows: The California Fair Employment and Housing Act, which defines “employer” to “include[]” “any person acting as an agent of an employer” (§ 12926, subd. (d)), permits a business entity acting as an agent of an employer to be held directly liable as an employer for employment discrimination in violation of the FEHA in appropriate circumstances when the business-entity agent has at least five employees and carries out FEHA-regulated activities on behalf of an employer. We do not decide the significance, if any, of employer control over the act(s) of the agent that gave rise to the FEHA violation, and we also do not decide whether our conclusion extends to business-entity agents that have fewer than five employees. We base our conclusion on our interpretation of the FEHA’s definition of employer (§ 12926, subd. (d)); we express no view of the scope of a business entity agent’s possible liability under the FEHA’s aider and abettor provision (§ 12940, subd. (i)).

Majority Opinion by Jenkins, J

-- joined by Guerrero, C. J., Corrigan, Liu, Kruger, Groban, and Evans, JJ.

S213242

**PEOPLE v. SMITH
(CHARLES RAY)**

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant’s opening brief is extended to October 24, 2023.

S239552

**PEOPLE v. WASHINGTON
(DARNELL KEITH)**

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant’s opening brief is extended to October 23, 2023.

S239948

**PEOPLE v. GORDON
(STEVEN DEAN)**

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant's opening brief is extended to October 27, 2023.