

Hawai'i Court Rules for Lesbian Couple Turned Away by Bed & Breakfast

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(Honolulu, HI, April 15, 2013) – The First Circuit Court of Hawai'i today issued a ruling in favor of a lesbian couple who filed a discrimination lawsuit against Aloha Bed & Breakfast after the business turned them away because of their sexual orientation. Lambda Legal and the Executive Director of the Hawai'i Civil Rights Commission issued a joint statement:

"The Court today rejected a legal attack upon an important civil rights law that protects all people from discriminatory business practices," Lambda Legal Staff Attorney Peter Renn said. "The Court made clear that no business is above the law. When you enter the commercial world, you take on an obligation not to discriminate against customers, no matter what the color of their skin, what religion they practice, or whom they love. That very simple but fundamental principle was vindicated today."

Lambda Legal joined by co-counsel from the Hawai'i-based firm of Carlsmith Ball LLP represents Diane Cervelli and Taeko Bufford, a lesbian couple who were denied public accommodation because of their sexual orientation by Aloha Bed & Breakfast, located in Hawai'i Kai. The Executive Director of the Hawai'i Civil Rights Commission joined the lawsuit to protect and enforce the state public accommodations law. That law prohibits any place of public accommodation -- including specifically an inn or "other establishment that provides lodging to transient guests" -- from discriminating on the basis of sexual orientation, race, sex, including gender identity or expression, color, religion, ancestry, or disability.

"The Court's decision is based on Hawai'i's strong state civil rights laws which prohibit discrimination," Hawai'i Civil Rights Commission Executive Director William Hoshijo said. "When visitors or residents are subjected to discrimination, they suffer the sting of indignity, humiliation, and outrage, but we are all demeaned and our society diminished by unlawful discrimination. The Court order reminds us that our state legal protections against discrimination are a priority of the highest order and will be vigorously enforced."

In today's ruling, the Court found that Aloha Bed & Breakfast violated the state public accommodations law, and also ordered Aloha Bed & Breakfast to stop its ongoing business practice of discriminating against same-sex couples.

Cervelli and Bufford were traveling to visit a close friend and her newborn baby in Hawai'i Kai. When they contacted the business, the owner wanted to know whether Cervelli and Bufford were lesbians. When they answered truthfully, the owner refused to provide accommodations because they were a lesbian couple. During

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April 15, 2013

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Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work.



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a subsequent HCRC investigation, the owner admitted that she turned the couple away because they were lesbians, stating that she believed same-sex relationships are “detestable” and that they “defile our land.”

Lambda Legal Staff Attorney Peter Renn is representing Diane Cervelli and Taeko Bufford with co-counsel Jay Handlin and Lindsay McAneeley of Carlsmith Ball LLP. Robin Wurtzel is the enforcement attorney representing the Executive Director of the Hawai'i Civil Rights Commission. The case is *Cervelli & Bufford v. Aloha Bed & Breakfast*.

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