

23 September 1998

Hi Joni,

This time, I need the good griping session for taking so long to send this back to you. Needless to say, freelancing is occupying every moment of my time. I was here until midnight and nine p.m. over the last few days, leaving me pretty tired, as you can guess.

Overall, after looking through the complaint for district court, there wasn't much that needed revision or addition. I made side note revisions or inserts where needed, including with the content we talked about over at Sandy's house. There was one place I added a question mark in parenthesis. This was an insert that might be a good idea to include, but I wanted your judgment call.

Aside from that, my friend in West Group was able to locate a couple of cases in WESTLAW which may help out the compendium of data we have in our favour when the DHR is confronted as well as any of our cases. The same friend and I are scheduling to meet together and access WESTLAW online (with her unlimited access) to hunt for everything that exists in caselaw, and perhaps a little on statutes in other states which may be similar to Minnesota's, including Vermont and Connecticut.

Also, I had the chance to speak with Riki Anne Wilchins, director of GenderPAC and Transsexual Menace. Amongst other things, which I'll talk with you about sometime when we can talk or meet up, Riki offered to place a press release in her newsletter for GenderPAC, called "In Your Face", whenever we are ready to take my case to press. I asked her to hang on a bit until we know what we — as a group confronting DHR and between you and I on our case — want to do. She also suggested that a demonstration could also bring positive press in favour of us should initial attempts dealing with DHR do not pan out. In essence, the demonstration would consist of simply handing out literature to people in front of DHR or in another relevant venue. Tell you what, we'll talk about this later on, okay? There's a lot Riki and I went through, and I think you probably would want to hear everything in its entirety.

Keep me informed! And also, let me know what your schedule is like coming up soon. I'd still like to get together either over coffee or a meal.

Take care.

juli

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Julienne Goins,
Plaintiff,

v.

COMPLAINT

West Group, a Minnesota Corporation,
Defendants.

File No. _____

Plaintiff, by her attorney, brings this civil action against the above-named Defendant, and complains and alleges as follows:

THE PARTIES

1. At all times material herein, Plaintiff Julienne Goins was a resident of the City of Minneapolis, Minnesota, County of Hennepin.
2. Defendant West Group is a corporation of the State of Minnesota.

JURISDICTION

3. This court has jurisdiction by virtue of the fact that the Defendant does business in the State of Minnesota.
4. The violations alleged herein occurred in the State of Minnesota and arise under the laws and statutes of the State of Minnesota.

OPERATIVE FACTS

5. Plaintiff Goins was hired as a permanent employee on May 5, 1997 at Defendant West Group's Rochester, New York offices. Early in her employment plaintiff accepted an offer for transfer to defendant's Eagan, Minnesota offices as part of the Rochester Primary Law Information Group transfer. On October 6, 1997, Plaintiff Goins began working at the Eagan division of Defendant West Group in the position of Conversion Specialist, CDS.

2. Plaintiff Goins legally changed her name and gender from male to female in the State of Texas during 10-31, 1995. ~~Plaintiff identifies as female and appears in a state of dress and demeanor as female.~~ Plaintiff identifies as female and is socially regarded as such.

3. Within the first two hours of her employment at the Eagan, Minnesota division, plaintiff was approached by Mr. Jim Joseph, a supervisor in the department. Mr. Joseph directed plaintiff to come into his office to discuss an issue. Plaintiff followed Mr. Joseph to his office where he told her that something had come up in the department regarding "which bathroom you are to use."

4. Mr. Joseph further explained that he did not have an opinion over which bathroom plaintiff used but that a few people expressed concern that someone in Human Resources, Mr. Lewis Freeman, did have an opinion. Mr. Joseph told plaintiff that she was to go with him to Human Resources to talk with Mr. Freeman about the issue.

5. During the walk to Human Resources plaintiff expressed to Mr. Joseph that discussion of the matter was entirely out of order and that the matter needed to be clarified.

6. Mr. Freeman explained to plaintiff that several people had complained to him about her access to the women's bathrooms.

7. At the time of her first meeting with Mr. Freeman plaintiff had not yet used the

bathroom at the work place; ^{business trips} however, in previous ~~visits~~ to Egan during summer 1997, plaintiff made use of available women's restroom facilities as needed.

8. Mr. Freeman went on to explain that he had discussed the matter with a number of people and that they had come to a decision that would address the concerns and rights of all the employees. Mr. Freeman then told plaintiff that from that time forward she was to access only the unisex bathrooms in the company complex.

9. There was one unisex bathroom is located in another building and at a distance of a 5-10 minute walk from plaintiff's work station.

10. Plaintiff responded to Mr. Freeman by telling him that she had never been challenged as to which bathroom she could use and that she strongly opposed any action to limit her access to work place facilities. She went on to explain to Mr. Freeman that she is legally female and offered to provide any documentation of her gender status that he may need. Plaintiff explained that she was quite certain that her human rights were violated by the imposed limitation.

11. Plaintiff then began to propose alternatives. She first proposed that she use only the bathroom located within 15 seconds of her work station. Mr. Freeman said that this was not an option. Plaintiff then suggested that those persons who were concerned about her using the bathroom may be acting out of fear and prejudice. She proposed that those people be educated about persons who are transgendered either by written memo or by giving those employees an opportunity to meet with her and receive information and ask questions regarding her identity. Mr. Freeman shook his head and said that education was not an option either.

12. Plaintiff asked Mr. Freeman what he knew about being transgendered. Mr. Freeman's knowledge was, in plaintiff's opinion, very limited. Plaintiff explained to Mr. Freeman that she was offended and hurt by his lack of knowledge and that she felt he based his opinion and decision upon mis-information. Plaintiff also pointed out to Mr. Freeman that

the state of (?)

neither he nor any other person in the company could possibly know what her genitals were. She explained that under the law it is the person's identity, not the genitals that makes the person who they are, male or female.

13. Mr. Freeman did not respond to plaintiff's comments, instead he indicated that he would discuss the matter further with the others with whom he had made the decision to limit plaintiff's bathroom access. He warned plaintiff that the decision may not change and that he would get back to her within an hour.

14. ~~Within an hour of~~ ^{two hours after} the meeting plaintiff received an e-mail from Mr. Freeman stating that the decision to limit her bathroom use was final and that she was to use only the "restroom designated in our previous discussion." Mr. Freeman referred to the matter as a balancing of rights, interests and concerns of all people which may not please everyone.

15. Plaintiff and Freeman exchanged e-mails throughout that day. Plaintiff continued to oppose the decision as a violation of her rights and stated that she would take legal action. Plaintiff asked that Mr. Freeman re-evaluate the situation and look to a more rational and empathetic solution.

16. Freeman responded by stating that his decision was final and that rights are not absolute.

17. Finally, plaintiff, via e-mail with Mr. Freeman, questioned what she was to do in the event of an emergency or illness in which she needed to use the facilities nearby her work station. She again questioned what legal right the company had to deny her legal right to equal access to work place facilities.

18. Mr. Freeman did not respond to plaintiff's questions.

19. Following the series of e-mails plaintiff spoke with some of her co-workers and her

supervisor about the limitations that had been imposed on her. Plaintiff continued to access the bathroom that was nearest her work station without incident. Over the next six weeks, plaintiff's immediate co-workers expressed to her that the attention devoted to the controversy about which bathroom she should use was ridiculous.

20. On November 19, 1997, during a meeting with plaintiff's supervisors and Mr. Freeman, Freeman told plaintiff that he was aware that she continued to use the women's bathroom facilities. Freeman stated, "But, if you continue to use the women's washrooms, instead of the previously designated washrooms we laid out in our last meeting, then we will take corrective action against you."

21. Plaintiff again tried to explain to Freeman that limiting her access to the bathroom facilities was a violation of her human rights and a matter of personal health and safety. Mr. Freeman ^{repeatedly} responded in an aggressive and hostile manner saying, "That's your opinion!"

22. Freeman said that he would address the matters of personal health and safety when the time came. Plaintiff noted that there may not be time if such a situation arose explaining why she asked Freeman the same question previously.

23. Plaintiff asked the three others in the room how they might feel if they were denied access to an essential facility in the work place. Mr. Freeman responded by making comments about growing up Black in the south.

24. Exhausted by the confrontation and humiliated by the matter at hand and the treatment she was receiving, plaintiff left work early and cried ~~on the way to her car and most of the way home.~~ from her office, on the way home, and for the duration of the evening. [or something like this]

25. Beginning Thursday, November 20, 1997, plaintiff ceased eating and drinking during the work days so as to avoid the need to use the bathroom.

26. On November 26, 1997 plaintiff disclosed to her supervisor that as a result of the discriminatory treatment she was not eating or drinking during the work day. She suggested to her supervisor that training in sensitivity awareness would be quite valuable and that matters related to transgendered persons would be particularly valuable in the work place, including training to the upper management of Human Resources. The supervisor agreed that, as a rule in general, the types of training that plaintiff spoke of would be good for everyone.

27. No training regarding sexual orientation, harassment, discrimination or transgendered individuals occurred in the work place after plaintiff's suggestions to Freeman or to her supervisor.

28. In early December 1997, plaintiff contacted Tami Becker of the Rochester Human Resources office. Plaintiff explained the limited bathroom access situation to Becker and shared with her the e-mails that had been communicated between her and Freeman during October. Becker was compassionate and understanding. Becker forwarded the information to Joe Hicks, Director of Human Resources.

29. Upon information and belief, Joe Hicks and Tom Moran, Human Resources Director at Egan, met and discussed plaintiff's situation on or about December 10, 1997. On December 12, 1997 Becker contacted plaintiff via e-mail and stated that Moran and Hicks had met and discussed plaintiff's situation and suggested to plaintiff that she contact Mr. Moran directly if she wanted to discuss the matter further.

30. Frustrated with the lack of resolution to the matter, plaintiff did not contact Mr. Moran but instead, on January 12, 1997 gave notice of her resignation from the company. In her letter of resignation plaintiff made it clear that the reason she was leaving the company was due to the hostile and discriminatory treatment she received as an employee.

31. As a direct result of defendant's actions and inactions Plaintiff has suffered and/or continues to suffer emotional distress, humiliation, embarrassment, compensation loss, loss of benefits, loss of career advancement opportunities, >>>>>>>>

COUNT I
Discrimination on the basis of Sexual Orientation

32. Plaintiff realleges paragraphs 1-31 as if fully set forth herein.

33.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as set forth below and for the following relief and award:

1. Civil penalty assessed against Defendants pursuant to Minn. Stat. Section 363;
2. General and compensatory damages against Defendants in an amount in excess of \$50,000.00;
3. Damages for mental anguish and physical pain and suffering against Defendants for Plaintiff, in a reasonable amount in excess of \$50,000.00;
4. Prejudgment interest at the legal rate on all sums awarded;
5. All costs, disbursements and expenses of this action, including reasonable fees and expenses for attorneys and experts; and
6. Any such other and further relief as the court deems just and equitable.

Plaintiff does hereby give notice of intent to request leave to amend to add a claim for punitive damages.

Dated: September __, 1998

John -
operative
 Somewhere in the facts, you may want to include ~~the fact~~ that my gender identity had never been a topic for discussion at West Group Rochester ~~or~~ or Eagan prior to October 6th. Being called down to Freeman's office was, in essence, my official "being outed" affair with West, against my wishes.