Allison W. Wright, Esq.
GLBTQ Legal Advocates & Defenders
30 Winter Street, Suite 800
Boston, MA 02108
Office: 617-426-1350
Fax Number: 617-426-3594
Email: awright@glad.org

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

Lynn M. Rivera Complainant, vs. Springfield Rescue Mission, Respondent.	Case No.: **COMPLAINT** **January 30, 2017**

Complainant, Lynn M. Rivera ("Lynn" or "Complainant"), brings this action against Respondent, Springfield Rescue Mission ("SRM" or "Respondent"), for denying Lynn full and equal enjoyment of accommodations, advantages, facilities, goods, services, and privileges of a place of public accommodation on the basis of Lynn's sex, gender identity, color, and race in violation of Massachusetts Public Accommodation Law, Mass. Gen. Laws ch., 272 § 98.

JURISDICTION

1. The Massachusetts Commission Against Discrimination ("Commission") has jurisdiction over this matter pursuant to Mass. Gen. Laws ch. 151B §§ 3(6) and (7), and 5.

PARTIES

2. Lynn is a brown-skinned Puerto Rican transgender person.

3. Lynn is a resident of Springfield, MA.

4. Respondent owns and operates the Give-Away Center ("Center") located at 10 Mill Street, Springfield, MA 01108. The Center distributes clothing, coats, shoes, toiletries, and household items to anyone in need, free of charge. The Center also provides, upon request and when available, bags of groceries filled with nutritious food items and food staples and other items for daily living to anyone in need three days per week

FACTS

A. Complainant's Background

5. Lynn is of Puerto Rican descent.

6. Lynn has brown skin.

7. Lynn was assigned female at birth.

8. Lynn does not identify as a woman.

9. Lynn is gender nonconforming.

10. Lynn is a transgender person.

11. Lynn uses gender-neutral pronouns ("they, them, their"), male pronouns, or is solely referred to by their name.

12. Lynn does not wear women's clothing.

13. Lynn exclusively wears men's clothing.

14. Lynn received drug addiction rehabilitation and housing services from Tapestry Health - a comprehensive community-based health services organization.

15. Beginning in or around February 2016, Lynn worked with a social worker at Tapestry Health named Emily Moulton ("Ms. Moulton").

16. Ms. Moulton is a White woman.

17. Since in or around 2014, Ms. Moulton regularly took her clients from Tapestry Health to the Center to acquire clothing, household items, and other services offered by the Center.

B. Respondent and the Center

18. The Center provides food, clothing, coats, shoes, toiletries, and household items to anyone in need for free.

19. The Center is open to and accepts or solicits the patronage of the general public.

20. Respondent advertises the Center's services online.

21. Respondent's advertisements indicate the Center's services are available to anyone in need.

C. Lynn's Treatment at Respondent's Center

22. In or around mid-April 2016, Ms. Moulton scheduled an appointment for Lynn to obtain clothes and other items from the Center on or around April 28, 2016 at around 9:30am.

23. On or around April 28, 2016, at around 9:30am, Lynn and Ms. Moulton arrived for Lynn's appointment at the Center.

24. Lynn signed their name on the Center's ledger and showed their identification to SRM employee, Lenore Brooks ("Ms. Brooks"), as part of the Center's check-in process.

25. There were about 7 or 8 other people in the Center during Lynn's visit to the Center.

26. During Lynn's visit to the Center, the Center's clothes were separated by gender. The Center had a women's clothing section and a men's clothing section.

27. During Lynn's visit to the Center, Ms. Moulton assisted Lynn with picking out men's clothes.

28. Ms. Moulton went into the men's clothing section at the Center, picked out a sweater from the men's clothing section and handed the sweater to Lynn.

29. Shortly after Ms. Moulton handed Lynn the sweater, Ms. Brooks loudly announced that only men were allowed in the men's section and only women were allowed in the women's

section, and that because Lynn's identification said female Lynn could not obtain men's clothing.

30. Lynn was shocked and embarrassed by Ms. Brook's announcement.

31. Ms. Moulton informed Ms. Brooks that Lynn does not identify as a woman, prefers to be referred to by their name, does not wear women's clothing, and wears men's clothing.

32. Ms. Brooks told Ms. Moulton that the Center goes by what is on Lynn's identification; Lynn could only shop in the women's clothing section; and referred to Lynn using female pronouns.

33. Ms. Moulton informed Lynn they could not shop in the men's clothing section.

34. Lynn left the Center with Ms. Moulton without obtaining any items from the Center because the Center prohibited Lynn from selecting clothing from the men's section, the only clothing that Lynn wears.

35. Lynn left the Center without obtaining any items from the Center because the Center limited Lynn to selections from the women's clothing section, clothing that Lynn does not wear.

D. Further Evidence of Disparate Treatment at the Center

36. In the past, Ms. Moulton's White and non-transgender women clients were permitted to access the men's clothing section at the Center.

37. In the past, Ms. Moulton's White and non-transgender women clients were permitted to try on jackets, pants, and other items from the men's clothing section at the Center.

38. Lynn was denied access to the men's clothing section and could not obtain men's clothing from the Center because Lynn is a brown-skinned Puerto Rican transgender person.

39. Lynn was denied access to the men's clothing section and could not obtain men's clothing from the Center because of Lynn's sex.

40. Lynn was denied access to the men's clothing section and could not obtain men's clothing from the Center because of Lynn's gender identity.

41. Lynn was denied access to the men's clothing section and could not obtain men's clothing from the Center because of Lynn's color.

42. Lynn was denied access to the men's clothing section and could not obtain men's clothing from the Center because of Lynn's race.

CLAIMS FOR RELIEF

Count 1: Unlawful Public Accommodation Discrimination Based Upon Sex

43. Complainant Lynn Rivera realleges paragraphs 1-42 and incorporates them herein.

44. Respondent discriminated against Complainant Lynn Rivera in use of a place of public accommodation by denying Lynn access to the men's clothing section at the Give-Away Center and preventing Lynn from obtaining men's clothing from the Give-Away Center.

45. Respondent's actions violated Massachusetts Public Accommodation Laws, Mass. Gen. Laws ch., 272 § 98 by discriminating on the basis of sex.

46. As a direct result of Respondent's actions, Complainant Lynn Rivera was denied full and equal enjoyment of the accommodations, advantages, facilities, goods, services, and privileges of the Give-Away Center.

Count 2: Unlawful Public Accommodation Discrimination Based Upon Gender Identity

47. Complainant Lynn Rivera realleges paragraphs 1- 42 and incorporates them herein.

48. Respondent discriminated against Complainant Lynn Rivera in use of a place of public accommodation by denying Lynn access to the men's clothing section at the Give-Away Center and preventing Lynn from obtaining men's clothing from the Give-Away Center.

49. Respondent's actions violated Massachusetts Public Accommodation Laws, Mass. Gen. Laws ch., 272 § 98 by discriminating on the basis of gender identity.

50. As a direct result of Respondent's actions, Complainant Lynn Rivera was denied full and equal enjoyment of the accommodations, advantages, facilities, goods, services, and privileges of the Give-Away Center.

Count 3: Unlawful Public Accommodation Discrimination Based Upon Color

51. Complainant Lynn Rivera realleges paragraphs 1- 42 and incorporates them herein.

52. Respondent discriminated against Complainant Lynn Rivera in use of a place of public accommodation by denying Lynn access to the men's clothing section at the Give-Away Center and preventing Lynn from obtaining men's clothing from the Give-Away Center.

53. Respondent's actions violated Massachusetts Public Accommodation Laws, Mass. Gen. Laws ch., 272 § 98 by discriminating on the basis of color.

54. As a direct result of Respondent's actions, Complainant Lynn Rivera was denied full and equal enjoyment of the accommodations, advantages, facilities, goods, services, and privileges of the Give-Away Center.

Count 4: Unlawful Public Accommodation Discrimination Based Upon Race

55. Complainant Lynn Rivera realleges paragraphs 1- 42 and incorporates them herein.

56. Respondent discriminated against Complainant Lynn Rivera in use of a place of public accommodation by denying Lynn access to the men's clothing section at the Give-Away Center and preventing Lynn from obtaining men's clothing from the Give-Away Center.

57. Respondent's actions violated Massachusetts Public Accommodation Laws, Mass. Gen. Laws ch., 272 § 98 by discriminating on the basis of race.

58. As a direct result of Respondent's actions, Complainant Lynn Rivera was denied full and equal enjoyment of the accommodations, advantages, facilities, goods, services, and privileges of the Give-Away Center.

PRAYERS FOR RELIEF

Wherefore, Complainant Lynn Rivera requests this Commission:

1. Declare Respondent has engaged in unlawful public accommodation discrimination in violation of Mass. Gen. Laws ch., 272 § 98;
2. Enjoin Respondent and its agents, officers, employees, and volunteers from engaging in practices this Commission deems to be in violation of Mass. Gen. Laws ch., 272 § 98;
3. Order Respondent's agents, officers, employees, and volunteers undergo LGBTQ cultural competency trainings;
4. Order Respondent to adopt and implement LGBTQ inclusive policies at the Center;
5. Award Complainant civil penal damages pursuant to Mass. Gen. Laws ch., 272 § 98; and
6. Such other relief as the Commission deems just.

DATED: January 30, 2017

Respectfully submitted,

LYNN M. RIVERA

By Lynn's attorney,

GLBTQ LEGAL ADVOCATES & DEFENDERS

/s/ Allison Wright

Allison W. Wright, BBO# 684753
GLBTQ Legal Advocates & Defenders
30 Winter Street, Suite 800
Boston, MA 02108
Office: 617-426-1350
Fax Number: 617-426-3594
Email: awright@glad.org

Attorney for the Complainant

CERTIFICATE OF SERVICE

I, Allison Wright, certify that on this 30th day of January 2017, a true and correct copy of the foregoing was served via First Class Mail and Electronically on the following:

Ron Willoughby, Executive Director/CEO
Springfield Rescue Mission
10 Mill Street, P.O. Box 9045
Springfield, MA, 01102-9045
Phone: 413-732-0808 ext. 205
ronw@springfieldrescuemission.org

Carole Sakowski Lynch, Partner
Morrison Mahoney LLP
1500 Main Street, Suite 2400
P.O. Box 15387
Springfield, MA 01115-5387
Phone 413.737.4373
clynch@morrisonmahoney.com
*Attorney for Respondent