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Today, we are happy to announce an extremely important ruling for homosexual rights, issued by the California Court of Appeals (Second Appellate District, Division 4) in the case of Zandra Rolon and Deborah Johnson against Papa Choux restaurant.

Ms. Rolon and Ms. Johnson are lesbian life-mates who went to Papa Choux restaurant on January 13, 1983 for a romantic dinner to celebrate Martin Luther King Jr.'s birthday. They had reservations and were seated in one of the six booths (for very special & romantic dining), but after the manager discovered they were there, they were refused service and asked to move to another part of the restaurant.

The maitre d' and the manager said that it was the restaurant's long standing policy and a city ordinance not to serve two women or two men in these booths.

The two women left and on June 9, 1983, we filed a lawsuit against the restaurant seeking damages for violation of the Unruh Civil Rights Act, which prohibits discrimination on account of sex or sexual preference by business establishments. We also sought a preliminary injunction against the restaurant to immediately stop the practice.

On July 13, 1983, Judge Brian Geernaert denied the injunction and stated that the Los Angeles Municipal Code section which we relied on and which also prohibits discrimination on account of sexual preference was unconstitutional.

We appealed from this decision and last week (March 13, 1984) I argued our case before the Court of Appeals.

Today, we received their decision and they have reversed Judge Geernaert's decision.

Their decision is far reaching. The essence of it is that two women together or two men together cannot be denied equal accommodations, services or privileges in California, solely on account of their sex or sexual preferences. This decision applies not only to restaurants, but also to hotels, theatres, stores and all business establishments.

The argument that the restaurant made that some customers might be offended by seeing two women or two men or a lesbian or gay couple together is clearly rejected.

The important point is that business establishments can't make stereotypical assumptions about homosexuals. They have to treat them as individuals like everyone else, and accord them the same dignity and respect.

This case is about human dignity.

It will be known as a landmark which abolished the concept of separate but equal for homosexuals, and which establishes as a matter of California law that homosexuals do not have to ride in the back of the bus or sit in the back of the restaurant any more.

Most cases are not certified for publication. This one was, and it means that it will be published in all the law books and may be cited as precedent in other cases. From a legal point of view, it is extremely important because it affirmed the constitutionality of the L.A. Municipal Code which prohibits discrimination by business establishments on account of sexual preference.

The order denying the preliminary injunction is reversed, and this means the preliminary injunction which we sought must issue.

We will go to court for it as soon as legally possible (within 60 days).

Papa Choux we say to you that this case proves that homosexuals are first class citizens, and that as I promised last year, we have now given you your just desserts.

GLORIA ALLRED
Attorney at Law
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