

ZANDRA Z. ROLÓN  
DEBORAH L. JOHNSON  
VERSUS  
PAPA CHOUX RESTAURANT

FACT SHEET

Zandra Rolón and Deborah Johnson, a lesbian couple, reserved a sheer-curtained private booth at Papa Choux Restaurant in Los Angeles on January 13, 1983 to celebrate Martin Luther King Jr.'s birthday.

After being seated, the couple was refused service in their reserved booth because they were of the same sex. The women were seated in a section of the restaurant popular for its romantic atmosphere.

The management told the couple that there was a city ordinance which prohibited the restaurant from serving two men or two women in the sheer-curtained booths. It was further explained that even if it were not a city ordinance it is, in fact, a house policy to refuse service to same sex couples in the semi-private booths.

The two were told that they could be served anywhere else in the restaurant, but they would not be served in the booths. The management demanded that they leave that section of the restaurant.

The couple, believing that their basic civil rights were being violated, refused to sit elsewhere and left the restaurant.

With the aide of their attorney, Gloria Allred, Rolón and Johnson on June 13, 1983 filed a lawsuit against Papa Choux restaurant seeking damages for violation of the Unruh Civil Rights Act, which prohibits discrimination on account of sex or sexual preference by business establishments. They also sought a preliminary injunction against the restaurant to immediately stop the practice of denying service to same-sex couples in its private booths.

A press conference was held on June 9, 1983, in front of the restaurant announcing the filing of the lawsuit.

The restaurant published an edict on June 24, 1983 in the Los Angeles Times and the Los Angeles Herald Examiner in which the management publicly stated its past, present, and future policy of denying service to same sex couples in its semi-private booths.

On July 7, 1983, the restaurant published another edict in the same newspapers announcing the preliminary injunction hearing to be held the next day. In it the management stated that it would go to jail before obeying a court order to serve two men or two women in its semi-private booths, if so ordered.

On July 8, 1983, a hearing was held for the preliminary injunction in Superior Court 86 with Judge Bruce R. Geernaert presiding. After visiting the restaurant, on July 13, 1983, the judge denied the women's request to issue a preliminary injunction because he believed it would be improper to do so in such a "very, very close case". According to Judge Geernaert, the proper time for resolution would be in a full trial. He stated that the Los Angeles code which also prohibits discrimination on account of sexual preference was unconstitutional.

The couple immediately filed an appeal.

A trial date of January 25, 1984, had been set but the date was vacated upon motion by Papa Choux. A new trial date has not been set.

The plaintiffs held a candlelight vigil in front of Papa Choux Restaurant in protest of the restaurant's seating policy on January 15, 1984, commemorating Martin Luther King Jr.'s birthday and the one year anniversary of the couple's having been refused service.

On February 22, 1984, Los Angeles Superior Court Judge Charles E. Jones denied a motion by the plaintiffs for a summary judgment in their favor, deciding that the reasonableness of the restaurant's exclusionary policy is a factual issue that should go to trial.

The California Court of Appeals (Second Appellate District, Division 4) on March 13, 1984, heard arguments from both sides in the case of Rolón and Johnson against Papa Choux restaurant. On March 20, 1984 the Court of Appeals unanimously reversed the decision of Judge Bruce Geernaert. Ruling in the couple's favor, the Court of Appeals ordered the preliminary injunction to be issued. In its decision, the Court of Appeals affirmed the constitutionality of the Los Angeles Municipal Code which prohibits discrimination by business establishments on account of sexual preference. The decision is certified for publication and will appear in all law books so that it may be cited as precedent in other cases.

In light of the Appellate Court's decision, Papa Choux publicly announced in the Los Angeles Times March 27, 1984 that its private booths will remain closed until it petitions the California Supreme Court.

The California Supreme Court will decide if it intends to hear the case by May 20, 1984. Should the Supreme Court elect to hear the case, the issuance of the preliminary injunction will pend the Supreme Court's ruling. If, however, the Supreme Court decides not to hear the case, the preliminary injunction must issue immediately.