

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

---

**Chelsey Nelson Photography LLC  
and CHELSEY NELSON,**

Plaintiffs,

v.

**Louisville/Jefferson County Metro  
Government; Louisville Metro  
Human Relations Commission-  
Enforcement; Louisville Metro  
Human Relations Commission-  
Advocacy; Verná Goatley,** in her  
official capacity as Executive Director of  
the Louisville Metro Human Relations  
Commission-Enforcement; and **Marie  
Dever, Kevin Delahanty, Charles  
Lanier, Sr., Leslie Faust, William  
Sutter, Ibrahim Syed, and Leonard  
Thomas,** in their official capacities as  
members of the Louisville Metro  
Human Relations Commission-  
Enforcement,

Defendants.

---

**Case No. 3:19-cv-00851-BJB-CHL**

**Bryan D. Neihart's Declaration in  
Support of Plaintiffs'  
Motion to Compel**

I, Bryan D. Neihart, declare as follows:

1. I am over the age of eighteen and competent to testify, and I make this declaration based on my personal knowledge.
2. I am one of the attorneys representing Plaintiffs Chelsey Nelson Photography LLC and Chelsey Nelson in this litigation.
3. On November 24, 2020, Plaintiffs served their first set of requests for production, requests for admission, and interrogatories on Defendants.

4. On January 13, 2021, the parties held a telephone conference to discuss several topics, including Plaintiffs' proposed protective order and Defendants' counsel's concerns related to producing some documents in response to Plaintiffs' First Set of Requests for Production numbers 40-58.

5. On January 14, 2021, I sent an email to Defendants' counsel about the proposed protective order and attempted to address Defendants' counsel's discovery concerns. Attached as Exhibit 1 is a true and accurate copy of that email.

6. On January 15, 2021, the parties signed a Confidentiality Agreement, which protects, among other things, "non-parties' personal and/or private information and other personally identifiable information that could jeopardize such persons' safety or privacy." Attached as Exhibit 2 is a true and correct copy of that agreement.

7. On January 25, 2021, Defendants produced their Responses to Plaintiffs' First Set of Requests for Production. Attached as Exhibit 3 is a true and correct copy of the relevant excerpted material from Defendants' responses.

8. Also on January 25, 2021, Defendants produced their Objections and Responses to Plaintiffs' First Set of Interrogatories. Attached as Exhibit 4 is a true and correct copy of the relevant excerpted material from Defendants' objections and responses.

9. On January 28, 2021, I sent a letter to Defendants' counsel detailing seven areas of inadequate discovery. Attached as Exhibit 5 is a true and correct copy of that letter.

10. On February 2, 2021, the parties held a telephone conference to discuss the discovery issues outlined in the January 28, 2021 letter. The parties resolved four of the seven discovery disputes.

11. Also on February 2, 2021, I sent an email to Defendants' counsel confirming the main points discussed during the discovery meet-and-confer. Attached as Exhibit 6 is a true and correct copy of that email.

12. On February 5, 2021, Defendants' counsel sent a letter in response to the February 2 letter. Attached as Exhibit 7 is a true and correct copy of Defendants' counsel's letter.

13. On February 18, 2021, I sent another letter to Defendants' counsel about the ongoing discovery dispute with three exhibits attached. Attached as Exhibit 8 is a true and correct copy of that letter and its attachments.

14. The letter's Exhibit 1 is a true and correct copy of excerpted material from Louisville Metro Human Relations Commission Advocacy March 2, 2020 meeting minutes. Those minutes are found at

<https://louisvilleky.gov/document/advocacyjune2020meetingpdf>.

15. The letter's Exhibit 2 is a true and correct screenshot I took of the Fairness Campaign's Facebook page. The Fairness Campaigns' Facebook page is found at

<https://m.facebook.com/FairnessCampaign/posts/10157914405907264>.

16. The letter's Exhibit 3 is a true and correct screenshot I took of the sign posted by Scooter's Triple B's as reported by a website found at

<https://queerkentucky.com/opinion-transphobic-bbq-joint-sex-store-owner-shouldnt-profit-from-queer-customers/>.

17. Attached as Exhibit 9 is a true and correct copy of Defendants' Initial Disclosures sent on October 26, 2020.

18. Attached as Exhibit 10 is a true and correct copy of excerpted material from the Louisville Metro Human Relations Commission Annual Report 2015-2017 as accessed at <https://louisvilleky.gov/document/hrc2017annualreportpdf>.

19. Attached as Exhibit 11 are true and correct copies of documents bates stamped LOU METRO 0001, 00045, 00097, 00145, 00191, and 00497-00521 produced by Defendants in their initial disclosures. The public hearing transcripts referenced in LOU METRO 0001, 00045, 00097, 00145, and 00191 contain hundreds

of pages of hearing testimony related to the ordinance preceding Lou. Metro Am. Ord. No. 193-2004.

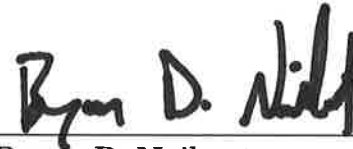
20. Attached as Exhibit 12 are true and correct copies of documents bates stamped LOU METRO 01171-1172 produced by Defendants in their initial disclosures.

21. Attached as Exhibit 13 are true and correct copies of news articles bates stamped LOU METRO 01173, 01176-1178, and 1182-1183 produced by Defendants in their Responses to Plaintiffs' First Set of Requests for Production. Overall, Defendants produced more than 130 pages of news articles from approximately 1991 to 2000 discussing the legislative history of the legislation preceding Lou. Metro Am. Ord. No. 193-2004 and similar topics.

**Declaration Under Penalty of Perjury**

I, Bryan D. Neihart, a citizen of the United States and a resident of the State of Arizona, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 5th day of March, 2021, at Scottsdale, Arizona.

A handwritten signature in black ink that reads "Bryan D. Neihart". The signature is written in a cursive style with a horizontal line underneath it.

Bryan D. Neihart

# EXHIBIT 1

**From:** [Bryan Neihart](#)  
**To:** [David Kaplan](#); [Casey Hinkle](#); [Carroll, John F.](#); [Fowler, Jason D.](#)  
**Cc:** [Jon Scruggs](#); [Kate Anderson](#); [Hailey Vrdolyak](#)  
**Subject:** Chelsey Nelson v. Louisville Metro conferral follow up  
**Date:** Thursday, January 14, 2021 7:10:00 AM  
**Attachments:** [CNPvLJC Confidentiality Agreement.docx](#)

---

Good morning Counsel,

As we discussed yesterday, I have attached a revised “protective order,” now labeled as a confidentiality agreement. We made some minor edits to the previous version we sent to account for this being an agreement rather than a proposed order. We also made some non-substantive edits to the language. The biggest change is that we deleted former paragraphs 10-11 and replaced them with paragraph 10. I would appreciate if you could let me know your position on this proposed agreement today so that we can determine by tomorrow whether we need to file a motion.

I also wanted to follow up with you on the issue you raised about the breadth discovery. Our proposal is that you produce (1) all complaints Metro has received alleging discrimination based on any characteristic in employment and housing (meaning all documents covered by RFP number 40) and (2) all case files (meaning all documents requested in RFP numbers 40-58) related to complaints made against places of public accommodation. Then, based on the complaints we receive involving employment and housing, we can review those complaints and request specific case files. This would limit Metro’s production in case files for employment and housing cases, which I imagine would significantly reduce the number of documents. You had floated the idea of relying on the data alone, but after thinking about it, the data doesn’t provide the necessary level of detail to evaluate the substance of the nature of the complaints. Based on our proposal, we’re not modifying or limiting any of Plaintiffs’ current RFPs, but we would treat Metro’s production as a rolling production with the above categories #1 and #2 due on January 25, 2021 with the rest of Metro’s discovery. Then we would follow up on any additional discovery needed based on the complaints we receive.

Thank you.

Best,

Bryan Neihart

# EXHIBIT 2



**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION**

**Chelsey Nelson Photography LLC,  
and Chelsey Nelson,**

Plaintiffs,

v.

**Louisville/Jefferson County Metro  
Government; Louisville Metro  
Human Relations Commission-  
Enforcement; Louisville Metro  
Human Relations Commission-  
Advocacy; Verná Goatley, in her  
official capacity as Executive Director of  
the Louisville Metro Human Relations  
Commission-Enforcement; and Marie  
Dever, Kevin Delahanty, Charles  
Lanier, Sr., Laila Ramey, William  
Sutter, Ibrahim Syed, and Leonard  
Thomas, in their official capacities as  
members of the Louisville Metro  
Human Relations Commission-  
Enforcement,**

Defendants.

**Case No. 3:19-cv-00851-BJB-CHL**

**Confidentiality Agreement**

---

Plaintiffs and Defendants (singularly “Party” or collectively “Parties”) agree to the following Confidentiality Agreement to protect confidential and private information that may be produced by the Parties.

1. This Confidentiality Agreement shall apply to all documents, materials, images, recordings, interrogatory responses, responses to requests for admissions, depositions and deposition exhibits, or any other information produced

in this case marked or identified as “Confidential” by Plaintiffs or Defendants (“Designating Party”).

2. “Confidential Information” is information that contains or discloses non-public information that is entitled to confidential treatment under applicable law. A Designating Party shall mark information “Confidential Information” only if that party has made a reasonable and good faith determination that it is entitled to confidential treatment pursuant to this Confidentiality Agreement. The Parties expect to exchange sensitive documents and information about Plaintiffs and non-parties including, but not limited to, (1) Plaintiffs’ trade secrets, commercial information, or sensitive business documents or information and (2) non-parties’ personal and/or private information and other personally identifiable information that could jeopardize such persons’ safety or privacy.

3. A Party receiving Confidential Information may object to the “Confidential” designation. The objecting Party shall first attempt to resolve such dispute with the Designating Party in good faith on an informal basis in accordance with LR 37.1. The objecting Party shall provide written notice to the Designating Party and state the grounds for the objection. If the dispute remains unresolved ten (10) days after notice was provided, the objecting Party may move the Court to revoke the disputed designation. Unless and until the objection is resolved by agreement or further Order of the Court, the material in dispute shall continue to be treated as Confidential Information.

4. When Confidential Information is produced or otherwise disclosed by a Designating Party, it will be designated in the following manner:

- a. by affixing on the document or other media a label marked “Confidential” (in a manner that will not interfere with their legibility);
- b. by imprinting the word “Confidential” next to or above any response to a discovery request; or
- c. with respect to transcribed testimony or documents used at a deposition, either (i) by indicating on the record which portions of the transcript or deposition documents should be designated Confidential, or (ii) after transcription, by designating portions of the transcript as Confidential, provided that written notice of the designation is promptly given to all counsel of record within thirty (30) days after notice by the court reporter of the completion of the transcript.

5. In the event a Party inadvertently produces Confidential Information without a designation as set forth in Paragraph 4 of this Confidentiality Agreement, that Party shall promptly provide written notice to the receiving Party that the Confidential Information is designated Confidential under the Confidentiality Agreement along with appropriately labeled copies of the Confidential Information. Upon receiving such notice, the receiving Party must immediately treat the information at issue as Confidential Information.

6. A Party shall not disclose Confidential Information of a Designating Party without the consent of the Designating Party or Court Order, except that such information may be disclosed to:

- a. any Party to this action who is an individual, and every employee, director, officer, or manager of any Party to this action who is not an individual, but only to the extent necessary to further the interest of the Parties in this litigation;
- b. counsel for the Parties, including members, partners, associates, paralegals, clerks, secretaries;
- c. independent contractors retained to assist counsel in this action (e.g., clerical aides, stenographic reports, reporter, videographer);
- d. deponents, witnesses, potential witnesses, and experts and consultants and their respective employees whose advice is or will be used in connection with this litigation;
- e. the Court, court personnel, other persons designated or appointed by the Court, Court employees, and court reporters or other persons necessary to accomplish or carry out court filings and other court procedures or hearings in this litigation; except that publicly filed documents shall be filed in accordance with Paragraph 7; and
- f. such other persons as to whom Plaintiffs or Defendants have mutually agreed in writing may be provided access to such documents and information; but

g. the Parties shall provide the persons described in subparagraphs (c), (d), and (f) above with a copy of this Confidentiality Agreement and those persons shall agree to be bound by the terms of this Confidentiality Agreement by signing the agreement attached as Exhibit A.

7. Nothing in this Confidentiality Agreement precludes the Parties from the normal use of documents deemed Confidential in the course of litigation consistent with Paragraph 6, including the use of Confidential documents in depositions, hearings, witness interviews, or exhibits; except that any Confidential document filed by any Party with the Court in this action shall be filed under seal according to LR 5.6 or the Confidential Information shall be redacted from publicly filed documents.

8. Nothing in this Confidentiality Agreement shall prevent or restrict a Designating Party's own disclosure or use of its own Confidential Information for any purpose.

9. Within sixty (60) days of the final disposition of this action, including completion of all possible appellate procedures, the Parties shall promptly deliver to the Designating Party all documents designated and treated as "Confidential" or an Affidavit under penalty of perjury declaring that all Confidential documents and copies thereof have been destroyed.

10. The Parties agree that any use or dissemination of Confidential Information in violation of this Agreement will cause irreparable harm, and that monetary damages may not be a sufficient remedy. The Parties further agree that

an order of specific performance or for injunctive relief against the disclosing Party in the event of a breach under this Confidentiality Agreement would be equitable and would not work a hardship on the disclosing Party. Accordingly, in the event of a breach by either Party, the non-breaching Party, without any bond or other security being required and in addition to whatever other remedies are or might be available at law or in equity, shall have the right either to compel specific performance by, or to obtain injunctive relief against, the other Party, with respect to any obligation or duty herein or breach thereof.

**Exhibit A**

***Chelsey Nelson Photography LLC, et al. v. Louisville/Jefferson County Metro Government, et al.***

**United States District Court for the Western District of Kentucky**

**Case no. 3:19-cv-00851-BJB-CHL**

1. My address is \_\_\_\_\_.

2. My present occupation is \_\_\_\_\_.

3. I have received a copy of the Confidentiality Agreement in the above-captioned case, and I have carefully read and understand its provisions. I consent to jurisdiction of the United States District Court for the Western District of Kentucky, solely for the purpose of enforcing the provisions of the Confidentiality Agreement.

4. I will comply with all provisions of the Confidentiality Agreement. I will hold in confidence and will not disclose to anyone other than those persons specifically authorized by the Confidentiality Agreement, and will not copy or use except for purposes of this action, any documents or things marked CONFIDENTIAL which I receive in this action, except as allowed in accordance with the Confidentiality Agreement.

5. Upon final termination of this action, I will return all Information designated as CONFIDENTIAL which is in my possession, custody, or control, including all copies, extracts and summaries thereof, to counsel who retained me.

6. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this date \_\_\_\_\_ at \_\_\_\_\_

By: \_\_\_\_\_

Consented to this 15th day of January, 2021.

By: s/ Bryan Neihart

Jonathan A. Scruggs  
AZ Bar No. 030505\*  
Katherine L. Anderson  
AZ Bar No. 033104\*  
Bryan Neihart  
CO Bar No. 47800\*  
**Alliance Defending Freedom**  
15100 N. 90th Street  
Scottsdale, AZ 85260  
Telephone: (480) 444-0020  
jscruggs@adflegal.org  
kanderson@adflegal.org  
bneihart@adflegal.org

David A. Cortman  
GA Bar No. 188810\*  
**Alliance Defending Freedom**  
1000 Hurricane Shoals Rd. NE  
Ste. D-1100  
Lawrenceville, GA 30043  
Telephone: (770) 339-0774  
dcortman@adflegal.org

Joshua D. Hershberger  
KY Bar No. 94421  
**Hershberger Law Office**  
P.O. Box 233  
Hanover, IN 47243  
Telephone: (812) 274-0441  
josh@hlo.legal

\* Admission *Pro Hac Vice*  
*Attorneys for Plaintiffs*

By: s/ Casey L. Hinkle

John F. Carroll  
Jason D. Fowler  
Michael J. O'Connell  
Peter F. Ervin  
Assistant Jefferson County Attorneys  
531 Court Place, Ste. 900  
Louisville, Kentucky 40202  
(502) 574-6321  
john.carroll2@louisvilleky.gov  
jason.fowler@louisvilleky.gov  
mike.oconnell@louisvilleky.gov  
peter.ervin@louisvilleky.gov

David S. Kaplan  
Casey L. Hinkle  
Kaplan Johnson Abate & Bird LLP  
710 W. Main Street, 4th Floor  
Louisville, KY 40202  
(502)-416-1630  
dkaplan@Kaplanjohnsonlaw.com  
chinkle@Kaplanjohnsonlaw.com

*Attorneys for Defendants*



# EXHIBIT 3

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION**

---

|   |  |
|---|--|
| <p><b>CHELSEY NELSON PHOTOGRAPHY<br/>LLC and CHELSEY NELSON,</b></p> <p style="text-align: center;"><b>Plaintiffs,</b></p> <p><b>v.</b></p> <p><b>LOUISVILLE/JEFFERSON COUNTY<br/>METRO GOVERNMENT, et al.,</b></p> <p style="text-align: center;"><b>Defendants.</b></p> | <p><b>Case No. 3:19-cv-851-BJB-CHL</b></p> |
|---|--|

---

**DEFENDANTS' RESPONSES TO  
PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION**

Defendants Louisville/Jefferson County Metro Government, Louisville Metro Human Relations Commission – Enforcement, Louisville Metro Human Relations Commission – Advocacy, Kendall Boyd, in his official capacity as (former) Executive Director of the HRC, Marie Dever, Kevin Delahanty, Charles Lanier, Sr., Laila Ramey (former member), William Sutter, Ibrahim Syed, and Leonard Thomas, in their official capacities as members of the Louisville Metro Human Relations Commission-Enforcement (collectively, “Defendants”), by counsel, pursuant to Federal Rule of Civil Procedure 26 and 34, for their objections and responses to the First Set of Requests for Production (the “Requests”) served by Plaintiffs Chelsey Nelson Photography LLC and Chelsey Nelson (collectively, “Plaintiffs” or “Chelsey Nelson”), state as follows:

**GENERAL OBJECTIONS**

1. Defendants object to the Instructions to the extent that they would impose any obligations beyond those set forth under the Federal Rules of Civil Procedure, the Local Rules,

and the Orders of this Court. Defendants will work in good faith with the Plaintiffs to resolve any questions or disputes that may arise with respect to these Responses.

2. Defendants object to the service of 105 Requests for Production as needlessly and unreasonably duplicative and therefore unduly burdensome and harassing.

3. Defendants object to the Requests to the extent they seek discovery regarding individual complaints and/or HRC case files as irrelevant and unduly burdensome and therefore disproportionate to the needs of the parties in this case.

4. Defendants object to the Requests to the extent they seek the production of documents Defendants are prohibited from disclosing pursuant to 5 U.S.C. § 552a, 42 U.S.C. §§ 2000e-5(b), -8(e), 42 U.S.C. § 12117(a), 29 C.F.R. § 1601.22, Louisville Metro Ordinance § 92.08(B)(7), or other applicable law (hereinafter collectively referred to as the “Confidentiality Laws”).

5. Defendants object to the Requests to the extent they seek information reasonably and equally available to both parties.

6. Defendants object to the Requests to the extent they seek the production of documents dating back to 1999 or 2004, some of which may not have been retained pursuant to document retention policies and practices employed in the normal course of Defendants’ business and/or are in archives that are not reasonably accessible.

7. Defendants object to Instruction No. 3 as unduly burdensome and purporting to require more information than necessary for Defendants and/or the Court to evaluate an assertion of privilege.

8. Defendants object to Instruction No. 6 to the extent it purports to require Defendants to search for responsive documents in locations not within Defendants' possession, custody, or control.

### **RESPONSES TO REQUESTS FOR PRODUCTION**

#### **Request for Production No. 1**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of complaints of an alleged unlawful practice that the Commission received in each of the years between 2004 and 2020 broken down by year.

**Objection/Response:** Defendants object to this Request for Production to the extent that it is overbroad, unduly burdensome, and seeks information that is not relevant to adjudicating the merits of this dispute and not likely to lead to the discovery of admissible evidence. Defendants further object to this Request to the extent it seeks the production of data that is not tracked or kept in summary spreadsheets, tables, graphs, or reports in the ordinary course of business. Defendants have no obligation to create documents in response to Requests for Production of Documents pursuant to FRCP 36. Defendants further object to this Request to the extent production is prohibited by applicable Confidentiality Laws. The following responsive documents are being withheld based on Confidentiality Laws: EEOC Resolutions Reports, EEOC Pending Inventory Reports, HUD Reports of Closed FHAP Complaints, HUD Reports of Closed FHAP Complaints, and spreadsheets used by HRC to track open and closed cases. Subject to and without waiving these objections, responsive summary spreadsheets, tables, graphs, or reports appear in Minutes of meetings of the Enforcement Board, which are publicly available here: <https://louisvilleky.gov/government/human-relations-commission/enforcement-minutes>, and HRC Annual Reports and Newsletters, which are publicly available here: <https://louisvilleky.gov/government/human-relations-commission/reports-publications>. EEOC summary reports, redacted to conceal details regarding individual cases, are produced with these responses as LOU METRO 01718-LOU METRO 01833.

#### **Request for Production No. 2**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of complaints of an alleged unlawful practice that the Commission initiated in each of the years between 2004 and 2020 broken down by year.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

#### **Request for Production No. 3**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of complaints of an alleged unlawful practice that the Commission investigated in each of the years between 2004 and 2020 broken down by year.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 4**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of complaints of an alleged unlawful practice that the Commission received in each of the years between 2004 and 2020 against each of the following entities broken down by year and entity:

- housing accommodations;
- employers; and
- public accommodations.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 5**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of complaints of an alleged unlawful practice that the Commission initiated in each of the years between 2004 and 2020 against each of the following entities broken down by year and entity:

- housing accommodations;
- employers; and
- public accommodations.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 6**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of complaints of an alleged unlawful practice that the Commission investigated in each of the years between 2004 and 2020 against each of the following entities broken down by year and entity:

- housing accommodations;
- employers; and
- public accommodations.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 7**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of complaints of an alleged unlawful practice that the Commission received in

each of the years between 2004 and 2020 for each of the following characteristics broken down by year and characteristic:

- race;
- color;
- religion;
- national origin;
- familial status;
- disability;
- sexual orientation;
- gender identity; and
- sex.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

### **Request for Production No. 8**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of complaints of an alleged unlawful practice that the Commission initiated in each of the years between 2004 and 2020 for each of the following characteristics broken down by year and characteristic:

- race;
- color;
- religion;
- national origin;
- familial status;
- disability;
- sexual orientation;
- gender identity; and
- sex.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

### **Request for Production No. 9**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of complaints of an alleged unlawful practice that the Commission investigated in each of the years between 2004 and 2020 for each of the following characteristics broken down by year and characteristic:

- race;
- color;
- religion;

- national origin;
- familial status;
- disability;
- sexual orientation;
- gender identity; and
- sex.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

### **Request for Production No. 10**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of complaints against a place of public accommodation of an alleged unlawful practice that the Commission received in each of the years between 2004 and 2020 for each of the following characteristics broken down by year and characteristic:

- race;
- color;
- religion;
- national origin;
- familial status;
- disability;
- sexual orientation;
- gender identity; and
- sex.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

### **Request for Production No. 11**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of complaints against a place of public accommodation of an alleged unlawful practice that the Commission initiated in each of the years between 2004 and 2020 for each of the following characteristics broken down by year and characteristic:

- race;
- color;
- religion;
- national origin;
- familial status;
- disability;
- sexual orientation;
- gender identity; and
- sex.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 12**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of complaints against a place of public accommodation of an alleged unlawful practice that the Commission investigated in each of the years between 2004 and 2020 for each of the following characteristics broken down by year and characteristic:

- race;
- color;
- religion;
- national origin;
- familial status;
- disability;
- sexual orientation;
- gender identity; and
- sex.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 13**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of reasonable cause determinations the Commission has issued in each of the years between 2004 and 2020.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 14**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of reasonable cause determinations the Commission has issued in each of the years between 2004 and 2020 against each of the following entities broken down by year and entity:

- housing accommodations;
- employers; and
- public accommodations.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 15**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of reasonable cause determinations for an alleged unlawful practice the



Commission has issued in each of the years between 2004 and 2020 for each of the following characteristics broken down by year and characteristic:

- race;
- color;
- religion;
- national origin;
- familial status;
- disability;
- sexual orientation;
- gender identity; and  
sex.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

#### **Request for Production No. 16**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of reasonable cause determinations for an alleged unlawful practice committed by a place of public accommodation the Commission has issued in each of the years between 2004 and 2020 for each of the following characteristics broken down by year and characteristic:

- race;
- color;
- religion;
- national origin;
- familial status;
- disability;
- sexual orientation;
- gender identity; and  
sex.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

#### **Request for Production No. 17**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of no reasonable cause determinations the Commission has issued in each year between 2004 and 2020.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

#### **Request for Production No. 18**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of no reasonable cause determinations the Commission has issued in each of the

years between 2004 and 2020 against each of the following entities broken down by year and entity:

- housing accommodations;
- employers; and
- public accommodations.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

### **Request for Production No. 19**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of no reasonable cause determinations for an alleged unlawful practice the Commission has issued in each of the years between 2004 and 2020 for each of the following characteristics broken down by year and characteristic:

- race;
- color;
- religion;
- national origin;
- familial status;
- disability;
- sexual orientation;
- gender identity; and
- sex.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

### **Request for Production No. 20**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of no reasonable cause determinations for an alleged unlawful practice committed by a place of public accommodation the Commission has issued in each of the years between 2004 and 2020 for each of the following characteristics broken down by year and characteristic:

- race;
- color;
- religion;
- national origin;
- familial status;
- disability;
- sexual orientation;
- gender identity; and
- sex.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 21**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of petitions to reconsider persons have filed with the Commission to appeal a Commission finding of no reasonable cause in each of the years between 2004 and 2020.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 22**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of petitions to reconsider the Commission has granted as to a reasonable cause or no reasonable cause determination in each year between 2004 and 2020.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 23**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of settlements or conciliations resolved by the Commission in each year between 2004 and 2020.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 24**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of settlements or conciliations resolved by the Commission in each of the years between 2004 and 2020 against each of the following entities broken down by year and entity:

- housing accommodations;
- employers; and
- public accommodations.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 25**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number settlements or conciliations resolved by the Commission involving an alleged unlawful practice in each of the years between 2004 and 2020 for each of the following characteristics broken down by year and characteristic:

- race;
- color;
- religion;
- national origin;
- familial status;
- disability;
- sexual orientation;
- gender identity; and
- sex.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 26**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number settlements or conciliations resolved by the Commission against a place of public accommodation involving an alleged unlawful practice in each of the years between 2004 and 2020 for each of the following characteristics broken down by year and characteristic:

- race;
- color;
- religion;
- national origin;
- familial status;
- disability;
- sexual orientation;
- gender identity; and
- sex.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 27**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of hearings involving an alleged unlawful practice held by the Commission in each of the years between 2004 and 2020.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 28**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of hearings involving an alleged unlawful practice held by the Commission in each of the years between 2004 and 2020 against each of the following entities broken down by year and entity:

- housing accommodations;
- employers; and
- public accommodations.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

### **Request for Production No. 29**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of hearings involving an alleged unlawful practice held by the Commission in each of the years between 2004 and 2020 for each of the following characteristics broken down by year and characteristic:

- race;
- color;
- religion;
- national origin;
- familial status;
- disability;
- sexual orientation;
- gender identity; and
- sex.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

### **Request for Production No. 30**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of hearings involving an alleged unlawful practice held by the Commission against a place of public accommodation in each of the years between 2004 and 2020 for each of the following characteristics broken down by year and characteristic:

- race;
- color;
- religion;
- national origin;
- familial status;
- disability;
- sexual orientation;
- gender identity; and
- sex.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 31**

Please produce documents sufficient to show the number of appeals taken from a decision by a hearing officer of the Commission in each of the years between 2004 and 2020.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 32**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of appeals taken from a decision by an Appeal Panel of the Commission in each year between 2004 and 2020.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 33**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of actions filed by the Commission in Jefferson Circuit Court to enforce an order of the Commission in each of the years between 2004 and 2020.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 34**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of complaints of an unlawful practice under Lou. Code Ord. § 98.05 (Lou. Ord. No. 0088-2001, 2) that Louisville drafted, initiated, or received, between January 1, 1999 and January 6, 2003.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 35**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of reasonable-cause and no-reasonable cause determinations involving an alleged unlawful practice under Lou. Code Ord. § 98.05 (Lou. Ord. No. 0088-2001, 2) issued between January 1, 1999 and January 6, 2003.

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 36**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of hearings held by Louisville between January 1, 1999 and January 6, 2003,

involving an alleged unlawful practice under Lou. Code Ord. § 98.05 (Lou. Ord. No. 0088-2001, 2).

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 37**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of complaints of discrimination that Jefferson County drafted, initiated, and received, between October 1, 1999 and January 6, 2003, containing an alleged unlawful practice under Jeff. Code Ord. § 92.06 (Jeff. Ord. 36-1999).

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 38**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of reasonable-cause and no-reasonable-cause determinations that Jefferson County issued, between October 1, 1999 and January 6, 2003, containing an alleged unlawful practice under Jeff. Code Ord. § 92.06 (Jeff. Ord. 36-1999).

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 39**

Please produce documents (such as summary spreadsheets, tables, graphs, or reports) sufficient to show the number of hearings held by Jefferson County between October 1, 1999 and January 6, 2003, involving an alleged unlawful practice under Jeff. Code Ord. § 92.06 (Jeff. Ord. 36-1999).

**Objection/Response:** Please see objection/response to Request for Production Number 1.

**Request for Production No. 40**

Please produce all complaints of an alleged unlawful practice that the Commission has drafted, initiated, or received, after December 9, 2004, under the Metro Ordinance.

**Objection/Response:** Defendants object to this Request for Production as overly broad and unduly burdensome, and as seeking documents that are not relevant to adjudicating the merits of this dispute and not likely to lead to the discovery of admissible evidence. Defendants further object to this Request to the extent production is prohibited by applicable Confidentiality Laws. Defendants further object to the extent the Request seeks the production of documents subject to the attorney work product doctrine and/or the attorney-client privilege. Subject to and without waiving these objections, Defendants will work with Plaintiffs to make available for inspection some reasonable sub-set of non-privileged, responsive documents, to the extent reasonably accessible and to the extent permitted under applicable Confidentiality Laws.

**Request for Production No. 41**

Please produce all reasonable-cause determinations involving an alleged unlawful practice that the Commission has issued, after December 9, 2004, under the Metro Ordinance.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 42**

Please produce all no-reasonable-cause determinations involving an alleged unlawful practice that the Commission has issued, after December 9, 2004, under the Metro Ordinance.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 43**

Please produce all petitions to reconsider no-reasonable-cause determinations filed with the Commission after December 9, 2004.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 44**

Please produce all orders granting or denying petitions to reconsider no-reasonable-cause determinations issued by the Commission after December 9, 2004.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 45**

Please produce all settlements or conciliations of a complaint alleging an unlawful practice resolved by the Commission after December 9, 2004.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 46**

Please produce all documents filed by the Commission in Jefferson Circuit Court under Metro Ordinance § 92.09(J), after December 9, 2004, for actions seeking temporary relief in an action concerning an alleged unlawful practice.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 47**



Please produce all documents filed by the Commission in Jefferson Circuit Court under Metro Ordinance § 92.09(K), after December 9, 2004, for actions seeking to prevent a respondent from changing its position on the complaint or mooted a complaint concerning an alleged unlawful practice.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 48**

Please produce all documents filed by the Commission in Jefferson Circuit Court under Metro Ordinance § 92.09(L)-(M), after December 9, 2004, for actions seeking to enforce an order of the Commission concerning an alleged unlawful practice.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 49**

Please produce all Jefferson Circuit Court orders resolving actions filed by the Commission, after December 9, 2004.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 50**

Please produce all documents containing the terms and conditions of all conciliation and settlement agreements resolved by the Commission after December 9, 2004.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 51**

Please produce all documents containing the terms and conditions of all conciliation agreements concerning an allegation of an alleged unlawful practice based on sexual orientation referenced by Kendall Boyd in paragraph 4 of his supplemental affidavit filed on February 28, 2020.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 52**

Please produce all orders issued by a Commission hearing officer, after December 9, 2004, concerning the disposition of alleged unlawful practice.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 53**

Please produce all orders, opinions, audio recordings, and transcripts filed in or produced for any hearing before the Commission concerning an alleged unlawful practice after December 9, 2004.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 54**

Please produce all pleadings, exhibits, orders, audio recordings, transcripts, and any other documents filed in or produced for the 2012 and 2014 hearings concerning an alleged unlawful practice on the ground of sexual orientation referenced by Kendall Boyd in paragraph 4 of his supplemental affidavit filed on February 28, 2020.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 55**

Please produce all orders issued by a Commission appeal panel, after December 9, 2004, concerning the disposition of an alleged unlawful practice under the Metro Ordinance.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 56**

Please produce all pleadings, exhibits, orders, transcripts, and any other documents filed in any administrative appeal before the Commission appeal panel concerning an alleged unlawful practice after December 9, 2004.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 57**

Please produce all pleadings, attachments, exhibits, or any other documents filed by the Commission in Jefferson Circuit Court under Metro Ordinance § 92.14, after December 9, 2004, appealing a final order concerning an alleged unlawful practice under the Metro Ordinance.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 58**

Please produce all pleadings, attachments, exhibits, orders, or any other documents the Commission possesses concerning actions filed by any person directly in Jefferson Circuit Court under Metro Ordinance § 92.09(A) involving an alleged unlawful practice.

**Objection/Response:** Please see objection/response to Request for Production No. 40.

**Request for Production No. 59**

Please produce all rules, policies, guidelines, and any other documents that concern how, when, and under what circumstances, the Director determines whether reasonable cause of an alleged unlawful practice exists.

**Objection/Response:** Defendants object to this Request for Production to the extent it assumes that the Director makes all reasonable cause determinations regarding unlawful practices. Notwithstanding this objection and subject to it, Defendants respond that reasonable cause determinations are made in accordance with the Metro Ordinance. Defendants are producing with these responses a complaint procedure chart as LOU METRO 01717 and Defendants previously produced certain forms used by HRC as LOU METRO 01167-1172, which Plaintiffs may consider responsive to this Request. No other responsive documents exist.

**Request for Production No. 60**

Please produce all rules, policies, guidelines, and any other documents that concern how the Commission determines, according to its authority given to it under Metro Ordinance § 92.09(A), whether to file a complaint alleging an alleged unlawful practice under the Metro Ordinance.

**Objection/Response:** Defendants state that determinations regarding complaints are made in accordance with the Metro Ordinance. Defendants are producing with these responses a complaint procedure chart as LOU METRO 01717 and Defendants previously produced certain forms used by HRC as LOU METRO 01167-1172, which Plaintiffs may consider responsive to this Request. No other responsive documents exist.

**Request for Production No. 61**

Please produce all rules, policies, guidelines, and any other documents describing how the Commission attempts to resolve complaints containing an allegation of an alleged unlawful practice under Metro Ordinance § 92.09(D).

**Objection/Response:** Please see objection/response to Request for Production No. 60.

**Request for Production No. 62**

Please produce all rules, policies, guidelines, and any other documents describing how the Director attempts to eliminate unlawful practices by conference and conciliation under Metro Ordinance § 92.09(E)(2).

**Objection/Response:** Defendants object to this Request for Production to the extent it assumes that the Director makes all decisions regarding conference and conciliation of unlawful practices. Notwithstanding this objection and subject to it, Defendants respond that such decisions are made in accordance with the Metro Ordinance. Defendants are producing with these responses a complaint procedure chart as LOU METRO 01717 and Defendants previously produced certain forms used by HRC as LOU METRO 01167-1172, which Plaintiffs may consider responsive to this Request. No other responsive documents exist.

**Request for Production No. 63**

Please produce all rules, policies, guidelines, and any other documents that concern how you interpret and apply Metro Ordinance § 92.05(A).

**Objection/Response:** Defendants are producing with these responses a complaint procedure chart as LOU METRO 01717 and Defendants previously produced certain forms used by HRC as LOU METRO 01167-1172, which Plaintiffs may consider responsive to this Request. No other responsive documents exist, aside from the Metro Ordinance itself.

**Request for Production No. 64**

Please produce all rules, policies, guidelines, and any other documents that concern how you interpret and apply Metro Ordinance § 92.05(B).

**Objection/Response:** Please see objection/response to Request for Production No. 63.

**Request for Production No. 65**

Please produce all rules, policies, guidelines, and any other documents that concern how the Commission interprets the term “place of public accommodation” as used in Metro Ordinance § 92.02 and § 92.05.

**Objection/Response:** Please see objection/response to Request for Production No. 63.

**Request for Production No. 66**

Please produce all rules, policies, guidelines, and any other documents that concern how the Commission interprets the terms “full and equal enjoyment,” “goods,” “services,” “facilities,” “privileges,” “advantages,” and “accommodations,” as used in Metro Ordinance § 92.05(A).

**Objection/Response:** Please see objection/response to Request for Production No. 63.

**Request for Production No. 67**

Please produce all rules, policies, guidelines, and any other documents that concern how the Commission interprets the terms “objectionable,” “unwelcome,” “unacceptable,” or “undesirable” as used in Metro Ordinance § 92.05(B).

**Objection/Response:** Please see objection/response to Request for Production No. 63.

**Request for Production No. 68**

Please produce documents sufficient to show the methods and criteria you use to determine whether a place of public accommodation has declined to create, sell, or otherwise provide a good

or service because of an objection to the person's protected characteristics as opposed to a decline based on another reason.

**Objection/Response:** Please see objection/response to Request for Production No. 63.

**Request for Production No. 69**

Please produce all documents that the Commission has created or transmitted, after December 9, 2004, that constitute training or educational material designed to eliminate discrimination in places of public accommodation.

**Objection/Response:** Defendants object to the extent this request seeks the production of documents they are prohibited from disclosing pursuant to applicable Confidentiality Laws. Defendants further object to the request for "all documents" created or transmitted "after December 9, 2004" as unduly and unreasonably overbroad and burdensome. Notwithstanding these objections and subject to them, non-confidential training materials located pursuant to a reasonable search are produced with these responses as LOU METRO 01311-LOU METRO 01659.

**Request for Production No. 70**

Please produce all training materials received by Commission investigators, after December 9, 2004, that concern how they should investigate complaints of an alleged unlawful practice against a place of public accommodation.

**Objection/Response:** Please see objection/response to Request for Production No. 63.

**Request for Production No. 71**

Please produce all rules, policies, guidelines, and any other documents that concern how you interpret and apply Metro Ordinance § 92.05(C).

**Objection/Response:** Please see objection/response to Request for Production No. 63.

**Request for Production No. 72**

Please produce all rules, policies, guidelines, and any other documents that concern how you interpret and apply Metro Ordinance § 92.07(A).

**Objection/Response:** Please see objection/response to Request for Production No. 63.

**Request for Production No. 73**

Please produce all rules, policies, guidelines, and any other documents that concern how you interpret and apply Metro Ordinance § 92.07(B).

**Objection/Response:** Please see objection/response to Request for Production No. 63.

**Request for Production No. 74**

Please produce all rules, policies, guidelines, and any other documents that concern how you interpret and apply Metro Ordinance § 92.04(A).

**Objection/Response:** Please see objection/response to Request for Production No. 63.

**Request for Production No. 75**

Please produce all documents supporting the statement that you “actively investigate[] complaints [you] receive[] for alleged violations of” the Metro Ordinance consistent with admission to paragraph 303 of the Complaint in paragraph 10 of your Answer.

**Objection/Response:** Defendants object to this Request for Production as overly broad, unduly burdensome, and as seeking the production of irrelevant documents not likely to lead to the discovery of admissible evidence to the extent the request purports to request the production of “all documents” relating to Defendants’ investigation of alleged violations of the Metro Ordinance. Defendants incorporate by reference as if fully set forth herein Defendants objections and responses to all previous Requests for Production.

**Request for Production No. 76**

Please produce all non-privileged documents created after November 19, 2019 that concern Chelsey Nelson Photography LLC or Chelsey Nelson.

**Objection/Response:** Defendants object to producing documents protected by the attorney-client and work-product privileges. Notwithstanding these objections and subject thereto, no responsive documents exist.

**Request for Production No. 77**

Please produce all documents transmitted to or from third parties after November 19, 2019 that concern Chelsey Nelson Photography LLC or Chelsey Nelson.

**Response:** No responsive documents exist.

**Request for Production No. 78**

Please produce all social media posts, messages, comments, news releases, statements to any media outlets, or other public statements or comments created, published, or sent by the Commission, after November 19, 2019, that concern Chelsey Nelson Photography LLC or Chelsey Nelson.

**Request for Production No. 105**

Please produce all documents that support your answer to Plaintiffs' Interrogatory Number 17.

**Objection/Response:** Please see Objection/Response to Request for Production No. 103.

Respectfully submitted,

MIKE O'CONNELL  
JEFFERSON COUNTY ATTORNEY

/s/ Casey L. Hinkle  
John F. Carroll  
Jason D. Fowler  
Assistant Jefferson County Attorneys  
531 Court Place, Ste. 900  
Louisville, Kentucky 40202  
(502) 574-6321  
[john.carroll2@louisvilleky.gov](mailto:john.carroll2@louisvilleky.gov)  
[jason.fowler@louisvilleky.gov](mailto:jason.fowler@louisvilleky.gov)

David S. Kaplan  
Casey L. Hinkle  
KAPLAN JOHNSON ABATE & BIRD LLP  
710 W. Main Street, 4<sup>th</sup> Floor  
Louisville, KY 40202  
(502)-416-1630  
[dkaplan@kaplanjohnsonlaw.com](mailto:dkaplan@kaplanjohnsonlaw.com)  
[chinkle@kaplanjohnsonlaw.com](mailto:chinkle@kaplanjohnsonlaw.com)

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 25, 2021, a copy of the foregoing was served by email on the following:

Jonathan A. Scruggs  
Katherine L. Anderson  
Bryan Neihart  
ALLIANCE DEFENDING FREEDOM  
Scottsdale, AZ 85260  
(480) 444-0020  
[jscruggs@adflegal.org](mailto:jscruggs@adflegal.org)  
[kanderson@adflegal.org](mailto:kanderson@adflegal.org)  
[bneihart@adflegal.org](mailto:bneihart@adflegal.org)

David A. Cortman  
ALLIANCE DEFENDING FREEDOM  
1000 Hurricane Shoals Rd. NE  
Ste. D-1100  
Lawrenceville, GA 30043  
(770) 339-0774  
[dcortman@adflegal.org](mailto:dcortman@adflegal.org)

Joshua D. Hershberger  
HERSHBERGER LAW OFFICE  
P.O. Box 233  
Hanover, IN 47243  
(812) 274-0441  
[josh@hlo.legal](mailto:josh@hlo.legal)

*Counsel for Plaintiffs*

/s/ Casey L. Hinkle  
*Counsel for Defendants*



# EXHIBIT 4

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION**

---

|   |  |
|---|--|
| <p><b>CHELSEY NELSON PHOTOGRAPHY<br/>LLC and CHELSEY NELSON,</b></p> <p style="text-align: center;"><b>Plaintiffs,</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>LOUISVILLE/JEFFERSON COUNTY<br/>METRO GOVERNMENT, et al.,</b></p> <p style="text-align: center;"><b>Defendants.</b></p> | <p style="text-align: center;"><b>Case No. 3:19-cv-851-BJB-CHL</b></p> |
|---|--|

---

**DEFENDANTS’ OBJECTIONS AND RESPONSES TO  
PLAINTIFFS’ FIRST SET OF INTERROGATORIES**

Defendants Louisville/Jefferson County Metro Government, Louisville Metro Human Relations Commission – Enforcement, Louisville Metro Human Relations Commission – Advocacy, Kendall Boyd, in his official capacity as (former) Executive Director of the HRC, Marie Dever, Kevin Delahanty, Charles Lanier, Sr., Laila Ramey (former member), William Sutter, Ibrahim Syed, and Leonard Thomas, in their official capacities as members of the Louisville Metro Human Relations Commission-Enforcement (collectively, “Defendants”), by counsel, pursuant to Federal Rules of Civil Procedure 26 and 33, hereby provide their objections and answers to the First Set of Interrogatories served by the Plaintiffs Chelsey Nelson Photography LLC and Chelsey Nelson (collectively, “Plaintiffs” or “Chelsey Nelson”), as follows:

**DEFINITIONS USED HEREIN**

1. The term “Commission” refers to the Louisville Metro Human Relations Commission or its authorized representative. As the context requires, “Commission” may refer to

Louisville Metro Human Relations Commission-Enforcement and/or the Louisville Metro Human Relations Commission-Advocacy.

2. The term “Enforcement Commission” specifically refers to the Louisville Metro Human Relations Commission Enforcement.

3. The term “Metro Ordinance” means the ordinances in Lou. Metro Am. Ord. No. 157-2003, §§ 32.761, 32.761 and Lou. Metro Am. Ord. No. 193-2004 §§ 92.01-92.25.

4. The terms “Public Accommodations Provision,” “Publication Provision,” “Denial Clause” and “Unwelcome Clause” have the same meaning as the defined terms in Complaint referring to certain provisions of the Metro Ordinance.

5. The term “Complaint” refers to the complaint filed by the Plaintiffs in this case, *Chelsey Nelson Photography LLC v. Louisville/Jefferson County Metro Government*, 3:19-cv-00851-CHB-CHL.

For clarity, the Definitions set forth in Plaintiffs’ Interrogatories have not been adopted by Defendants for purposes of answering the Interrogatories and, when inconsistent, the Definitions used herein govern the meaning and scope of Defendants’ answers. Defendants specifically object to Plaintiffs’ definition of “participate” as being ambiguous, potentially over- and under-inclusive, seemingly contrary to the common meaning of the term, and therefore potentially misleading.

#### **PRELIMINARY AND GENERAL OBJECTIONS**

1. Defendants object to the Instructions in Plaintiffs’ Interrogatories to the extent that they impose any obligations beyond those set forth under the Federal Rules of Civil Procedure, the Local Rules, and the Orders of this Court. Defendants will work in good faith with the Plaintiffs to resolve any questions or disputes that may arise with respect to these Answers.

2. Defendants object to Instruction No. 2 as unduly burdensome and purporting to require more information than necessary for Defendants and/or the Court to evaluate an assertion of privilege.

3. Defendants object to Instruction No. 5 to the extent it purports to require Defendants to search for responsive documents in locations not within Defendants' possession, custody, or control.

4. Defendants object to Plaintiffs' use of hypothetical questions or scenarios that have no relationship to the facts of this case and therefore are not proper under the Federal Rules of Civil Procedure. *See, e.g., Abbott v. U.S.*, 177 F.R.D. 92, 92-94 (N.D.N.Y. 1997); *The Atlanta Channel, Inc. v. Solomon*, 2020 WL 6781221, \*6 (D.D.C. Nov. 18, 2020); *St. Jude Children's Research Hospital, Inc. v. Quest Diagnostics Inc.*, 2009 WL 10665119, \*3 (W.D. Tenn. May 1, 2009); *Buchanan v. Chicago Transit Authority*, 2016 WL 7116591, \*5 (N.D. Ill. Dec. 7, 2016).

### **INTERROGATORIES**

1. Identify all persons involved in answering or assisting in answering Plaintiff's First Set of Interrogatories, Requests for Production of Documents, and Requests for Admissions on your behalf.

**Answer:**

The persons involved in answering or assisting in answering Plaintiff's First Set of Interrogatories, Requests for Production of Documents, and Requests for Admissions include:

- Kendall Boyd
- Verna Goatley
- Rotonia Sanford
- Dinisha Calhoun
- Altheia Jackson

All such persons participated with the assistance of legal counsel for the Defendants.

position is that Louisville Metro's interest in prohibiting discrimination on grounds sexual orientation is as compelling and as important as the interest in prohibiting discrimination on the basis of race. *See* Transcript, p. 68 ("I don't think there's any principle[d] basis to distinguish how compelling is the state interest in rooting out invidious racial discrimination versus evaluating how compelling is a state or local government's interest in eradicating invidious discrimination against sexual orientation.").

12. Do you contend that you have a compelling interest in requiring Chelsey Nelson Photography LLC and Chelsey Nelson to provide paid photography services for same-sex weddings if she provides paid photography services for opposite-sex weddings? If so, state all material facts that support your contention.

**Answer:**

Yes. Governments have a compelling state interest in rooting out all forms of discrimination that create social strife, cause humiliation, and produce economic inefficiency. Louisville Metro and its predecessor entities adopted the ordinance to address invidious discrimination against LGBTQ people. Pursuant to Fed. R. Civ. P. 33(d), Defendants refer to the Declaration of Policy in the Metro Ordinance (§ 92.01) and documents Bates stamped LOU METRO 00001-1166.

13. Do you contend that you have a compelling interest in requiring Chelsey Nelson Photography LLC and Chelsey Nelson to provide paid editing services for photographers photographing same-sex weddings if she provides paid editing services for photographers photographing opposite-sex weddings? If so, state all material facts that support your contention.

**Answer:**

*See* Answer to Interrogatory No. 12.

14. Do you contend that you have a compelling interest in requiring Chelsey Nelson Photography LLC and Chelsey Nelson to write blogs celebrating same-sex weddings as part of her paid photography services if she writes blogs celebrating opposite-sex weddings as part of her paid photography services? If so, state all material facts that support your contention.

**Objection/Answer:**

Defendants object to this Interrogatory on the grounds that the phrase “blogs celebrating opposite-sex weddings” is conclusory and argumentative. Defendants also object as this interrogatory seeks information regarding a hypothetical situation and therefore seeks irrelevant information not likely to lead to the discovery of admissible evidence. Notwithstanding these objections and subject thereto, the Public Accommodations Provision requires Plaintiffs to provide the same services to same-sex and opposite-sex couples. The Public Accommodations Provision does not dictate the content of Plaintiffs’ blogs. Subject to these objections and qualifications, Defendants refer to the Answer to Interrogatory No. 12.

15. Do you contend that the least restrictive means to achieve any government interest is to require Chelsey Nelson Photography LLC and Chelsey Nelson to provide paid photography services for same-sex weddings when she already provides paid photography services for opposite-sex weddings? If so, identify all material facts that support your contention, including all other alternative means you considered, when you considered those alternative means, and why you concluded those alternative means were ineffective.

**Answer:**

Yes. The Metro Ordinance cannot accomplish its important and compelling purpose of preventing discrimination if a significant segment of the population is permitted to discriminate on grounds of a sincere religious belief.

16. Do you contend that the least restrictive means to achieve any government interest is to require Chelsey Nelson Photography LLC and Chelsey Nelson to provide paid editing services for photographers photographing same-sex weddings when she already provides paid editing services for photographers photographing opposite-sex weddings? If so, identify all material facts that support your contention, including all other alternative means you considered, when you considered those alternative means, and why you concluded those alternative means were ineffective.

**Answer:**

*See Answer to Interrogatory No. 15.*

17. Do you contend that the least restrictive means to achieve any government interest is to require Chelsey Nelson Photography LLC and Chelsey Nelson to write blogs celebrating same-sex weddings as part of her paid photography services when she already writes blogs celebrating opposite-sex weddings as part of her paid photography services? If so, identify all material facts that support your contention, including all other alternative means you considered, when you considered those alternative means, and why you concluded those alternative means were ineffective.

**Answer:**

*See Answer to Interrogatory No. 15.*

Respectfully submitted,

MIKE O'CONNELL  
JEFFERSON COUNTY ATTORNEY

/s/ David S. Kaplan  
John F. Carroll  
Jason D. Fowler  
Assistant Jefferson County Attorneys  
531 Court Place, Ste. 900  
Louisville, Kentucky 40202  
(502) 574-6321  
[john.carroll2@louisvilleky.gov](mailto:john.carroll2@louisvilleky.gov)  
[jason.fowler@louisvilleky.gov](mailto:jason.fowler@louisvilleky.gov)

David S. Kaplan  
Casey L. Hinkle  
KAPLAN JOHNSON ABATE & BIRD LLP  
710 W. Main Street, 4<sup>th</sup> Floor  
Louisville, KY 40202  
(502)-416-1630  
[dkaplan@kaplanjohnsonlaw.com](mailto:dkaplan@kaplanjohnsonlaw.com)  
[chinkle@kaplanjohnsonlaw.com](mailto:chinkle@kaplanjohnsonlaw.com)

*Counsel for Defendants*

**VERIFICATION**

I, Kendall Boyd, believe, based on a reasonable inquiry, that the foregoing answers to interrogatories are true and correct to the best of my knowledge, information and belief but not necessarily fully of my own knowledge and so verify under penalty of perjury.

January 25, 2021

/s/ Kendall Boyd  
Kendall Boyd



**CERTIFICATE OF SERVICE**

I hereby certify that on January 25, 2021, a copy of the foregoing was served by email on the following:

Jonathan A. Scruggs  
Katherine L. Anderson  
Bryan Neihart  
ALLIANCE DEFENDING FREEDOM  
Scottsdale, AZ 85260  
(480) 444-0020  
[jscruggs@adflegal.org](mailto:jscruggs@adflegal.org)  
[kanderson@adflegal.org](mailto:kanderson@adflegal.org)  
[bneihart@adflegal.org](mailto:bneihart@adflegal.org)

David A. Cortman  
ALLIANCE DEFENDING FREEDOM  
1000 Hurricane Shoals Rd. NE  
Ste. D-1100  
Lawrenceville, GA 30043  
(770) 339-0774  
[dcortman@adflegal.org](mailto:dcortman@adflegal.org)

Joshua D. Hershberger  
HERSHBERGER LAW OFFICE  
P.O. Box 233  
Hanover, IN 47243  
(812) 274-0441  
[josh@hlo.legal](mailto:josh@hlo.legal)

*Counsel for Plaintiffs*

/s/ Casey L. Hinkle  
*Counsel for Defendants*

# EXHIBIT 5



January 28, 2021

*Via Email*

Casey L. Hinkle  
Kaplan Johnson Abate & Bird LLP  
710 W. Main Street, 4th Floor  
Louisville, KY 40202  
(502)-416-1630  
[chinkle@Kaplanjohnsonlaw.com](mailto:chinkle@Kaplanjohnsonlaw.com)

Re: *Chelsey Nelson Photography LLC, et al. v. Louisville/Jefferson County Metro Government, et al.*, Case No. 3:19-cv-00851-BJB-CHL

Dear Ms. Hinkle,

I write to outline several discovery matters related to Defendants' Objections and Responses to Plaintiffs' First Set of Interrogatories ("Interrogatory Responses"), Defendants' Responses to Plaintiffs' First Set of Requests for Admissions, and Defendants' Response to Plaintiffs' First Set of Requests for Production ("Production Responses"), all dated January 25, 2021. I send this letter in advance of our meet-and-confer with the goal of making our meeting more efficient.

Please produce the supplemental documents and/or responses listed below by February 8, 2021. If Plaintiffs do not have the supplemental documents and responses by that date, Plaintiffs will need to set a discovery hearing to address these issues. This will also delay the date on which Plaintiffs are able to depose Defendants' witnesses.

I. Request for Production Numbers 40-58.

Request for Production Numbers 40-58 generally requested case files of complaints of discrimination under the Metro Ordinance and its predecessors maintained by the Louisville Metro Human Relations Commission-Enforcement and the Louisville Metro Human Relations Commission-Advocacy (collectively "Commission") and its predecessors. We discussed these requests on January 13, 2021 during our first meet-and-confer. At that time, Defendants raised possible concerns regarding overbreadth and burden of production. In response to these concerns, Plaintiffs proposed via email on January 14, 2021 that Defendants at first produce (1) all complaints the Commission has received alleging discrimination based on any characteristic in employment and housing (meaning all documents covered by Request for Production Number 40) and (2) all case files (meaning all documents requested in Request for Production Numbers 40-58) related to complaints made

against places of public accommodation. Then, Plaintiffs could determine whether further documents needed to be produced.

Production Response Number 40 (which was incorporated into Production Response Numbers 41-58) objected to producing responsive documents based on “applicable Confidentiality Laws,” but noted that Defendants “will work with Plaintiffs” to produce “some reasonable sub-set of non-privileged, responsive documents, to the extent reasonably accessible and to the extent permitted under applicable Confidentiality Laws.”

In your email on January 25, 2021, you identified six laws that you believe limit what Defendants can disclose.

First, Defendants cite 5 U.S.C. § 552a of the Freedom of Information Act (“FOIA”). But FOIA only governs the federal agencies, not state-government agencies or local governments. *See, e.g., Rayyan v. Sharpe*, 2008 WL 4601427, at \*3 (W.D. Mich. Oct. 15, 2008) (collecting cases); *Gamble v. Dep’t of the Army*, 567 F.Supp.2d 150, 154 (D.D.C.2008) (the federal FOIA and the federal Privacy Act cover only entities that derive their authority from the federal government) (citing *Brown v. Kelly*, 1994 WL 36144, \*1 (D.C. Cir. Jan. 27, 1994) and 5 U.S.C. § 551(1)).

Second, Defendants cite 42 U.S.C. § 2000e-5(b). Third, Defendants cite 42 U.S.C. § 2000e-8(e). Fourth, Defendants cite 29 C.F.R. § 1601.22. But these laws and this regulation govern the Equal Employment Opportunity Commission (“EEOC”). *See, e.g.,* 42 U.S.C. § 2000e-5(b) (“[c]harges shall not be made public by the Commission”); 42 U.S.C. § 2000e-8(e) (prohibiting “any officer or employee of the Commission to make public in any manner whatever any information obtained by the Commission”); 29 C.F.R. § 1601.22 (prohibiting certain information from being “made matters of public information by the Commission”). So by their plain terms, these laws and this regulation do not apply to Defendants based on the information available to me.

Fifth, Defendants cite 42 U.S.C. § 12117(a). This section references and incorporates the “powers, remedies, and procedures” set forth in 42 U.S.C. § 2000e-5(b) and 42 U.S.C. § 2000e-8(e).

Finally, Defendants cite Metro Ordinance § 92.08(B)(7). But “[q]uestions of privilege in federal civil rights cases are governed by federal law.” *King v. Conde*, 121 F.R.D. 180, 187 (E.D.N.Y. 1988) (collecting opinions including by the Second, Fifth, and Ninth circuits). *See also, e.g., Hancock v. Dodson*, 958 F.2d 1367, 1373-74 (6th Cir. 1992); *Grummons v. Williamson Cty. Bd. of Educ.*, 2014 WL 1491092, at \*3 (M.D. Tenn. Apr. 15, 2014); *Van Emrik v. Chemung Cty. Dep’t of Soc. Servs.*, 121 F.R.D. 22, 25 (W.D.N.Y. 1988) (“Merely asserting that a state statute declares that the records

in question are ‘confidential’ does not make out a sufficient claim that the records are ‘privileged’ ...”). So the Metro Ordinance does not restrict access to responsive documents in this federal case.

Based on this quick summary, there is no impediment to Defendants producing responsive documents based on “Confidentiality Laws.” Nonetheless, Plaintiffs are willing to enter into a confidentiality agreement to alleviate any confidentiality concerns regarding information contained in documents responsive to Request for Production Numbers 40-58 or work together to come up with a reasonable solution to protect any sensitive information. Therefore, Plaintiffs request that Defendants produce responsive documents to Request for Production Numbers 40-58 according to the proposal outlined in Plaintiffs’ January 14, 2021 as well as all responsive documents to Requests for Production Numbers 51 and 54 even if they do not involve a public accommodation.

## II. Production Responses Numbers 1-39.

Requests for Production Numbers 1-39 generally requested that Defendants “produce documents (such as summary spreadsheets, tables, graphs, or reports” sufficient to show ...” data related to the enforcement of the Commission and its predecessors.

Defendants responded by raising several objections in Production Response Number 1, including that documents were being withheld “based on Confidentiality Laws.” If this refers to the “Confidentiality Laws” discussed above, Plaintiffs’ position is that those laws and regulations do not provide a basis for withholding documents. Therefore, Plaintiffs request that Defendants supplement Production Responses Numbers 1-39 by producing the withheld “spreadsheets used by HRC to track open and closed cases.”

Defendants also responded by directing Plaintiffs to the Commission’s online minutes, annual reports, and newsletters (“Commission Documents”) in Production Response Number 1. But, as explained in the chart below, the Commission Documents either do not fully respond or do not respond at all to Plaintiffs’ Requests for Production Numbers 1-39. Plaintiffs request that Defendants cure the deficiencies in the Production Responses listed below and produce documents fully responsive to the Requests for Production Numbers 1-39.

| RFP Number(s) | Deficiency of Response and Supplemental Request |
|---------------|---|
|---------------|---|

|                            |   |
|----------------------------|---|
| 1, 3                       | The Commission Documents do not provide the requested information for the years 2004-2005. Please produce documents sufficient to show the requested information for the years 2004-2005.   |
| 2, 5, 8, 11                | The Commission Documents do not contain the requested information because they differentiate between complaints <i>filed or initiated</i> by the Commission (as opposed to received) and complaints filed by individuals for any year between 2004-2020. Please produce documents sufficient to show the requested information noting this distinction.   |
| 4, 6, 7, 9, 13, 17, 27     | The Commission Documents do not provide information for the years 2004-2005, 2010 (the bar graphs do not contain numbers), or 2018. The Commission Documents also provide incomplete information for the years 2017 and 2019-2020 because there are not minutes for each month of those years. Please produce documents sufficient to show the requested information for the missing years or missing parts of years.       |
| 10, 12, 14, 18, 24, 28     | The Commission Documents do not provide information for the years 2004-2005, 2009, 2010 (the bar graphs do not contain numbers), or 2018. The Commission Documents also provide incomplete information for the years 2017 and 2019-2020 because there are not minutes for each month of those years. Please produce documents sufficient to show the requested information for the missing years or missing parts of years. |
| 15, 16, 19, 20, 29, 30, 31 | The Commission Documents do not provide information for the years 2004-2018. The Commission Documents also provide incomplete information for the years 2019-2020 because there are not minutes for each month of those years. Please produce documents sufficient to show the requested information for the missing years or missing parts of years.   |
| 21, 22, 32, 33             | The Commission Documents do not contain the requested information for any year between 2004-2020. Please produce documents sufficient to show the requested information.  |
| 23                         | The Commission Documents do not provide information for the years 2004-2005 or 2018. The Commission Documents also provide incomplete information for the years 2017 and 2019-2020 because there are not minutes for each month of those years. Please produce documents sufficient to show the requested information for the missing years or missing parts of years.  |
| 25, 26                     | The Commission Documents do not provide information for the years 2004-2009 or 2018. The Commission Documents also provide incomplete information for the years 2017 and 2019-2020 because there are not minutes for each month of those years. Please produce  |

|            |  |
|------------|--|
|            | documents sufficient to show the requested information for the missing years or missing parts of years.  |
| 34, 35, 36 | The Commission Documents do not contain the requested information for any year between 1999-2003. These requests asked for information about Louisville's enforcement of its law. Please produce documents sufficient to show the requested information.       |
| 37, 38, 39 | The Commission Documents do not contain the requested information for any year between 1999-2003. These requests asked for information about Jefferson County's enforcement of its law. Please produce documents sufficient to show the requested information. |

### III. Production Responses Number 90.

Request for Production Number 90 requests the Commission's organizational chart. Production Response Number 90 directs Plaintiffs to a website, but the requested information is not available on the website. Please produce responsive documents.

### IV. Request for Admission Numbers 20 and 21.

Request for Admission Numbers 20 and 21 request Defendants to admit or deny whether Metro Ordinance §§ 92.05(A)-(B) applies to certain facts. Defendants objected to these requests "based on hypothetical facts." But "under Rule 36, requests relating to the application of law to fact are permissible." *In re Rail Freight Fuel Surcharge Antitrust Litig.*, 281 F.R.D. 1, 11 (D.D.C. 2011). *See also Wagner v. St. Paul Fire & Marine Ins. Co.*, 238 F.R.D. 418, 423-24 (N.D.W. Va. 2006) ("It asks the Plaintiffs to admit that if a certain factual situation is found to exist, a certain legal outcome results. This is precisely the kind of request contemplated by Rule 36(a)."). Because these requests are proper, please produce supplemental responses.

### V. Request For Admission Numbers 50 and 53.

Request for Admission Number 50 requests Defendants to admit or deny whether there are "multiple wedding photographers in Louisville who publicly indicate a willingness to create photographs for same-sex weddings." Request for Admission Number 53 requests Defendants to admit or deny whether there are "multiple wedding photographers in Louisville who create photographs for same-sex weddings ...." In response to both requests, Defendants respond by claiming they "do not contend that there are no wedding photographers in Louisville who are willing to photograph same-sex wedding photographs." These responses are vague in that they do not respond to the requests for admission. Please supplement Defendants

Page 6

responses by clarifying whether Defendants admit or deny Request for Admission Numbers 50 and 53.

VI. Interrogatory Response Number 6.

This interrogatory asks about persons’ “access to wedding photographers willing to photograph same-sex couples[.]” Defendants’ responses states “Defendants do not contend that there are no wedding photographers ... who are willing to provide services to same-sex couples.” This response is vague in that it shifts the premise of the question—consumer access—by responding with an answer about providers’ available. Please clarify whether you contend persons “do not have access to wedding photographers willing to photograph same-sex couples[.]”

VII. Interrogatory Responses Numbers 15-17.

Interrogatory Numbers 15-17 asked about “the least restrictive means to achieve any government interest ....” If answered affirmatively, Interrogatory Numbers 15-17 also asked Defendants to “identify all material facts that support your contention, including all other alternative means you considered, when you considered those alternative means, and why you concluded those alternative means were ineffective.”

Defendants’ Interrogatory Responses answered the first half of Interrogatory Numbers 15-17 affirmatively, but did not respond to the second half of the interrogatories. Please supplement Defendants’ Interrogatory Responses by “indentif[ing] all material facts that support your contention, including all other alternative means you considered, when you considered those alternative means, and why you concluded those alternative means were ineffective.”

Respectfully,

*s/Bryan D. Neihart*  
Bryan D. Neihart  
Counsel for Plaintiffs

cc: John F. Carroll, [john.carroll2@louisvilleky.gov](mailto:john.carroll2@louisvilleky.gov)  
Jason D. Fowler, [jason.fowler@louisvilleky.gov](mailto:jason.fowler@louisvilleky.gov)  
David S. Kaplan, [dkaplan@Kaplanjohnsonlaw.com](mailto:dkaplan@Kaplanjohnsonlaw.com)

**Ex. 5 006**



# EXHIBIT 6

**From:** [Bryan Neihart](#)  
**To:** [Casey Hinkle](#); [Carroll, John F.](#); [Fowler, Jason D.](#); [David Kaplan](#)  
**Cc:** [Jon Scruggs](#); [Kate Anderson](#); [Hailey Vrdolyak](#)  
**Subject:** Chelsey Nelson Photography LLC v. Louisville/Jefferson County: Meet and Confer Follow Up  
**Date:** Tuesday, February 2, 2021 9:34:00 PM

---

Hi Casey,

I wanted to follow up with you on our meet-and-confer to confirm the main points we discussed and to offer a few proposals that account for some of the items we discussed.

1. Request for Production Numbers 40-58. I understand that you are speaking with your team about the possibility of producing publicly filed or publicly available documents for complaints of discrimination against public accommodations. I understand that you will follow up with us once your team has reached a conclusion about whether to produce those documents. Our position remains that Plaintiffs are requesting (1) all complaints the Commission has received alleging discrimination based on any characteristic in employment and housing and (2) all case files related to complaints made against public accommodations. Then, after we receive these documents, Plaintiffs could determine whether further documents related to employment and housing need to be produced. As to (1), we are willing to further limit this request to address Defendants' concerns about burden. Plaintiffs would be willing to limit (1) by either (a) limiting employment and housing discrimination complaints to the time period of 2010-present or (b) limiting employment and housing discrimination complaints to complaints where the following exceptions to employment and housing apply: 92.04(A), (D) and 92.07(A), (B). To address Defendants' confidentiality concerns, we'd also be willing to agree to some sort of protective order or discuss potential redactions of sensitive information.

2. Production Responses Numbers 1-39. Other than withholding the "spreadsheets used by HRC to track open and closed cases," it is my understanding that Defendants believe they have produced all available responsive records to these requests. It is also my understanding that Defendants will look for the annual reports that the Commission and its predecessors were required to submit to the State Commission under 92.08(B)(10)(d) and predecessor statutes and that Defendants will update broken links on its website for the Enforcement minutes between the years 2017-2020. However, as I mentioned in my January 28, 2021 letter, there are still several years' worth of data that has not been produced and some of RFPs do not have any responsive documents. For this reason, we request that you update RFP numbers 1-39 to state whether responsive documents exist, provide specific answers to RFP numbers 2-39, and supplement the responses with the responsive documents outlined in the letter. Plaintiffs' position is also that the spreadsheet that is currently being withheld should be produced, but I understand we disagree about that.

3. Interrogatory Response Numbers 15-17. We discussed Defendants' responses to these interrogatories. I understand that Defendants' position is that they have appropriately responded to these interrogatories. Plaintiffs position is that the responses do not fully and adequately address the question.

Please let us know your position on (1) producing publicly filed or publicly available documents for

complaints of discrimination against public accommodations for RFPs 40-58; (2) Defendants' position on Plaintiffs' new proposals for RFPs 40-58; (3) providing Plaintiffs with the annual reports or other missing information outlined in the January 28, 2021 letter for RFPs 1-39; and (4) responding to RFPs 2-39 by Friday, February 5, 2021. If we are unable to resolve the issues listed in the paragraphs above, we'll need to schedule a telephonic meeting with Judge Lindsay.

Thank you.

Best,

Bryan Neihart

# EXHIBIT 7



CASEY L. HINKLE  
(502) 689-6739  
chinkle@kaplanjohnsonlaw.com

VIA EMAIL ONLY

February 5, 2021

Bryan D. Neihart  
Alliance Defending Freedom  
[BNeihart@adflegal.org](mailto:BNeihart@adflegal.org)

**Re: *Chelsey Nelson Photography LLC, et al. v. Louisville/Jefferson County Metro Government, et al.*, Case No. 3:19-cv-00851-BJB-CHL**

Dear Bryan:

Thank you for your letter dated January 28, 2021, your email dated February 2, 2021, and for taking the time to speak earlier this week regarding certain of Defendants' objections to Plaintiffs' written discovery requests. I write to clarify and confirm Defendants' objections to Plaintiffs' discovery requests.

Plaintiffs' requests for complaints, case files, and other documents relating to discrimination complaints filed by third parties (RFPs 40-58)

Relevance Objection: Defendants continue to maintain that these documents are irrelevant to Plaintiffs' claims and not likely to lead to the discovery of admissible evidence. We understand that Plaintiffs believe these documents are relevant to explore how Defendants have interpreted the Fairness Ordinance in other cases and whether there is any evidence of animus towards parties alleged to have engaged in violations of the Fairness Ordinance. However, Plaintiffs have intentionally crafted this lawsuit to avoid any questions of interpretation. You wrote Plaintiffs' marketing statement specifically to be in violation of the Fairness Ordinance so that Plaintiffs can challenge the constitutionality of the Ordinance. Defendants have admitted that certain portions of that statement violate the Fairness Ordinance and therefore there are no complicated or nuanced questions of interpretation at issue in this litigation. Moreover, Plaintiff has never been the subject of any enforcement activity, so there will be no evidence of any animus whatsoever against Plaintiffs because Defendants had not heard of Plaintiffs before they commenced this lawsuit. Plaintiffs have not alleged and would have no good faith basis to allege targeting or anything of the sort. As such, Defendants maintain that Plaintiffs have no good faith basis to go on a fishing expedition through case files of unrelated discrimination complaints filed by third-parties.

**Ex. 7 001**

February 5, 2021

Page 2 of 3

Confidentiality Laws: Defendants further maintain that Defendants are prohibited from disclosing the vast majority of these case files pursuant to 5 U.S.C. § 552a, 42 U.S.C. §§ 2000e-5(b), -8(e), 42 U.S.C. § 12117(a), 29 C.F.R. § 1601.22, Louisville Metro Ordinance § 92.08(B)(7), or other applicable law (hereinafter collectively referred to as the “Confidentiality Laws”). Plaintiffs have not identified any precedent for disclosure of hundreds of third-party case files in cases like the one at issue here. Moreover, the cases cited by Plaintiffs with respect to Confidentiality Laws involved only the disclosure of information regarding a party to the litigation, not confidential information relating to third parties. As such, Defendants do not view those precedents as applicable to Plaintiffs’ discovery requests. But even if the Court were to engage in the balancing of relevance and confidentiality concerns as suggested by *King v. Conde*, 121 F.R.D. 180, 187 (E.D.N.Y. 1988), the balance would not favor disclosure given the marginal, at best, relevance of the discovery sought and the important policy interest of promoting conciliated settlements served by the Confidentiality Laws. In any event, we cannot recommend to our clients that they make a disclosure prohibited by applicable law without the protection of a Court order requiring disclosure. A stipulated confidentiality agreement/order is not sufficient to permit disclosure under these Confidentiality Laws, many of which carry a criminal penalty for violations.

Burden Objection: Finally, Defendants reiterate their burden objections which are based on: the large volume of the files requested (there are hundreds of complaints/case files during the requested time periods); the age of the files (most of these files have been moved to archives that are not reasonably accessible); and the intermingling of files that are required to be kept confidential pursuant to the Confidentiality Laws with files that relate to public proceedings which are not subject to the Confidentiality Laws (tedious and time-consuming manual review would be required to separate files that are not subject to the Confidentiality Laws). We appreciate Plaintiffs’ narrowing of their requests as set forth in your email dated February 2, 2021, but these undue burdens remain, even with Plaintiffs’ modification of their requests. Defendants do not believe the burdens imposed by Plaintiffs’ requests are proportional to Plaintiffs’ need for the discovery.

Subject to and without waiver of these objections, Defendants have attempted to retrieve from archived storage the case files for the two complaints identified by Kendall Boyd’s affidavit as being based on sexual orientation discrimination and having proceeded to Administrative Hearing (one case in 2012 and one case in 2014). As of the date of this letter, these two case files have not been located. If Defendants are able to locate these files, Defendants agree to produce non-privileged documents which are not subject to the Confidentiality Laws from these files.

Plaintiffs’ requests for summary spreadsheets, tables, etc. regarding third-party complaints and enforcement of the Fairness Ordinance (RFPs 1-39)

Defendants clarify that, as set forth in their written responses and objections to Plaintiffs’ requests, the following responsive documents are being withheld based on Confidentiality Laws: EEOC Resolutions Reports, EEOC Pending Inventory Reports, HUD Reports of Closed FHAP Complaints, HUD Reports of Closed FHAP Complaints, and spreadsheets used by HRC to track open and closed cases. As we discussed during the meet-and-confer, Defendants are attempting to determine if there are any Annual Reports or minutes from meetings of either the Enforcement

710 WEST MAIN STREET, 4<sup>TH</sup> FLOOR, LOUISVILLE, KENTUCKY 40202  
TEL: (502) 416-1630 FAX: (502) 540-8282

February 5, 2021

Page 3 of 3

Board or Advocacy Board that exist and have been retained, but are not available through the Louisville Human Relations Commission website. Defendants' reasonable efforts undertaken prior to the date of their discovery responses and as of the date of this letter have not located any such documents. However, Defendants agree to produce any such documents should they be located.

As we discussed, Defendants do not track data by all of the metrics requested by Plaintiffs' document requests and Defendants have no obligation to create documents in response to a request for production. Defendants decline to amend their written responses/objections to Plaintiffs' request, but to the extent it may help Plaintiffs further evaluate the availability of records, Defendants provide the following additional information regarding the documents being withheld on the basis of the Confidentiality Laws:

EEOC Resolutions Reports and EEOC Pending Inventory Reports: We have collected these documents for years 2010-2020. These documents contain charts listing individual cases, with columns for: FEPA Number/EEOC Number; CP Name/Respondent; R/T; Office Date; Charge Date; Cause Date; Closure Date; Closed; Statutes; Benefits; On Site; Staff Initial Date; F/U; Proc Time; Proc T w/exc; Staff Age. These documents also contain cover pages stating that the documents are subject to the Confidentiality Laws. Pages from these documents which summarized case data in a way that did not identify individual cases were previously produced as LOU METRO 01718-LOU METRO 01833.

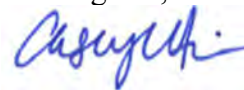
HUD Reports of Closed FHAP Complaints and HUD Reports of Closed FHAP Complaints: We have collected these documents for years 2010-2020. These documents contain charts listing individual cases, with columns for: Investigator; HUD Case Number; FHAP Case Number; Case Name (which identifies the complainant and the respondent); HUD Monitor; HUD Filing Date; Cause Date; Age.

Spreadsheets used by HRC to track open and closed cases: We have collected these documents for years 2010-2020. These spreadsheets list individual cases. The format of these spreadsheets has changed slightly over the years. Each spreadsheet contains some or all of the following columns: EEOC; Intake; Investigator; Complaint No.; EEOC No.; Complainant; Respondent; Closure; Amt Rec'd/Reason; Code; Date Opened; Date Closed; Days Open; TER; HRC; No Credit; Hearing Date/Outcome of Hearing; Basis; Action.

\* \* \* \* \*

We addressed the remaining discovery requests identified in your letter dated January 28, 2021 during our February 2, 2020 meet-and-confer. Please let me know if you need any further clarification of Defendants' position with respect to those requests.

Best regards,



Casey L. Hinkle

**KAPLAN JOHNSON ABATE & BIRD LLP**

710 WEST MAIN STREET, 4<sup>TH</sup> FLOOR, LOUISVILLE, KENTUCKY 40202  
TEL: (502) 416-1630 FAX: (502) 540-8282

**Ex. 7 003**

# EXHIBIT 8





February 18, 2021

*Via Email*

Casey L. Hinkle  
Kaplan Johnson Abate & Bird LLP  
710 W. Main Street, 4th Floor  
Louisville, KY 40202  
(502)-416-1630  
[chinkle@Kaplanjohnsonlaw.com](mailto:chinkle@Kaplanjohnsonlaw.com)

Re: *Chelsey Nelson Photography LLC, et al. v. Louisville/Jefferson County Metro Government, et al.*, Case No. 3:19-cv-00851-BJB-CHL

Dear Ms. Hinkle,

I write this letter as an additional attempt to resolve the parties' ongoing discovery dispute related to Plaintiffs' First Set of Requests for Production ("RFPs") 40-58. This letter highlights two pieces of new information that illustrate why the documents responsive to RFPs 40-58 are relevant and do not raise confidentiality concerns as Defendants claim in their February 5, 2021 letter.

*First*, the Louisville Metro Human Relation Commission's ("Commission") March 2, 2020 meeting minutes discuss a case involving "Scooter's Triple B's Facebook Posting of 'No Transgender Restroom.'" *See* Ex. 1. The minutes reflect that Executive Director Boyd "talked with the Enforcement Chair and a formal complaint was signed against the bar." *Id.* I researched this case online and found a Facebook post written by the Fairness Campaign. Ex. 2. The Fairness Campaign stated that it would "ask[]" the Commission to "look into this anti-#LGBTQ business." *Id.* Dawn Wilson, a previous member of the Advocacy Commission, commented "I have sent this to Chair Glass and definitely look forward to hearing from the Fairness campaign. This is disgusting and not representative of the Louisville we want to see." *Id.* According to a contemporaneous report, the "whole saga began on Facebook, as most do, when one woman publicly shared a sign that greeted her at the entrance of Scooter's." *See* <https://queerkentucky.com/opinion-transphobic-bbq-joint-sex-store-owner-shouldnt-profit-from-queer-customers/>. I have attached a photograph of what I believe to be the sign posted by Scooter's Triple B's. *See id.* *See also* Ex. 3.

This single complaint—and the Commission's response—reveals important details about Louisville's law, such as how broadly the Commission defines a public accommodation, how the Commission receives complaints and from whom, how the Commission investigates, how the Commission applies its ordinance (including its publication provision), and the interests Louisville considers important in applying

Page 2

its law. Other complaints related to public accommodations, employment, and housing will surely reveal similar information which is relevant for standing and the merits of Plaintiffs' claims.

*Second*, the Commission's annual reports since at least 2006 have listed conciliation agreements identifying the complainant's first and last name, the basis of the complaint, and the general terms of the settlement (including monetary awards). *See, e.g.*, <https://louisvilleky.gov/document/human-relations-commission-2006-08-annual-report-pdf> (pages 25-28) and <https://louisvilleky.gov/document/hrc2017annualreportpdf> (pages 7-14). This undermines Defendants' argument that documents responsive to RFPs 40-58 are confidential (notwithstanding the fact that RFPs 46-58 request public documents). Complainants cannot have a reasonable expectation of privacy when the Commission already publishes these personal details about their conciliations. *See Hansen v. Allen Mem'l Hosp.*, 141 F.R.D. 115, 123-24 (S.D. Iowa 1992) (granting access to state civil rights commission's tape recordings when the commission did not make "a general promise of confidentiality to individuals providing information to the" commission). This is especially true because the parties already have a confidentiality agreement that protects third-party information. And Plaintiffs are willing to agree to another confidentiality agreement regarding these documents.

For these reasons, Plaintiffs reiterate their request that Defendants produce all complaints the Commission has received alleging discrimination (meaning all documents covered by RFP 40) in employment and housing either (a) based on any characteristic, or (b) based on any characteristic in from 2010-present, or (c) based on any characteristic in complaints where § 92.04(A), (D) and § 92.07(A) applied. After receiving these complaints, Plaintiffs would determine whether additional documents from these complaints need to be produced.

Plaintiffs also reiterate their request that Defendants produce all case files (meaning all documents requested in RFPs 40-58) related to complaints made against places of public accommodation.

Respectfully,

*s/Bryan D. Neihart*  
Bryan D. Neihart  
Counsel for Plaintiffs

cc: John F. Carroll, [john.carroll2@louisvilleky.gov](mailto:john.carroll2@louisvilleky.gov)  
Jason D. Fowler, [jason.fowler@louisvilleky.gov](mailto:jason.fowler@louisvilleky.gov)  
David S. Kaplan, [dkaplan@Kaplanjohnsonlaw.com](mailto:dkaplan@Kaplanjohnsonlaw.com)

**Ex. 8 002**

# EXHIBIT 1

**LOUISVILLE METRO HUMAN RELATIONS COMMISSION**

***ADVOCACY BOARD MEETING***

**OFFICIAL CALL AND AGENDA**

**Tuesday, June 9, 2020**

**9:00 A.M.**

- **ROLL CALL**
- **MINUTES**
  - ◇ **March 2020**
- **EXECUTIVE DIRECTOR'S REPORT**
- **COMMITTEE REPORTS**
- **PROTEST/POLICE TACTICS STATEMENT**
- **POLICE CHIEF'S STATEMENT &  
CITIZENS REVIEW WORK GROUP**
- **OLD BUSINESS**
- **NEW BUSINESS**
- **ADJOURNMENT**

**MISSION**

of the Louisville Metro Human Relations Commission is to promote unity, understanding and equal opportunity among all people of Metro Louisville and to eliminate all forms of bigotry, bias and hatred from the community.

## LOUISVILLE METRO HUMAN RELATIONS COMMISSION

### ADVOCAC MEETING MINUTES

March 2, 2020

The advocacy board meeting of the Louisville Metro Human Relations Commission was held Monday, March 2, 2020, at 9:00 a.m. at the Louisville Metro Human Relations Commission.

#### CALL TO ORDER

Commissioner Chair Reginald Lass called the meeting to order at 9:00 a.m.

#### ROLL CALL

**PRESENT:** Commissioners David Ilgood (*phone*), Reginald Lass (*phone*), Angelica Matos (*phone*), and Iyiragira, Endolyn Earce (*phone*), Heather Williams (*phone*), and Ann Wilson.

**ABSENT:** Commissioners Victor Eddie (*excused*), Olivia Leit, and R. Thurston Atterson (*excused*).

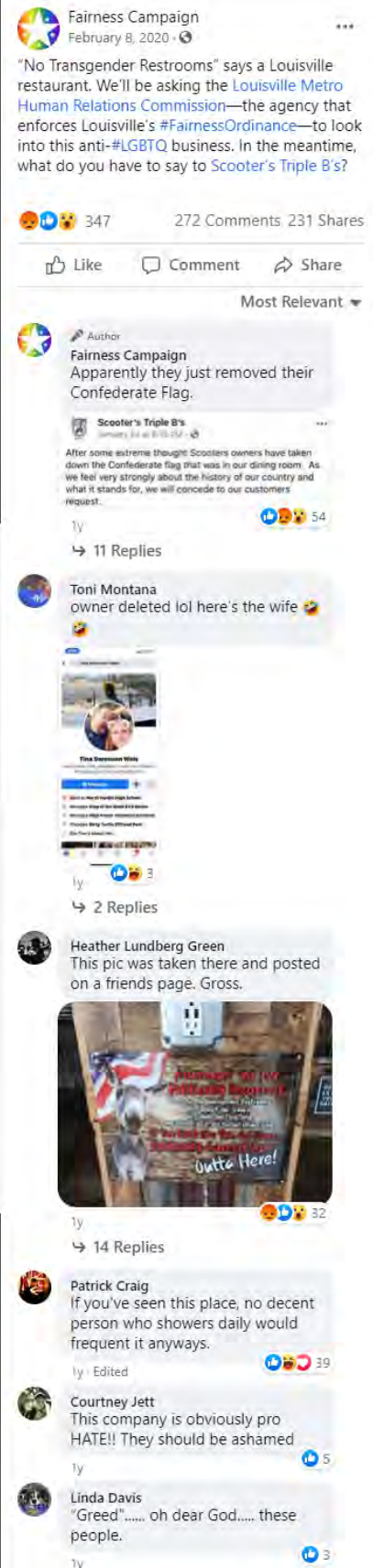
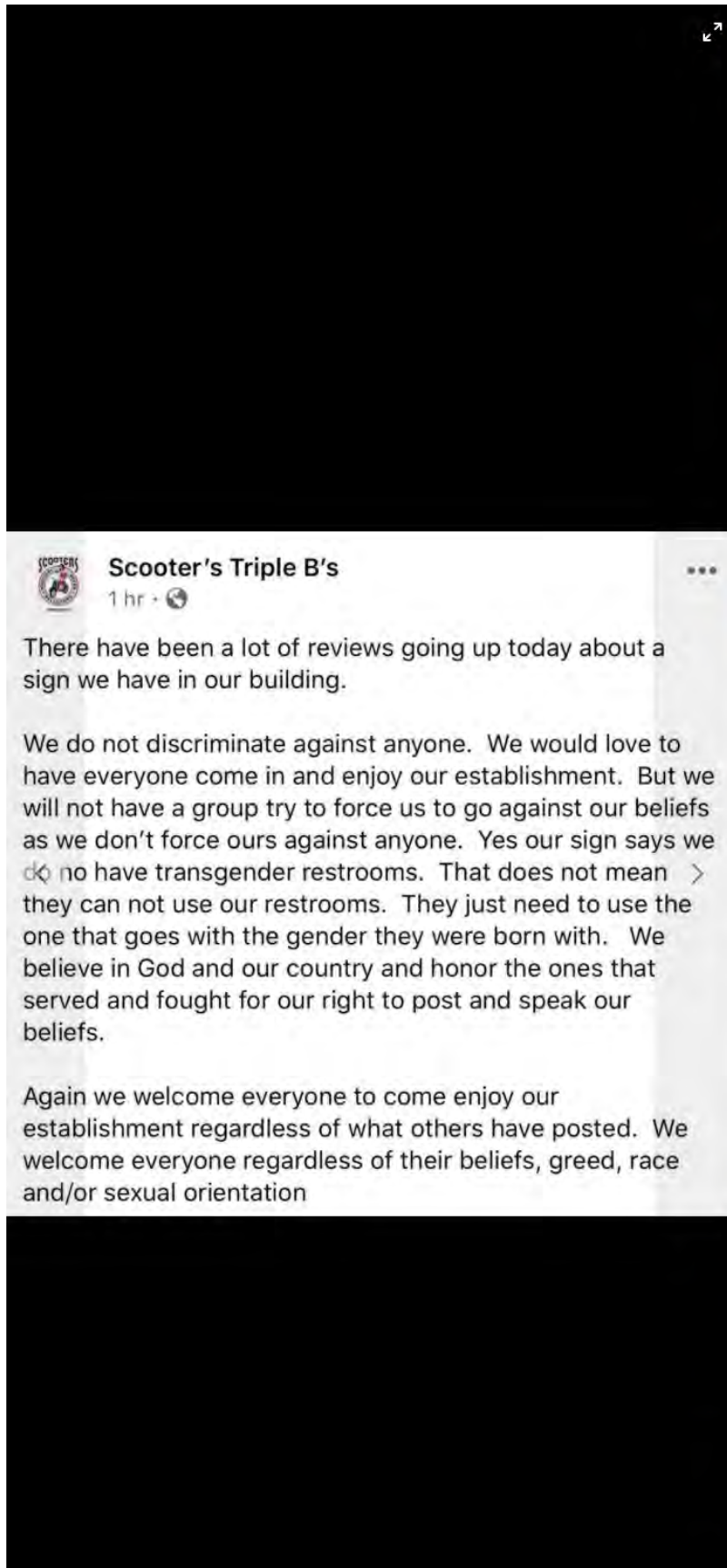
#### MINUTES

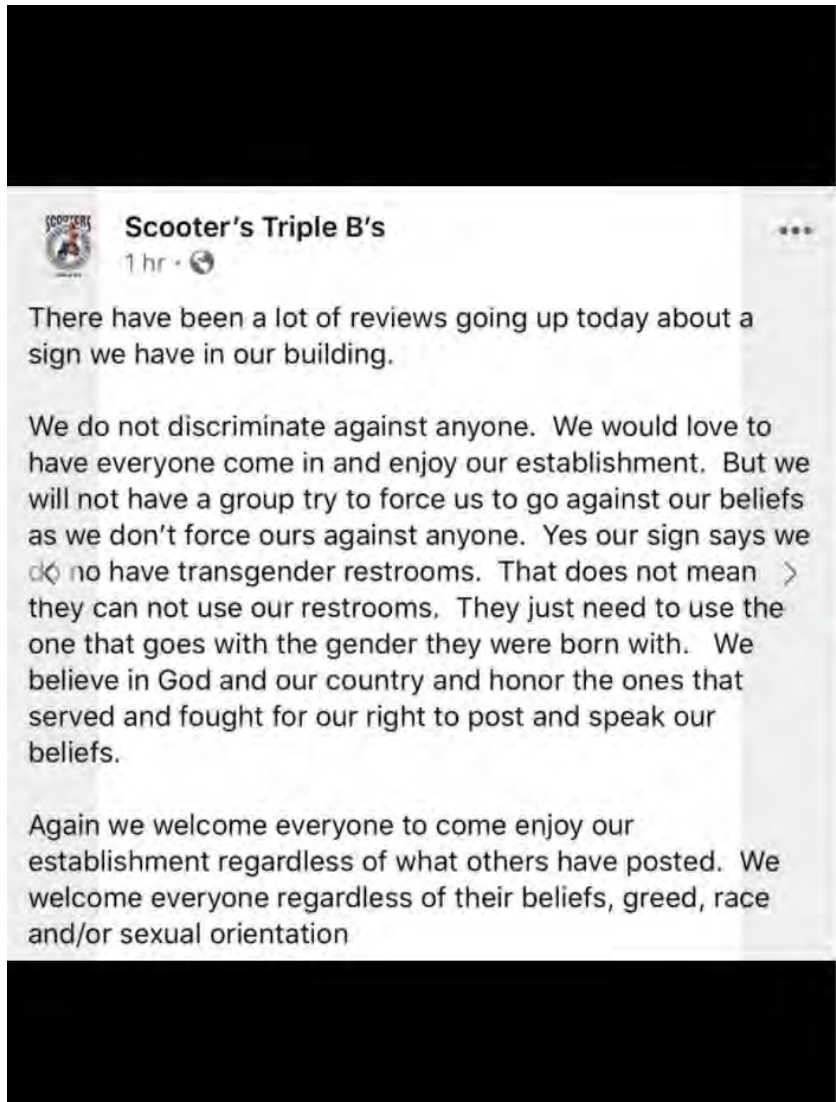
Commissioner David Ilgood moved to accept the February minutes as presented, Commissioner Ann Wilson seconded. Motion passed with none opposed or abstained.

#### EXECUTIVE DIRECTOR'S REPORT – Kendall Boyd

- Chief of Equity Kellie Watson Chief Kellie Watson has been nominated as a candidate for the position of Mayor in the upcoming election. You can vote for her at [www.todaysomanno.com/mayor](https://www.todaysomanno.com/mayor). Voting is open until March 31st. You can vote once each day up through the date the polls are closed, March 31st. She is listed in the Political category.
- Chelsey Nelson Photography LLC, and Chelsey Nelson Lawsuit The Department of Justice is weighing in on the lawsuit and has filed a statement of interest in federal court. Kendall communicated that he does not know the Department of Justice's interest at this time. He noted that he has given some affidavits on behalf of the Commission to the County Attorney who is representing us. He also communicated that if the Board has a specific question, they can contact the County Attorney's office.
- Scooter's Triple B's Facebook Posting of "No Transgender Restroom" Kendall communicated the posting was on the bar's Facebook page several weeks ago which indicated that they do not offer transgender restrooms. Kendall noted that he talked with the Enforcement Chair and a formal complaint was signed against the bar. The owners of the bar have thirty days to respond. Kendall said that he has not heard anything, however, they did take down the transgender Facebook posting.
- Louisville Metro Human Resources New Director Mrs. Bernestine Booth Henry has been appointed as the Director of Human Resources, she has worked in HR since 2015. So that Mrs. Booth Henry is in the director's role, Ms. Watson will have more time to focus on the energy project and bias training.
- Staffing We will have two administrative assistant/secretaries start this week, one today and the other tomorrow.
- HUD Fair Housing Training Fern Oatley has completed HUD training and is now certified.
- Jewish Federation of Louisville Trip to Israel There were constructive conversations and events during the trip which we will continue to build upon.

# EXHIBIT 2





their professional and personal FB pages and yelp has scrubbed their page as well as google reviews

50y



Top Fan

Dawn Wilson

I have sent this to Chair Glass and definitely look forward to hearing from the Fairness campaign . This is disgusting and not representative of the Louisville we want to see.

10

1y



Tetra Cooper

My stepmother used to be the director of the Human Relations Commission, that agency doesn't have enough power to do anything..

1y



Katie Sharp

"We don't force our beliefs on anyone" but also here we are letting our beliefs influence our policy

39

1y



Jennifer Hinton-Likins

Guess who is back on Facebook and up to their usual tricks with the signs....



30w



Clint M Nowicke

Added my own review to their page



# EXHIBIT 3



Ex. 8 010

# EXHIBIT 9

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION**

|   |  |
|---|--|
| <p><b>CHELSEY NELSON PHOTOGRAPHY<br/>LLC and CHELSEY NELSON,</b></p> <p style="text-align:center"><b>Plaintiffs,</b></p> <p><b>v.</b></p> <p><b>LOUISVILLE/JEFFERSON COUNTY<br/>METRO GOVERNMENT, et al.,</b></p> <p style="text-align:center"><b>Defendants.</b></p> | <p><b>Case No. 3:19-cv-851-JRW</b></p> |
|---|--|

**DEFENDANTS’ INITIAL DISCLOSURES**

Defendants Louisville/Jefferson County Metro Government, Louisville Metro Human Relations Commission – Enforcement, Louisville Metro Human Relations Commission – Advocacy, Kendall Boyd, in his official capacity as (former) Executive Director of the HRC, Marie Dever, Kevin Delahanty, Charles Lanier, Sr., Laila Ramey (former member), William Sutter, Ibrahim Syed, and Leonard Thomas, in their official capacities as members of the Louisville Metro Human Relations Commission-Enforcement (collectively, “Defendants”), by counsel, pursuant to Federal Rule of Civil Procedure 26(a)(1) and in compliance with the deadline set forth in the parties’ Joint Report of Rule 26(f) Planning Meeting [Doc. 54], make the following initial disclosures based on the information presently known and reasonably available:

- (i) **the name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;**

Plaintiff Chelsey Nelson has discoverable information regarding her religious beliefs, the photography services she provides through Plaintiff Chelsey Nelson Photography LLC, her

objections to providing photography services at same-sex weddings, her alleged intent to advertise her refusal to photograph same-sex weddings, the lack of any enforcement of Louisville Metro Ordinance § 92.05 (the “Fairness Ordinance”) against her or her photography business, and her alleged fear of enforcement of the Fairness Ordinance against her or her photography business.

Defendant Kendall Boyd, the former Executive Director of Louisville Metro’s Human Relations Commission (“HRC”), has discoverable information regarding HRC’s enforcement of the Fairness Ordinance.

Verná Goatley, the current Executive Director of HRC, has discoverable information regarding HRC’s enforcement of the Fairness Ordinance.

Defendant Marie Dever, as a member of HRC’s Enforcement Board, has discoverable information regarding HRC’s enforcement of the Fairness Ordinance.

Defendant Kevin Delahanty, as a member of HRC’s Enforcement Board, has discoverable information regarding HRC’s enforcement of the Fairness Ordinance.

Defendant Charles Lanier, Sr., as a member of HRC’s Enforcement Board, has discoverable information regarding HRC’s enforcement of the Fairness Ordinance.

Defendant Laila Ramey, as a former member of HRC’s Enforcement Board, has discoverable information regarding HRC’s enforcement of the Fairness Ordinance.

Defendant William Sutter, as a member of HRC’s Enforcement Board, has discoverable information regarding HRC’s enforcement of the Fairness Ordinance.

Defendant Ibrahim Syed, as a member of HRC’s Enforcement Board, has discoverable information regarding HRC’s enforcement of the Fairness Ordinance.

Defendant Leonard Thomas, as a member of HRC’s Enforcement Board, has discoverable information regarding HRC’s enforcement of the Fairness Ordinance.

Russ Maple (deceased), Darryl T. Owens, and Joseph C. Corradino, as former members of the Jefferson County Fiscal Court who voted on October 12, 1999 to pass the fairness ordinance, may have discoverable information regarding the governmental interest and legislative purposes of the Fairness Ordinance.

Steve Magre, Greg Handy, Denise Bentley, George Unseld (deceased), Lawrence Montgomery, Cheri Hamilton, Tina Ward-Pugh, and Bill Allison, as former members of the City of Louisville Board of Aldermen who voted on August 14, 2001 to pass the fairness ordinance, may have discoverable information regarding the governmental interest and legislative purposes of the Fairness Ordinance.

Denise Bentley, Barbara Shanklin, Mary Woolridge, Willie Bright (deceased), Cheri Hamilton, George Unseld (deceased), Ken Fleming, Tom Owen, Tina Ward-Pugh, Cyril Allgeier (deceased), Kevin Kramer, Rick Blackwell, Ron Weston, Bob Henderson, Kelly Downard, Julie Raque Adams, Dan Johnson, Madonna Flood, and Ellen Call, as former members of the Louisville Metro Council who voted on December 9, 2004 to reenact the fairness ordinance following the merger of Louisville City and Jefferson County governments, may have discoverable information regarding the governmental interest and legislative purposes of the Fairness Ordinance.

Citizens and advocates who testified at legislative sessions of the Jefferson County Fiscal Court, City of Louisville Board of Alderman, and/or Louisville Metro Council, either for or against the Fairness Ordinance. These individuals and the subject-matter of their discoverable information are more particularly identified in minutes and transcripts from such sessions, which are maintained in Louisville Metro's archives and some of which are produced with these disclosures.

Individuals associated with Louisville's Fairness Campaign, which lobbied for passage of the Fairness Ordinance, including: Jeff Rodgers and Carla Wallace, who served as co-coordinators

of the Fairness Campaign during the years in which the Fairness Campaign lobbied Louisville legislators to pass the Fairness Ordinance; Dan Farrell, who together with Jeff Rodgers, prepared a binder of materials shared with members of the Jefferson County Fiscal Court which voted to pass the fairness ordinance in 1999; and staffers including Carol Kraemer, Faye Goodman (fka Nance), and Lisa Gunterman, who assisted with the intake of complaints from individuals who had been victims of discrimination based on sexual orientation.

Victims of discrimination based on sexual orientation, including those more particularly identified in the records and archives of the Fairness Campaign, some of which are produced with these disclosures.

Upon request, Defendants will work in good faith with Plaintiffs to provide (if known) or to attempt to locate contact information for any individual identified above. Defendants reserve the right to amend and/or supplement this disclosure in the event additional information becomes available. Defendants also reserve the right to identify any rebuttal witnesses in response to testimony or other evidence offered by Plaintiffs.

- (ii) a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;**

Defendants may use some or all of the following categories of documents to support their defenses:

Minutes and transcripts reflecting the legislative history of the Fairness Ordinance. Defendants are producing the legislative history materials currently in the possession of the undersigned counsel with these disclosures. Additional materials may be available in the Louisville Metro archives.

The binder prepared by the Fairness Campaign and provided to members of the Jefferson

County Fiscal Court which voted to pass the fairness ordinance in 1999. A copy of this binder is produced with these disclosures.

Additional documents from the archives of the Fairness Campaign relating to the Fairness Ordinance, which may include additional lobbying materials and citizen complaints of discrimination based on sexual orientation. Based on information presently available to Defendants, such documents are stored in archives maintained by the Fairness Ordinance, the Williams-Nichols Institute, Inc. and/or the University of Louisville.

Print and television media reporting, including editorials, regarding discrimination based on sexual orientation and the Fairness Ordinance from the period in which Louisville's legislators were lobbied and ultimately passed the Fairness Ordinance. Certain of these documents are included in the Fairness Campaign binder referenced above. Based on information presently available to Defendants, additional such documents are likely to be found in archives maintained by The Louisville Courier Journal, Louisville Wave3 News, and/or the University of Louisville.

Minutes of the Louisville Metro Human Relations Commission Enforcement Board, which are publicly available at <https://louisvilleky.gov/government/human-relations-commission/enforcement-minutes#aaaa> and/or in Louisville Metro's archives.

The forms of documents used by the Louisville Metro Human Relations Commission Enforcement Division to investigate complaints of discrimination and/or otherwise enforce the public accommodation and unwelcome clauses in the Fairness Ordinance.

Defendants also anticipate using documents produced by Plaintiffs and/or third parties through discovery in this litigation. Defendants reserve the right to amend and/or supplement this disclosure in the event additional documents are discovered or become available.



- (iii) **a computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and**

N/A

- (iv) **for inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

Louisville-Jefferson County Metro Government is a member of the Louisville Area Governmental Self-Insurance Trust (LAGIT) which is a self-insurance liability pool formed under Kentucky Statutes 304.48 et seq. As such, METRO has a self-insurance coverage contract through LAGIT. LAGIT has purchased a policies of general liability excess insurance with liability limits of \$5 million dollars in excess of a \$2 million LAGIT deductible and a \$500,000 Metro deductible. Coverage of this matter is being reviewed by LAGIT to determine if coverage is available under the terms and conditions of its Coverage Contract and the excess policy.

Respectfully submitted,

MIKE O'CONNELL  
JEFFERSON COUNTY ATTORNEY

/s/ Casey L. Hinkle  
John F. Carroll  
Jason D. Fowler  
Assistant Jefferson County Attorneys  
531 Court Place, Ste. 900  
Louisville, Kentucky 40202  
(502) 574-6321  
[john.carroll2@louisvilleky.gov](mailto:john.carroll2@louisvilleky.gov)  
[jason.fowler@louisvilleky.gov](mailto:jason.fowler@louisvilleky.gov)

David S. Kaplan  
Casey L. Hinkle  
KAPLAN JOHNSON ABATE & BIRD LLP

710 W. Main Street, 4<sup>th</sup> Floor  
Louisville, KY 40202  
(502)-416-1630  
[dkaplan@kaplanjohnsonlaw.com](mailto:dkaplan@kaplanjohnsonlaw.com)  
[chinkle@kaplanjohnsonlaw.com](mailto:chinkle@kaplanjohnsonlaw.com)

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 26, 2020, a copy of the foregoing was served by email on the following:

Jonathan A. Scruggs  
Katherine L. Anderson  
Bryan Neihart  
ALLIANCE DEFENDING FREEDOM  
Scottsdale, AZ 85260  
(480) 444-0020  
[jscruggs@adflegal.org](mailto:jscruggs@adflegal.org)  
[kanderson@adflegal.org](mailto:kanderson@adflegal.org)  
[bneihart@adflegal.org](mailto:bneihart@adflegal.org)

David A. Cortman  
ALLIANCE DEFENDING FREEDOM  
1000 Hurricane Shoals Rd. NE  
Ste. D-1100  
Lawrenceville, GA 30043  
(770) 339-0774  
[dcortman@adflegal.org](mailto:dcortman@adflegal.org)

Joshua D. Hershberger  
HERSHBERGER LAW OFFICE  
P.O. Box 233  
Hanover, IN 47243  
(812) 274-0441  
[josh@hlo.legal](mailto:josh@hlo.legal)

*Counsel for Plaintiffs*

/s/ Casey L. Hinkle  
\_\_\_\_\_  
*Counsel for Defendants*

# EXHIBIT 10

# Louisville Metro Human Relations Commission

*Annual Report*  
2015-2017

*"Moving Forward  
in Challenging  
Times"*

# Conciliations

July 1, 2015 through June 30, 2016

## Employment

### ***Helen Neal v. Fairfield Inn & Suites***

Basis: Race and National Origin  
 Adverse Action: Harassment, Intimidation and Termination  
 Conciliation: \$1,500.00, a letter of apology and staff training on Civil Rights laws.

## Public Accommodation

### ***Tia Jenkins v. Family Dollar***

Basis: Disability  
 Adverse Action: Denial of Accommodation  
 Conciliation: \$500.00 in gift cards and team members were provided EEO training

## Housing

### ***Louisville Metro Human Relations Commission v. Lea, LLC***

Basis: Familial Status  
 Adverse Action: Refusal to rent after the making of a bona fide offer, discriminatory advertising  
 Conciliation: Review and update policies on advertising of rental dwellings

### ***Louisville Metro Human Relations Commission v. Mark J. Bailey & Margaret DeNicola***

Basis: Familial Status  
 Adverse Action: Discriminatory advertising  
 Conciliation: Provide an Equal Housing Opportunity statement and/or symbol in all dwelling print advertisements

### ***Beth Wardle v. Samuel Stockard***

Basis: Race  
 Adverse Action: Denied housing based on association with someone who is African American  
 Conciliation: \$3,500.00

### ***Brittany Sanderlin v. Barrington Place Apartments***

Basis: Familial Status  
 Adverse Action: Terms, conditions of rental occupancy  
 Conciliation: \$4,000.00

### ***Lexington Fair Housing Council v. Barrington Place Apartments***

Basis: Familial Status  
 Adverse Action: Terms, conditions of rental occupancy  
 Conciliation: \$4,000.00

# Conciliations

July 1, 2015 through June 30, 2016

## Housing (Cont'd)

### ***Louisville Metro Human Relations Commission v. Sara Marcum***

Basis: Familial Status  
 Adverse Action: Discriminatory advertisement  
 Conciliation: Include non-discrimination statement in printed advertisements

### ***Louisville Metro Human Relations Commission v. Sydney and Elise Wright***

Basis: Familial Status  
 Adverse Action: Discriminatory refusal to rent and discriminatory advertisement-rental  
 Conciliation: Provide an Equal Housing Opportunity statement and/or symbol in all dwelling print advertisements

### ***Louisville Metro Human Relations Commission v. Access by Design, Inc. & Humphreys & Partners Architects LP & Louisville Multifamily DST & Mindel, Scott & Associates, Inc. & Thompson Thrift Construction, Inc. & Watermark, JSQ on Hurstbourne, LLC***

Basis: Disability  
 Adverse Action: Discriminate in Design and Construction  
 Conciliation: Review Fair Housing manual; construction plan includes installation of five (5) curb ramps

### ***Ida Adato v. The Park at Hurstbourne***

Basis: Disability and Familial Status  
 Adverse Action: Failure to make a reasonable accommodation  
 Conciliation: Reasonable modification by adding a handrail to the exterior stairs

### ***Patricia Long v. Noltemeyer Company***

Basis: Race and Disability  
 Adverse Action: Denied a designated parking space  
 Conciliation: \$5,000.00

### ***Kathy Tinsley v. Clark Management Company, Inc.***

Basis: Sex  
 Adverse Action: Discrimination in the conditions or terms of sale, rental occupancy, or in services or facilities  
 Conciliation: \$4,000.00

# Conciliations

July 1, 2015 through June 30, 2016

## Housing (Cont'd)

### ***Louisville Metro Human Relations Commission v. Oxmoor CRA-B1, LLC***

Basis: Familial Status  
Adverse Action: Discriminatory refusal to rent  
Conciliation: Provide an Equal Housing statement/symbol on dwelling print advertisements

### ***Louisville Metro Human Relations Commission v. Prospect Park CRA-B1, LLC & Jupiter Communities, LLC***

Basis: Familial Status  
Adverse Action: Discriminatory terms, conditions, privileges, or services and facilities  
Conciliation: Provide an Equal Housing statement/symbol on dwelling print advertisements

### ***Trishondra Jackson v. APEX, PM, Inc.***

Basis: Disability  
Adverse Action: Failure to make a reasonable accommodation  
Conciliation: \$965.77

# Conciliations

July 1, 2016 through June 30, 2017

## Employment

### ***Joseph Harry v. PCL Industrial Construction Company***

Basis: Race  
Adverse Action: Laid Off  
Conciliation: \$6,600.00

### ***Salvador Felix v. Caliper, Inc.***

Basis: Sex  
Adverse Action: Termination  
Conciliation: Job restored with back pay and staff to review EEOC policy

### ***Guerda Tisoit v. Diversicare***

Basis: Disability  
Adverse Action: Termination  
Conciliation: Restore to full employment status

### ***Jessica Basham v. Leucht Family Dental***

Basis: Sex  
Adverse Action: Termination  
Conciliation: \$4,000.00

### ***April Branson v. Leucht Family Dental***

Basis: Sex  
Adverse Action: Harassment  
Conciliation: \$4,000.00

### ***Frederick Phillips v. American Campus Communities OP L.P.***

Basis: Disability  
Adverse Action: Termination  
Conciliation: \$10,000.00



# Conciliations

July 1, 2016 through June 30, 2017

## Public Accommodation

### ***Carolyn Miller and James Miller v. Cracker Barrel Old Country Store, Inc.***

Basis: Race/Race Association  
 Adverse Action: Denial of Services  
 Conciliation: 10 free meals with no cost limit

## Housing

### ***Louisville Metro Human Relations Commission v. Shamrock Creek, LLC & Alice A. Boden Estate***

Basis: Familial Status  
 Adverse Action: Refusal to Rent  
 Conciliation: Review HUD memorandum "Fair Housing Enforcement Policy: Occupancy Standards"

### ***Louisville Metro Human Relations Commission v. Hurstbourne Multifamily Partners, LLC***

Basis: Familial Status  
 Adverse Action: Discriminatory to rent, discriminatory terms and conditions, privileges, or services and facilities, other discriminatory acts  
 Conciliation: Provide Equal Housing Opportunity statement and/or symbol to print advertising

### ***Louisville Metro Human Relations Commission v. Bluestone Properties & TPE, LLC***

Basis: Familial Status  
 Adverse Action: Discriminatory terms, conditions, privileges, or services and facilities, other discriminatory acts  
 Conciliation: Review HUD "Fair Housing Enforcement Policy: Occupancy Standards"

### ***Louisville Metro Human Relations Commission v. TJG Investments, LLC***

Basis: Familial Status  
 Adverse Action: Advertise in a discriminatory way  
 Conciliation: Cease advertising rental dwellings as "Single preferred but will consider married couple"

### ***Louisville Metro Human Relations Commission v. West Nashville Condominiums, LLC***

Basis: Familial Status  
 Adverse Action: Refusal to rent  
 Conciliation: Provide Equal Housing Opportunity statement and/or symbol to printed advertisements

# Conciliations

July 1, 2016 through June 30, 2017

## Housing (Cont'd)

### ***Beverly Sheahan v. Mulloy Properties LLC & Hurstbourne Ridge Condominium Association***

Basis: Disability  
 Adverse Action: Non-compliance with design and construction requirements (disability)  
 Conciliation: Pay half the cost of the installation of a curb cut/ramp

### ***Sammie Fairchild v. Housing Partnership, Inc.***

Basis: Disability  
 Adverse Action: Terms and conditions, privileges or services and facilities  
 Conciliation: Designate a parking space and install scanner with fob

### ***Louisville Metro Human Relations Commission v. Pinnacle Properties Development Group, LLC***

Basis: Familial Status  
 Adverse Action: Discriminatory terms, conditions, privileges, or services and facilities; other discriminatory acts  
 Conciliation: Review HUD Fair Housing Enforcement Policy: "Occupancy Standards and Guidance"

### ***Jeffrey Hall v. Wildwood Condominiums, Inc.***

Basis: Retaliation and Disability  
 Adverse Action: Harassment  
 Conciliation: Waive fee and review HUD rule

### ***Darell Ditto v. CMB Real Estate Investments, LLC***

Basis: Disability  
 Adverse Action: denied reasonable accommodation  
 Conciliation: Assist with moving from current unit to first floor unit and waive fees

### ***Devon McCallie v. Heart of America Property Management, Inc.***

Basis: Race  
 Adverse Action: Terms and Services  
 Conciliation: Release from current lease, provide positive renal referrals

### ***Fair Housing Advocates, Inc. v. C.F.L.P. 1 LLC dba Arcadia Apartments, John M. Clark***

Basis: Disability  
 Adverse Action: Failure to make reasonable accommodation  
 Conciliation: \$900.00

# Conciliations

July 1, 2016 through June 30, 2017

## Housing (Cont'd)

### ***Fair Housing Advocates, Inc. v. Garden Gate Apartments***

Basis: Disability  
 Adverse Action: Failure to make reasonable accommodations  
 Conciliation: \$1,250.00

### ***Louisville Metro Human Relations Commission v. Mayflower Apartments***

Basis: Disability  
 Adverse Action: Discriminatory terms, conditions, privileges, or services and facilities  
 Conciliation: Review HUD publications with leasing staff

### ***Louisville Metro Human Relations Commission v. Four Seasons Apartments, Properties Four, Inc.***

Basis: Familial Status  
 Adverse Action: Discriminatory refusal to rent, discriminatory terms, conditions, privileges or services and facilities  
 Conciliation: Modify policies

### ***Fair Housing Advocates, Inc. v. Woodbridge Apartments***

Basis: Disability  
 Adverse Action: Failure to make reasonable accommodations  
 Conciliation: Compensate \$250.00 and attend Fair Housing training

### ***Claudette Helvey v. Mulloy Properties & Atrium at Stonybrook 1B***

Basis: Disability  
 Adverse Action: Discriminatory financing (includes real estate transaction), discriminatory terms, conditions, privileges or services and facilities  
 Conciliation: Return dumpster to its former location

### ***Rushad Buchanan v. New Directions Housing Corporation***

Basis: Disability  
 Adverse Action: Discriminatory terms, conditions, privileges, or services and facilities  
 Conciliation: Postpone the termination of the lease

### ***Louisville Metro Human Relations Commission v. Jhanna Waddell***

Basis: Familial Status  
 Adverse Action: Advertise in a discriminatory way  
 Conciliation: Complete Fair Housing Training on the subject of advertising abilities"

# Conciliations

July 1, 2016 through June 30, 2017

## Housing (Cont'd)

### ***Louisville Metro Human Relations Commission v. Heidi Poth Tracy***

Basis: Disability  
Adverse Action: Discriminatory terms, conditions, privileges, or service and facilities  
Conciliation: Review HUD publications and amend its forms, policies, and procedures to Reflect compliance with these regulations

### ***Fair Housing Advocates, Inc. v. Family Investments, Inc. and Service Management of KY, Inc. Peterson & Associates Inc. dba Sun Residential***

Basis: Disability  
Adverse Action: Discriminatory terms. Conditions, privileges, or services and facilities  
Conciliation: Review HUD training documents "Service Animals for People with Disabilities"

# EXHIBIT 11

**In The Matter Of:**

*Public Hearing  
Fairness Ordinance*

---

*Various Speakers  
Vol. 1, April 15, 1999*

---

*KATHY NOLD & ASSOCIATES  
COURT REPORTERS  
SUITE 419  
730 WEST MAIN STREET  
LOUISVILLE,, KY USA 40202  
(502) 589-1413 FAX: (502) 458-3945*

*Original File 990415pb.v1, 107 Pages  
Min-U-Script® File ID: 2224431133*

**Word Index included with this Min-U-Script®**

LOU METRO.0001

**In The Matter Of:**

*Public Hearing  
Proposed Fairness Ordinance*

---

*Hearing Volume Number 1  
April 22, 1999*

---

*KATHY NOLD & ASSOCIATES  
COURT REPORTERS  
SUITE 419  
730 WEST MAIN STREET  
LOUISVILLE,, KY USA 40202  
(502) 589-1413 FAX: (502) 458-3945*

*Original File 990422ph.v1, 130 Pages  
Min-U-Script® File ID: 4186809690*

**Word Index included with this Min-U-Script®**

LOU METRO 00045

**In The Matter Of:**

*Public Hearing  
Proposed Fairness Ordinance*

---

*Various Speakers  
Vol. 1, May 6, 1999*

---

*KATHY NOLD & ASSOCIATES  
COURT REPORTERS  
SUITE 419  
730 WEST MAIN STREET  
LOUISVILLE,, KY USA 40202  
(502) 589-1413 FAX: (502) 458-3945*

*Original File 990506ph.v1, 112 Pages  
Min-U-Script® File ID: 0880336128*

**Word Index included with this Min-U-Script®**

LOU METRO 00097



**In The Matter Of:**

*PUBLIC HEARING  
PROPOSED FAIRNESS ORDINANCE*

---

*Various Speakers  
Vol. 1, May 13, 1999*

---

*KATHY NOLD & ASSOCIATES  
COURT REPORTERS  
SUITE 419  
730 WEST MAIN STREET  
LOUISVILLE,, KY USA 40202  
(502) 589-1413 FAX: (502) 458-3945*

*Original File 990513pb.v1, 115 Pages  
Min-U-Script® File ID: 3800527340*

**Word Index included with this Min-U-Script®**

LOU METRO 00145

**In The Matter Of:**

*Public Hearing on Proposed  
Fairness Ordinance*

---

*Hearing Volume Number 1  
June 10, 1999*

---

*KATHY NOLD & ASSOCIATES  
COURT REPORTERS  
SUITE 419  
730 WEST MAIN STREET  
LOUISVILLE,, KY USA 40202  
(502) 589-1413 FAX: (502) 458-3945*

*Original File 990610ph.v1, 72 Pages  
Min-U-Script® File ID: 0329190575*

**Word Index included with this Min-U-Script®**

LOU METRO 00191

**DISCRIMINATION CASES BASED ON  
SEXUAL ORIENTATION AND GENDER IDENTITY**

**1999**

**Employment**

**E99001**

**Transgender census worker harassed by co-workers**

Angela, a male-to-female transsexual, reported that her co-workers created a hostile work environment. They referred to her as "it," "that thing," and their own creation, "shim." They also falsely accused her of sexual harassment, in cooperation with a number of supervisors, in order to get her fired.

**E99002**

**Gay Man Harassed and Fired at Local Factory**

From the day Steve was hired at a local carbide plant, he was harassed by younger employees for his age and "slowness". After working there for a while, the harassment became anti-gay in nature. Steve never came out to anyone. He said he did his work and minded his own business. Regularly signs were left at his station, or post-it notes stuck to his back calling him a "faggot". Co-workers would draw sexually explicit pictures on the saw blades at his station. On two occasions, a noose was left at his station. When he complained to his supervisor, he began getting written notices about every trivial infraction in his performance. He was ultimately fired after being late because of transportation problems.

**E99003**

**Transgender Security Officer Fired for not Wearing Male Attire**

Dominique, a male to female pre-operative transsexual was told by her manager that she must wear male attire. She is under a doctor's care in preparation for sex-reassignment surgery. To have the surgery she must live as a woman for a full year, which requires her to dress in female attire in the workplace. Dominique was fired for refusing to wear male attire.

**Public Accommodations**

**PA99001**

**Cars Towed from Gay Bar Area**

A gay man reported that his car and 11 others were towed from the St. Vincent de Paul and Action Labor lots near SCORE and the Connection, both gay bars. The victim believes opponents of the Fairness Amendment are having cars towed deliberately. His car was taken to Action Towing in Shepherdsville, KY. When he went to pick up his car, the attendant said, "If you hadn't been at that damn queer bar, your car wouldn't have been towed!"

**PA99002**

**Gay Man Denied Appropriate Treatment by EMS**

Murray was found by a friend lying face down on the floor after suffering a stroke. EMS was called and arrived promptly. Before they would treat and transport Murray, they required his friend to clean up his urine and feces. The friend believes this lack of appropriate care to be related to anti-gay sentiment because there was a Fairness Sign in the

yard and the ambulance driver asked Murray if he knew a man named Roth, "I 'm sure he shops in your store" (Murray is co-owner of a gay merchandise store).

## Hate Crimes

### HC99001

#### **Lesbian's Car Window Smashed**

Lauren had a Fairness sign in her car window and a Fairness sign in her yard. Two nights before the vote on Fairness, her car window was smashed in the area where the sign was resting. Nothing was taken from her car. Police reported as criminal mischief, would not consider it a hate crime.

## 1998

## Employment

### E98001

#### **Social Worker Fired After Outing**

Mark worked for a social service agency for 6 years. A supervisor from another division recruited him for a new position. The supervisor was a friend, so Mark came out to her one day when he was having some personal difficulties at home. The supervisor stopped talking to him and then told him he would not be able to meet with families without her present. He filed a complaint after she missed several of the home visits scheduled. In October he received the employee of the month award from another supervisor. In November the supervisor told him the job was not a good fit for him and they were letting him go. Nothing is in his personnel file as reason for removal.

### E98002

#### **Gay Man with HIV Fired From Car Dealership**

Nick was a car salesperson at a Swope dealership. He was out as a gay man at work and whenever there was harassment on the job, the company put a stop to it. He asked for an extra day off each week when his HIV created some health challenges. Management agreed because Nick was a strong, consistent producer. A co-worker told Nick that one of the managers had said that Nick's HIV status was more trouble than he was worth. After a mix-up over a sick day, the manager told Nick his services were no longer needed.

### E98003

#### **Youth Minister Fired**

"Ellen" had been a member of a local church for her whole life. She had worked with youth programs for many years. The minister hired her to run a summer middle school program. She had already planned out the program for the summer and was excited to begin. Her supervisor called her in and asked if she was in a lesbian relationship. She said yes. The supervisor then told her, "You can't be the director of the youth program if you're in a lesbian relationship. It's bad for fundraising and a bad role model." She was fired that day.

### E98004

#### **Gay Man Harassed At Vencor**

"Sam" reported that he has worked for Vencor for almost 1 year. He was out to his first supervisor and she was very supportive. Her assistant, who has openly made anti-gay comments became Sam's supervisor when the original supervisor got transferred. Recently he overheard her saying, "She got her queer, now we've got our quota". Sam's concern is that his position is being eliminated with Vencor's down-sizing and this

supervisor is in a position to recommend staff when other companies call for referrals. He is aware of at least 2 times where he has lost 2 opportunities because she would not recommend him to an outside company. He has 1 1/2 years more experience in his field than his current supervisor and had been told by the first supervisor that he did a very good job. His job will be eliminated on July 31.

#### **E98005**

##### **Lesbian Fired From Nursing Home**

"Debbie" called and reported that she had been fired from her job at St. Matthews Manor. Her supervisor told her she was fired because of two absences. When Debbie asked her the dates, the supervisor could not give her a direct answer. Debbie has check-in sheets that show she was at work on the days the supervisor finally reported. Debbie believes she was fired because people found out she was a lesbian. Just a few days before the firing she had driven her truck to work (she usually walked). The truck had "gay stickers" on it and co-workers saw them and began asking questions. Debbie was still in her 3 month probation period. She was given a list of attorneys from Fairness.

#### **E98006**

##### **Lesbian Asked To Resign After Outing**

Alicia has worked as an art therapist at a children's home for 6 months. She has been out to her immediate supervisor since she was hired and has done an excellent job. During the KY State Fair a photo of she and her partner was displayed in the photography contest exhibit. They were hugging and the word "lesbos" was on Alicia's shirt. A co-worker saw the photo and reported it to the supervisor who immediately alerted Alicia. Several more co-workers saw the photo before it could be removed (it had been displayed without the couple's permission). The personnel director asked the immediate supervisor to ask Alicia to resign. She refused. The Board has now said they will send a representative by early October to fire her. Her supervisor and the personnel director have refused to fire her.

#### **E98007**

##### **Gay Man Denied Application At Outback Steakhouse**

Josh called to anonymously report that when he went to the Outback Restaurant in Middletown, the following happened. He spoke with the manager on duty (name was Marrett) and asked for an application. He said he wasn't the manager who does the hiring, that manger would not be back until the following day. Workers standing nearby were saying "You're not going to hire him are you?" He said, "No I'm not for your sake". Josh got his attention again and asked when he could call or come back. He said "We'll call you, Jack". Workers continued laughing. (We were disconnected before he could give further details or contact information and Josh has not called back.)

#### **E98008**

##### **Gay Man Harassed At Cinemas, Threatened Firing At McDonald's**

"Chris" is employed at both the Showcase Cinemas and the McDonald's on Bardstown Rd. At the Cinemas, co-workers constantly harass him with gestures and comments about "being a pervert". At McDonald's his manager has threatened to fire him "if he doesn't stop acting like a 'Cakeboy'." Chris reported that cakeboy is slang often heard in African American community meaning gay.

#### **E98009**

##### **Truck Driver Driven From Job After Boss Learned Of Illness**

The victim drove a truck hauling construction equipment between yards. Everything was going well until he got Hepatitis. When he returned, his boss told him that his, "...lifestyle was the cause of your illness." The boss then began to pick on things that he never noticed before. He began to question the victim on his mileage reports, his license, his cell bills,

and his driving time - all things he never mentioned previously. A scale operator accused him of having a radar detector. Although this accusation was unfounded, it cost the victim 2 days work. When he accidentally dropped a lift and damaged it, the boss used the false accusation as a basis to fire him.

**E98010**

**Custodial Worker Denied Overtime Opportunity**

Patti had worked at a local package delivery service for several years as a custodian. She was under a doctors care for sex reassignment surgery and management was aware of her situation. Patti had previously been assigned to use a specific bathroom with a locked door after receiving threats not to use the women's restroom. Overtime was being offered to all of the employees. Patti wanted to take advantage of the opportunity. Her supervisor informed her however that since "her bathroom" was located in one part of the building and they couldn't guarantee her overtime hours in that area, she would not be allowed to work overtime.

**E98011**

**Lesbian Treated With Bias, Resigned Her Position**

"Mary" worked as a supervisor at UPS and was out to her co-workers as a lesbian. She began dating a woman that worked in her department which is against company policy. She knew, however, of many male supervisors who dated women in their departments and were never reprimanded for it.

**Public Accommodations**

**PA98001**

**Transsexual Denied Personal Ad**

A male to female transsexual called to report that the LEO personals would not accept her ad if the word transsexual was used. She had to use an alternative word.

**PA98002**

**Transsexual Student Denied Access To Bathroom**

After attending 1/4 of a semester, Angela was told by the night student advisor at a local business college that she'd have to use the men's room. Angela explained her need as a pre-operative transsexual to live as a woman and sought a meeting with the Dean to discuss the situation. The Dean provided a separate bathroom that was 10 minutes away from the classrooms. Angela asked for a backup restroom closer to classes and was refused. She dropped out of school with a 4.0 GPA.

**PA98003**

**Disabled Lesbian Refused Transportation**

Sapphire had been using the same disabled transportation service for 5 years. As a student at U of L she came out as a lesbian and began wearing t-shirts and buttons expressing "gay pride". The drivers began asking questions like, "Are you ever getting married?" Sapphire complained to the management when one of the drivers groped her, but he said he could not avoid sending the driver. Sapphire scheduled her new semester schedule 2 months ahead of time to accommodate the transportation company. They called and said they had a new contract that precluded them transporting her in afternoon hours. The owner avoided the question when she asked what contract he was referring to. He referred her to another transportation company and said they would not be able to transport her. Sapphire asked a friend who lives in the same area and goes to U of L also to call and schedule an afternoon appointment. When he called, they scheduled him immediately.

## Hate Crimes

### HC9801

#### **Middle School Student Harassed for Having Lesbian Parents**

The daughter of a lesbian couple came home and reported that she was being verbally harassed by a classmate on a regular basis. One day when the teacher left the room, the classmate stood up and began singing a song using derogatory words against the lesbian moms. The same classmate had written harassing comments on the girl's books and had told her counselor that she didn't like the girl because she had lesbian moms.

### HC9802

#### **Gay Couple Experience Theft, Property Damage & Harassment in New Neighborhood**

John and his partner bought a new house in South Louisville. They were friendly with neighbor across the street who knew they were gay and made sure the rest of the neighborhood knew too! John called to report that the house had been broken into (they kicked the door in). The only thing missing was a CD player and a necklace. They left behind a \$2000 laptop computer and a diamond watch sitting in plain view. Two months before a window had been kicked in. Additionally, bottle rockets had been shot onto their roof on Halloween. When the police responded, they said, "We haven't responded to anything like this out here. Nothing ever happens in this neighborhood." John asked that they consider the possibility of it being a hate crime. They responded, "Oh no, it's nothing like that."

### HC9803

#### **Loan Officer Harassed & Threatened By Co-Worker**

Matt worked for a mortgage company as a loan origination officer. After a new co-worker was hired, Matt began receiving pages to the Connection, a gay bar. No one at the Connection had called Matt. Another co-worker shared with Matt that the new employee (Chris) had been asking if he was gay. A few days later, Chris began harassing Matt about seeing Marky Mark in a movie. He said, "You like him, you just want his big dick, you like that sort of thing, don't you?" Several months later, Chris became angry with Matt because he felt Matt was working too slowly and that it was effecting his own work. He said, "I'm so angry I'm going to pick this desk up and throw it at you." Co-workers witnessed this. Matt felt very threatened being only 150 lbs and Chris being a 6'3" and 290 lb. football player. Matt reported this to the manager who replied, "Chris was wrong, but he needs this job more than anyone because he's a single father." Chris did not receive any kind of reprimand.

### HC9804

#### **University Newspaper Staff Threatened**

The UofL Cardinal newspaper reported on a drag show sponsored by the campus gay, lesbian, bisexual, trans student organization, Commonground. The news office received a threatening phone call the next day from an unidentified male caller who said, "If you all run a story like that again on the front page, I'll come up there and kill you all." This call was reported to campus police. Another unidentified male caller said, "I'm starting an RSO and for our first event we are going to have clowns dress up in drag. Will you cover that?" The editor responded, "Ha Ha very funny." The caller replied, "Yeah, well every red-blooded American knows stuff like that isn't right!"

### **HC9805**

#### **Gay Man Threatened/Harassed at Amusement Park**

Tyler reported that he and a group of 10 others folks went to King's Island for the day. Tyler and his boyfriend, Josh, were being affectionate while the group sat at their car eating lunch. A security officer came up to them and said, "I'm going to have to ask you to stop - it's against our policy." While in the park, Tyler was hit in the back of the head with a piece of ice while walking hand in hand with Josh. Tyler also reported that they heard lots of random comments about AIDS and other comments. The worst and most frightening one was, "I'm gonna kill me a faggot."

### **HC9808**

#### **Fairness Office Attacked**

The safety glass covered window in the front of the Fairness Office was found shattered on a Monday morning. Beer bottles were smashed on the ground below. At closer observation, there were 2 different types of beer bottles, but not enough glass to make 2 complete bottles. Whoever threw the bottles took the time to remove the neck of the bottles, possibly to remove finger prints. When police responded, the officer said it was probably just a drunk doing criminal mischief and that there was no indication that it was a hate crime. The glass repair people said the bottles had to be thrown with intense force to break the safety glass.

### **HC9809**

#### **Gay Middle School Student Harassed**

Mark attends Scribner Middle School in Jeffersonville, IN. Last year, his mother removed him from school after daily harassment and assaults by other students. The first week of school this year another student began calling Mark names and pushing him in the lunch room. Because Mark was so afraid to go back to school, he had taken pepper spray for protection. He sprayed the other boy. Mark got full suspension, the other boy got in school suspension. Mark no longer goes to the lunchroom to avoid harassment and assault.

### **HC9810**

#### **Gay Men Followed, Beaten and Robbed**

David and his friend, D.J., left a downtown bar about 1:30 am. As they left a car drove past them and yelled "faggot" at them. David drove his friend home to Jeffersonville, IN, they were in a convertible with the top down. They sat talking in the car in front of DJ's apartment, when out of nowhere they heard "Here are those mother fucking cocksuckers." They hit David in the face and head causing bruises and scratches and pulled DJ out of the car. The attackers dragged him into his apartment building kicking and hitting him as they went. They also took his wallet containing \$120. When the police arrived, they asked if they were homosexuals and were they engaged in behavior that would've encouraged the beating. Since they had no license plate # and could not describe the men, the police said they couldn't do anything. DJ suffered a broken elbow and 3 broken ribs.

### **HC98011**

#### **Lesbian's Property Damaged and Threatened in Writing by Neighbor**

"Suzy" came home to find the contents of her wallet shredded and scattered in front of her apartment complex. An "x" was cut across a picture of her girlfriend. "Witch, hell lezzie devil worshipper" was written on another piece of paper with a demon face and a burning cross drawn nearby. Suzy's suspicion were verified when her neighbor wrote a note of apology saying she was depressed and wanted to now be her friend. Suzy's apartment door had been forced open the day before this incident, making her quite concerned for her safety.



**HC98012**

**Gay Couple's Trailer Burned**

Billy reported that his trailer had been set on fire and that he suspected another resident in the trailer park. Several days before the fire, "fuck you faggot" was written in the dust on his car. After the fire, a neighbor told Billy, "If you stay here, people tell us they're gonna blow your head off because you live an alternative lifestyle." Billy lost everything, including his cat in the fire.

**HC98013**

**Straight Couple's Fairness Sign Continually Destroyed**

Gloria called and reported that their Fairness sign was damaged and stolen five times this past weekend. She and Art keep a supply of them so they can replace them whenever stolen. They have gone to such extremes as building wooden and metal frames around the sign to make it more difficult to destroy. They called the HRC and the 1st District police. The report number is 98-025-301 and the Officer was Officer Shobe. Gloria reported that he was very good about taking the report.

**HC98014**

**Gay Merchandise Store Owner's Property Damaged and Harassed**

Tony Elble of MT Closets reported that the new owners of Murphy's, next to his shop have painted over both of his hand-painted store signs, tripled their rent and have given them until the end of August to move. When Tony went outside to take pictures of the worker painting over his signs, he called Tony a "faggot". Tony had heard that the new place was going to be gay-friendly, but not exclusively gay bar. Tony is talking with his lawyer about the property damage.

**HC98015**

**Lesbian couple threatened by neighbor**

A neighbor told "Jackie" that another neighbor after hearing that a gay couple had moved into the neighborhood said, "I guess I'm gonna have to clean up the neighborhood." Jackie and her partner are concerned because this man brags about being a veteran and having guns. She has also heard from others that he has been unreasonable in dealings with other neighbors. She wants to report it, but does not want anyone to contact him for fear that it would agitate him into acting on his threat. She said she would not report it to the police, but would call HRC and ask them not to investigate.

**1997**

**Employment**

**E97001**

**Machinist Denied Promotion/Harassed**

James received an excellent 30-day review and applied for a new machinist promotion. After waiting a month to hear an answer, his supervisor told him that he would not be considered for the position and that she did not have to give him a reason. Being out on the job as a gay man, James also received constant harassment. He filed a grievance with the union, but they did not follow-up. Several days after the complaint was made, James was told he could not leave the line for any reason without back-up - no one else was told this. Then another supervisor said, "If you want to work here, you better think about what you're doing" (referring to his grievance). Another day James went to the men's restroom to find "James \_\_\_\_\_ is a faggot, queer, has AIDS, kill the faggot" written on the mirror.

#### **E97004**

##### **Restaurant Worker Denied Promotion Because He Looked “Too Gay”**

In 2 years of employment Daniel was promoted from server to server trainer to head server to assistant manager at a local restaurant. Both managers were supportive of him entering manager training. The general manager told him that his start date was being held “because he looked too gay.” Daniel had spent a lot of money on the right clothes for his training only to find that his hours were being cut and that he would not be entering into the manager training program.

#### **E97006**

##### **Negotiator Forced to Resign**

Maureen was an investigator and negotiator with a major health care corporation. Her performance had been praised by supervisors and she was offered raises and promotions. A new supervisor began asking her personal question about her sexual behavior. Her supervisor told her she would have to answer to God for her lifestyle. Shortly after the questions began, the supervisor launched a series of retaliatory actions which robbed Maureen of her self esteem and undermined her ability to do her job. Maureen was finally forced to resign because of the constant harassment and threats of firing.

#### **E97007**

##### **Sales Rep Forced to Resign After Constant Harassment**

During Dean’s eight years with a wholesale beverage company he endured ongoing harassment from his supervisor. The supervisor constantly used degrading language, calling him “queer”, “faggot”, “wimp”. The supervisor told others, including Dean’s elderly mother, that Dean had AIDS. The endless belittling eventually pushed Dean to the brink when he attempted suicide. When the tormenting became too much, Dean left his employment. The unemployment office awarded Dean benefits saying he had no choice but to leave the hostile work environment. Dean attempted to pursue legal action, but Judge Schroering told him he had no legal recourse and that as a homosexual he needed to accept this kind of treatment.

#### **E97008**

##### **Attempted Firing/Demotion of Teacher**

Shelley is a tenured teacher with Jefferson County Public Schools. A new principal at her school gave her poor evaluations, something she had never been given before. The principal called for her termination, but JCTA intervened. A JCTA representative told Shelley that the principal said the attempted firing was because she was lesbian. Shelley ultimately was not terminated, but the poor evaluations remained in her personnel file and she was transferred to a different school.

#### **E97009**

##### **Restaurant Manager Sexually Harassed Because of Lesbianism**

“Randi” began having difficulties at work after a new division manager was hired. He told her, “You know I can fire you anytime because you’re a lesbian.” In front of the district manager he said, “You know, Randi, all you need is a big dick.” The franchise owner of this restaurant told Randi, “It’s okay if you like girls. I like girls who like girls. Sometime girls who like girls let you watch them.” Randi was encouraged my another manager to document these problems before something else happened.

#### **E97010**

##### **Job Offer Rescinded After Outing**

Robert interviewed for a courier position at a local delivery company. He interviewed so well that he was offered a “specially created position” and was asked to return the next day for orientation. When leaving the interview, he found a note on his car saying, “Faggot get

out of here, we don't want you!" As a result, the next day Robert was fearful and did not return for the orientation. The operations manager called and asked why he did not make the meeting. Indicating the position was still available, he rescheduled the orientation. Robert was concerned about his effectiveness in a supervisory role if the employees under his supervision did not want him there. He called back and asked if the courier position was still open and told the manager about the note on his car. The manager said, "I need to think about this. I'll call you back in 15 minutes" He called back in ten and said, "There's no position for you here, you weren't honest with me."

#### **E97011**

##### **Attorney Fired After Successful Clerk Placement**

Brian graduated at the top of his class at the University of Louisville Law School. He was the editor of the law school journal and. In his final year of school, Brian worked as a clerk for an attorney in private practice. The attorney was extremely pleased with Brian's work and made plans for Brian to join the firm as an associate after completing the bar exam. To avoid any future problems, Brian had made it clear to the attorney that he was a gay man. The attorney said that it was not an issue for him. However, following graduation, the attorney informed Brian that he felt that Brian would not work well with the firm's clients.

#### **E97012**

##### **Hairdresser Fired/Not Hired for Being Gay**

John worked at a hair salon in the mall, had a competitive business and a very good return clientele rate. While some may think this is a gay-friendly business, John was not out as a gay man. After about 3 months, the store manager somehow learned that John was gay. He told John, "I found out that you're gay. I won't even tell you it's a personality conflict. You're fired." John went to apply for another salon where he was interviewed on two different occasions. At the end of the second positive interview, the manager asked if he was gay or straight. John said he was gay. The manager replied, "Well, I can't hire you then."

#### **E97013**

##### **School Bus Driving Trainer Demoted**

"Vicki" had received excellent ratings for 15 years of driving and was offered an opportunity to be a trainer. Her supervisor, had questioned her about her marital status on several occasions and often proselytized to her in meetings. A co-worker brought up the rumor that Vicki was gay in a training meeting one day. After a period of time on the training job, she had received positive verbal review, but nothing in writing. Her supervisors then began regular complaints about performance related issues, but offered no counseling or solid evidence. They also said that some drivers did not want to train with her. Her supervisor finally called her at home one night and said that she wasn't welcome back to the program the next year. Vicki filed a complaint with her Teamsters representative, but failed to help her in any way.

#### **E97014**

##### **Transsexual Factory Worker Harassed and Threatened**

Jennifer had transitioned from male to female while working at a local factory. Management was generally supportive and she was able to keep her job. Over 10 years of employment Jennifer has had to live with harassing comments, name-calling and even had a 5 gallon bucket of water dropped from above that came dangerously close to hitting her. Co-workers constantly call her "it, queer, or homo". A foreman said to a new employee, "You don't want to mess with her, she'll tear your head off and she can because she used to be a man". Two foreman were walking behind her one day when one said, "How

would you like to try that?" The other replied, "I don't know, she might have something hanging down there." Jennifer has not been able to get support from her union or from management to stop the harassment.

#### **E97015**

##### **Lesbian Fired - Down-sizing Cited as Reason**

Tina had worked for a medical service company 1 & 1/2 years. Had good reviews and was told in a meeting that more hours were coming, no one will lose their job. Out of the blue, her boss escorted her out with a form letter and 2 weeks severance. She and a co-worker had recently had a falling out over how she raised her daughters, referring to her being a lesbian mom.

#### **E97016**

##### **Pastor Fired After Accusation of Affair**

Man worked at church for 4 years as a lay minister. A call came into the rectory accusing him and the pastor of sleeping together and threatening to spread the word. He was fired to "keep peace" in the church.

#### **E97017**

##### **Lesbian Couple Demoted**

A lesbian couple, both nurses for 15 and 7 years respectively at University Hospital, were transferred to a unit that was designated for closing. They overheard "everyone on that unit is gay." There were four people who had been transferred to that unit that were out as gay or lesbian. They all had to apply for new positions with seniority not considered.

#### **E97018**

##### **Gay Man Fired After Harassment from Co-Worker**

A co-worker called Eric "freak & faggot" then pushed him through doors at the Galt House Restaurant. He reported it to his supervisor and was called in the next day. He was told they were both being let go. Eric was denied unemployment because they were "fighting." Eric was not sure if the co-worker was really fired.

### **Housing**

#### **H97001**

##### **Man Evicted From Apartment**

A bisexual man who reported that he was evicted from his apartment because he was seen cross-dressing. Dale had been to a Louisville Gender Society meeting in "drag" and was seen by the apartment manager when he returned home. She asked Dale's friend the next day who she was with last night. She told her it was Dale. The manager replied, "That's it, they're out of here." The next day they were given 30 days to get out "because they make too much noise."

#### **H97002**

##### **Lesbian Couple Evicted Because of Pride Flag**

Cindy is a young college-age woman who rented an apartment on St. James Court with her girlfriend. After about six months, the apartment building was sold to new owners. The new landlord sent a letter to Cindy and her partner terminating their lease. He cited the couple's rainbow colored pride flag as the reason for ending their lease. He said, "I'm no longer comfortable with you being tenants in my building." He gave them two weeks to get out. When they went for a one bedroom apartment - all they could afford - they were told by the apartment complex that they would not rent a one bedroom unit to two unrelated females. On two other occasions, they were also refused an apartment. Eventually, they were forced to tell a landlord that they were cousins in order to find a home.

**H97003**

**Tenants Security Deposit Held Unfairly**

Michelle was moving out of a rented home and the deposit was being held by the landlord. Michelle is a lesbian and her niece is African American. When Michelle moved in, the landlord, who had been seen speaking out against the Fairness Amendment on the news, told her she "couldn't have no niggers or queers coming in his house." When he denied the deposit he said, "Filthy queers, you don't get your deposit back."

**H97004**

**Landlord Refused Addition of Girlfriend to Lease**

Rachelle had lived in a one bedroom apartment for 5 months. Her girlfriend started staying over some nights and soon they discussed her moving in. Rachelle had asked the landlord before she moved in if someone could be added to the lease in the future and he said no problem. Two or three of the other straight tenants had girlfriends stay regularly - one couple lived together and then got married recently. When Rachelle finally asked to add her girlfriend to the lease, she was refused, "because the apartments are single person dwellings." Rachelle then received a letter that notified her of "breach of contract" - stating that additional persons must vacate the premises or Rachelle needed to give her 30 day lease termination request.

**Public Accommodations**

**PA9701**

**Partner Denied Insurance Coverage After Theft**

Ed and Jeff had lived in their home for about 10 years. When their home was burglarized, the homeowners insurance refused to cover Jeff's loss because he was not the homeowner and the policy only covers spouse and dependent children under age or a family member.

**PA9702**

**Partner Denied Insurance Coverage and Then Employment**

Kevin's employer denied insurance coverage for his partner, Steve, stating that he was not a legal spouse. When Steve tried to get a job at the same company as Kevin, the employer said they could not hire Steve because he is Kevin's partner and family members can't work together.

**PA9703**

**Middle School Student Denied Right to Report on Gay News Article**

A Fairness supporter called to report that her 13 year old son was kept from reading the word "lesbian" aloud in class. The class was supposed to read and then discuss articles from the newspaper. Jebb chose an article about Ellen Degeneres coming out as a lesbian on her show. As soon as he began to read the word "lesbian", the teacher stopped him and told him to take it home and read it to his mother. Jebb's mom was very upset that he had been humiliated in class and thought that, out of 30 students, at least one had to be gay. She was concerned about what the incident did to that one or two students emotionally.

**PA9704**

**Gay man in "drag" Denied Entrance to Bar**

Kevin and his friends went to a gay bar in "drag". As they were entering, the manager asked them to leave because they did not have "drag ID's". They were told if they could not produce ID's with them dressed in women's attire, they could not legally enter the bar.

## Hate Crimes

### HC9701

#### **Lesbian Couple Harassed, Threatened and Assaulted**

Dana and her girlfriend, Melissa, were in Steak and Egg at 3 am one morning. A drunk man began yelling at them, "I'm gonna kill you goddamned dyke bitches" etc... He threw a cup of liquid and ice at them. His friends encouraged him to leave, but he lunged back through a window at them. He was injured and the property damaged, but the two women were not physically harmed.

### HC9702

#### **Woman in Prison Threatened By Guard**

Joyce reported an incident from her last visit to see her girlfriend in the Pee Wee Valley Correctional Facility. They were saying good-bye in an outside area as all the other couples were doing before reentering the visitation lounge. One of the guards saw them kiss good-bye. He immediately came over to them, pointed his finger and said, "If I ever see you do that again you'll get the cell block and she'll get a 6 month restriction (from visitation)."

### HC9703

#### **Gay Couple Harassed By Neighbors/Property Damaged**

For five years Jeff and Mark had lived with constant verbal harassment from their next door neighbors (a mother and son). When Jeff and Mark came in and out of their house, the neighbors would yell, "Fuckin' Faggot", "Take it up the ass", and "You're just fuckin' queer fags." Jeff believes that these neighbors were responsible for trying to burn down their deck and pouring motor oil on his car. Both incidents had happened within a week.

### HC9704

#### **Lesbian Harassed & Assaulted In Her Car**

A neighbor of "Eileen's" came up to her in her car making anti-lesbian comments to her. He then hit both of her arms, bruising one, knocked her hands off the steering wheel and pulled her key chain apart. He took eight of the keys and threw them.

### HC9706

#### **Fairness Staff Threatened on Phone**

Nance had been making phone calls to the Fairness list. When the phone rang an angry man wanted to know what we did and why we wanted his brother. He told Nance that "he beat up his fucking little faggot brother and would do the same to all of us. Only real men and women lived at his number and that his brother moved to Las Vegas to live with all the perverts and queers." He told Nance to "stop carpet munching long enough to never call again or he'd get us." He finished by saying he would get all us goddamn faggots just like he beat up his brother.

### HC9707

#### **Old Louisville Home Vandalized**

A home in the Old Louisville neighborhood was vandalized with a swastika. The anonymous gay couple who owned the home said the police believe the swastika was the work of a gang of skinheads living in the area.

### HC9708

#### **Customer Offended by Anti-Gay Comments**

Chris went with a friend to shop for cars. A new employee made derogatory comments in front of other customers about gay people. He said a "doctor could fix that. All of them could be injected with the virus by using the same needle." Chris reported this to the

general manager, who assured him that their policy did not permit discrimination or harassment of gay employees or customers.

## 1996

### Employment

#### **E96001**

##### **Forced Out Of The Military**

A gay man was forced to disclose his sexual orientation for his safety and then was forced out of the military without due process.

#### **E96002**

##### **Man Fired After Being Outed**

A man was just off 3 month probation, when a co-worker overheard his lover saying "good-bye, I love you," on the phone. She began to tell others that he was gay and criticize him. He was fired for poor attendance four days after he returned from one week illness, even though he had a doctor's note. Another person from his training class was also ill for a week and she was not fired.

#### **E96003**

##### **Fired For Asking for Respect**

While working at a local restaurant a man was called faggot by the cook and subjected to comments such as, "Are you looking at it? I know you want it" and other harassing statements. He protested the treatment and was fired for asking for respect.

#### **E96004**

##### **"Laid Off" After Coming Out**

A bisexual man was "laid off" one week after he disclosed his sexual orientation. He came out during a private conversation about HIV related health issues with his employer.

#### **E96005**

##### **Fired For Lack of Personality**

A man got a job with an electronics company because of his excellent skills as a customer service rep. After four days of training, the manager fired him stating he did not have the personality to work with customers. He was out as a gay man to his co-workers.

#### **E96007**

##### **Restaurant Worker Harassed by New Chef**

A man working at a restaurant was receiving positive feedback from management. A new chef was hired who began to verbally insult him because of his sexual orientation. His hours were drastically reduced and finally he was let go.

#### **E96008**

##### **Teacher Harassed For Teaching**

A teacher was harassed by her principle for having a panel of gay, lesbian and bisexual youth and a counselor come to talk to her health class which was discussing relationships.

#### **E96010**

##### **Gay Man Fired From Local TV Station**

"Steve" was fired without warning when the assistant to the news director falsely reported him late. She treated him differently for past year of employment. Called him a "FAG" the

day he was fired. Two other gay employees feel there was just cause for firing. Steve believes he was treated unfairly.

### **E96011**

#### **Lesbian Denied Family Leave**

Randi worked for a social service agency for 11 years. She requested 3 days off because her long-time partner was having a hysterectomy. Although she had plenty of vacation time available and had physician notes for sick days, she was told she had taken off too much time, so she could not take time off for the surgery. Because she was denied the time off to be with her partner, Randi felt she had no choice but to quit her job.

## **Housing**

### **H96001**

#### **Gay Man Verbally Harassed**

A gay man was continually verbally harassed by 3-4 teenage girls of about 16 years of age. They have called him a "fucking fag" and "fucking queer" as he comes and goes from his house.

## **Public Accommodations**

### **PA9601**

#### **School Secretary Insults Mother**

A lesbian was forced to enter her children in catholic school when they moved to Kentucky. A secretary passing her in the hall mumbled "dyke" under her breath. When she asked her to repeat herself, the secretary said she couldn't speak to her.

## **Hate Crimes**

### **HC9601**

#### **Man Verbally Harassed**

A gay man was screamed at by another man on a balcony on the other side of two parking lots and a tennis court. The abuser yelled anti-gay obscenities for about 30 seconds.

### **HC9602**

#### **Hate Mail Sent To Fairness Campaign**

A pledge card was returned in a Fairness return envelope with the following written on it: "EAT SHIT AND DIE YOU BASTARDS", "FUCK YOU QUEER MOTHERFUCKERS", "GO BURN IN HELL."

### **HC9603**

#### **Mugging and Rape of Gay Man**

Two men followed a gay man home. They robbed and raped him and held a gun to his head. Called him a "white-headed punk", which he believes referred to his sexual orientation.

### **HC9604**

#### **Security Guard Harassed & Assaulted Fair Volunteer**

A man claiming to be a security guard at the exhibit hall at the state fair harassed and assaulted Dana when she tried to reenter the exhibit hall after hours. She had appropriate forms from state fair to re-enter, but man would not let her re-enter. Questioned whether she was a boy or a girl.



## Police Harassment

### P96001

#### **Police Harassment**

A gay man was stopped by a police officer, hassled, threatened with arrest and towing and accused of running a red light. He received a citation for tinted windows.

### P96002

#### **Police Laughing At Victim**

A man was peeking into and trying to break into a woman's apartment. When the police came the man told them he was her husband. They asked her to come out of her apartment where she told them the man was lying, that she was gay. The police and perpetrator began laughing at her.

### P96003

#### **Police Deny Gay Man Medical Treatment**

An HIV positive, gay man was denied medical attention after blacking out and having a wreck. The police continued testing him for alcohol and drugs even after negative test. They impounded his car, gave an incorrect report about accident and took him home without his keys. Although he was injured, they never called for EMS.

---

## 1995

## Employment

### E95001

#### **Career Military Employee Demoted, Denied Retirement**

A career military employee was repeatedly praised and given additional responsibility training people. Despite being a private person, his job was taken away from him and given to a civilian. He was striped of his clearance, being told that as a homosexual he did not honor the clearance. He was released from the military two years before he would receive retirement and now he is ineligible for benefits.

### E95002

#### **Restaurant Worker Harassed**

A worker in a local restaurant was repeatedly called names by co-workers. When he reported the harassment to the manager she talked to the other employees, but did nothing else. The harassment diminished a little.

### E95003

#### **Harassment Not Addressed**

A man preparing for a sex change was repeatedly harassed and threatened that if he used either the men's or women's bathrooms he would be beaten. The management did not respond to his request for a transfer and did not address the intimidation.

### E95004

#### **Straight Man Harassed By Right Wing**

The fanatical right had targeted the library for carrying "Heather Has Two Mommies". A woman came in and asked a colleague if one worker was limp-wristed (using hand gesture & negative inferences).

**E95005**

**Fired One Week After Being Outed**

A man got six months of satisfactory work reviews at a pipeline company. He saw his boss at a gay men's bar and the boss quickly left. The worker was fired the next day for an anonymous complaint about his driving.

**E95006**

**Food Distribution Harassment**

A woman working at a food distribution center, who was very private about her sexual orientation, was subjected to graphic and threatening messages written on the walls around her work space. One said "\_\_\_\_\_ EATS PUSSY", while another said "KILL ALL FAGS. CHOP THEIR HEADS OFF".

**Housing**

**H95001**

**Verbal Harassment By Neighbors**

A gay man's neighbors verbally harassed him, called him a "faggot", threw his laundry into the alley and lied to the landlords about him until he was evicted.

**Public Accommodations**

**PA9501**

**Insurance Company Stalls on Claim**

A gay man was involved in an auto accident and his insurance company has still failed to pay. Stress of the accident and insurance company's reaction has affected his health. He has AIDS and is afraid that they are stalling so he will die.

**PA9502**

**Police & EMS Give Limited Help**

A gay man wounded in a mugging sought help at a gay bar. He had a head injury and nausea but the EMS and Police would not help him to the ambulance or into the hospital. An apology from EMS stated they can't "force" EMS to go into "a place like that."

**PA9503**

**Bus Driver Insults Rider**

A gay man asked the bus driver if the bus he was boarding was an express. She said yes and when he commented that he did not see that indicated on the outside she replied "Well you will just have to look more carefully next time, faggot."

**Hate Crimes**

**HC9501**

**Lesbian Followed**

Men at a gas station asked what the pink triangle meant on a lesbian's car. She told them it meant she was gay. They said "you are gay?" They drove away and parked in a nearby lot. When she pulled out they followed her to the Fairness office.

## Police Harassment

### P95001

#### **Police Brutality, Hate Language**

A gay man tried to help by directing traffic when a fight broke out. A policeman yelled "smart-ass faggot" and started beating him. A second officer joined the beating. They cuffed him, bashed his head against the ground, and denied him medical treatment.

1994

## Employment

### E94001

#### **Successful New Employee Fired**

A new, openly gay employee received excellent comments to the owner from customers, and two raises in six months. He was offered a manager position and received several cash bonuses for outstanding performance and customer service. A new manager came on staff and started questioning the way he handled staff and employees and making his sexual orientation a workplace issue. After stepping down from management due to the harassment, he was eventually fired by this new manager and was told "I'm firing you and I'm not here to hand out fatherly advice, but maybe you need to be less of who you are wherever you go next."

### E94002

#### **Coach Fired Despite Improved Record**

A softball and volleyball coach at a small Kentucky college was fired by the athletic director for not satisfactorily handling the volleyball program despite an improved season from 9 - 15 under a previous coach to 24-13 under her coaching. It was common knowledge that the coach was lesbian and her players stated that it was not an issue. The president acknowledged that she "was a fine coach", but that he must follow the lead of the church.

### E94003

#### **Realtor Denied Contract With Local Reality Company**

A woman who was looking to contract with a local Reality Company met with one of the owners and discussed this possibility. The owner was very interested in having the woman work for his company once he reviewed her portfolio and saw that she was a very successful Realtor. During the interview, she asked if there would be a problem advertising in the gay and lesbian community because she is a lesbian and feels that a lot of her success was due to her ability to reach this part of the community. The owner said that he was a member of one of the local churches that believes homosexuality is wrong but that he did not feel this would interfere with her contracting with his company. A few days later, the man called her back and said that because of the conversation (about her being a lesbian) his company did not want to contract with her.

### E94004

#### **Pastry Chef Forced Out**

A woman was offered a pastry chef position by the owner of a restaurant. When she arrived to accept the job, the manager told her that there wasn't a position. After the owner cleared it up and hired her, the manager pried into her personal life, told her stories of his sexual conquests, despite her protests, and eventually cut her hours (although the restaurant was short staffed) until she was forced to take other employment.

**E94005**

**Retired City Employee Working At A Distribution Center**

Woman retired from the City of Louisville after 20+ years of service and was working as a manager for a distribution center. A jealous assistant manager who felt she should be the manager instead told the district manager that the woman was a lesbian. The district manager fired the woman, who was a local manager, two days after giving her an outstanding evaluation. The district manager told the local manager that she was receiving too much "heat" from other people in management so she felt it would be better if she "let her go."

**E94006**

**Manager Forced to Fire Gay Employee**

A manager at a privately owned franchise was forced to fire an openly gay man. When she asked for an explanation the supervisor told her that it was a 'redneck' area and "you don't see any blacks working here either." The manager asked why she had not been fired because of her sexual orientation and she was told that she didn't look gay.

**E94007**

**Bank Hiring**

Three individuals (2 lesbians and a straight man) of similar credentials applied for jobs. The straight man was hired on the spot. The lesbians were told to await a call which never came. Shortly thereafter, two gay men were fired from the bank without explanation.

**E94008**

**Restaurant Worker Fired**

A man worked in a local restaurant for two years. He was well liked, got great reviews and had been given a raise. He is a private person and never brought his personal life into work, but he was friends with other employees and he was open when they visited him at home. The manager made a crack to him about since he wanted to leave early one day there must be something big at the gay bar. When the employee confronted the manager about being rude the manager fired him and told him that he was being fired for being gay and that the restaurant had a right not to hire or serve gay people.

**E94009**

**Fired and Insulted For Being Gay**

A college president ordered one administrator to fire another after suspecting that he was gay. When the administrator refused because of excellent work evaluations the president fired both stating, "...both of you fags are fired."

**E94010**

**Firefighter Insulted**

A firefighter in a high position was allegedly called a "Gay Blade" and "Boy George" by the police chief in a meeting that he was not at. The firefighter went to court to receive acknowledgment of the statement and a written apology.

**Public Accommodations**

**PA9401**

**Screening for Insurance Unfair**

A straight general manager was appalled that an insurance company had the condition of the sales person screening all applicants. When he asked why, the sales person said he was suppose to "...make sure you are not a faggot, know-what-I-mean?"

**PA9402**

**Bar Owner Throws Gays Out**

The owner of a bar burnt a pride flag in front of gay patrons to send message that the bar would no longer be gay friendly. Owner was "throwing people out of the bar for being gay".

**Hate Crimes**

**HC9401**

**House Vandalized**

A lesbian was subjected to verbal abuse by neighbors and her house was vandalized. Someone had pasted sexually graphic pictures and slogans on her house.

**HC9402**

**Fairness Office Broken Into and Vandalized**

The Fairness office was broken into, money was stolen and graffiti was sprayed on the ground outside the front door.

**HC9403**

**Anti-Gay Response to Flyer**

An art organization received the following: "I'm a U of L professor and got the piece on Laurie Wolfe (a lesbian performance artist). I was asked to announce it to my class. I don't want to give my name for fear of retribution, but I think that it's disgusting."

**HC9404**

**Man Harassed and Threatened By Neighbors**

Neighbor teenagers, who were known to police, broke into a man's car, yelled obscenities at him and his roommate and stood on his front porch yelling "come out you perverts." These types of verbal harassment happened on a continual basis.

**Police Harassment**

**P94001**

**Police Use Threatening Language**

Two men went onto their balcony as the police were making an arrest. The police shined a light on them yelling, "Tell your faggot boyfriend to come out here now!" then "We're telling you now to get you faggot asses down here!" The men called the police.

**P94002**

**Officer Rapes Woman**

A police officer followed a woman from a lesbian bar, pulled her over, told her he would give her a ride home or take her to jail. He took her home and raped her. Charged with rape / sodomy, convicted of 3rd sexual assault and 1st offense misconduct.

**P94003**

**Police Not Responding To Call**

Witness called the police because two men were fighting, one was in women's clothing. The police arrived, got out "snickering" and left without taking any action. A comment of "gays to California" was heard. Witness is a block watch captain.

**P94004**

**Cited Wrong Person For Fault**

A man, who was hit by a woman who rolled through a stop light was asked for his insurance and cited at fault. The policeman had acknowledged the woman's fault and had told him he would not be listed as at fault on the record.

**P94005**

**Inappropriate Training Materials**

Criminal Justice Training sponsored by Kentucky Justice Cabinet used a video called "The Gay Agenda" in a session titled "Managing Minorities". This is described as a hate film created by the right wing, not a sensitivity training on sexual orientation.

**1993**

**Employment**

**E93001**

**Harassment and Cruelty Eventually Forced Her To Seek Other Employment**

A woman was employed at a local nursing home for over a year. At her previous job she had been well liked and respected by co-workers and clients. During the year at the new job, she experienced harassment and cruel treatment from co-workers and supervisors. She was told finally, that no one wanted to work with her because she is a lesbian. The woman felt hurt and eventually felt forced to leave a type of work that she had once loved.

**E93002**

**Department Store Firing**

Individual had favorable job evaluations. Fired without explanation. Comments were made to her about not being feminine enough.

**E93003**

**Restaurant Anti-Gay Policy**

Upper management allegedly stated that "no fats, no gays, no blacks" would be employed. Two gay people were fired, including a store manager.

**E93004**

**Fast Food Manager Ordered to Fire Gay Man**

Individual hired due to good work record at another food chain. He was doing excellent work in his new employment according to his supervisor. The market manager instructed the woman who was the man's supervisor to fire him because he "did not want gays working here." She refused to fire him because she said she had no just cause. She was ordered to do so two more times over the course of the following weeks. She was reprimanded for not firing the man and the market manager came in on one of her off days and fired the gay man himself. Subsequently management said policy was "no gays."

**Housing**

**H93001**

**Women Harassed into Moving**

Landlord sexually harassed two lesbians, entered their apartment to use their bathroom without permission, read their mail, talked to neighbors about them and told them that all queers should be shot. The couple had no choice but to move.

## Hate Crimes

### HC9301

#### **Art Organization Vandalized**

An employee of an arts organization discovered "DIE ALL FAGGOTS!" written on the front door. They believed it was related to an exhibit called "The Condom Series", which was an AIDS related exhibit.

### HC9302

#### **Man Perceived to be Gay Attacked**

A straight man was called "FAG", told "MOVE ON FAGGOT" and kicked in the back. The police stated the attacker is believed to be mentally ill and has attacked people with anti-gay statements before.

### HC9303

#### **Fairness Campaign Office Egged**

The Fairness Volunteer Coordinator arrived at the office to find that the office door and windows had been egged.

### HC9304

#### **Man Attacked in Home**

Two men broke into a man's apartment, robbed him, attacked him severing 4 fingers and called him anti-gay names. Police took no report at that time and only took report when he called them three days later.

## Police Harassment

### P93001

#### **Inappropriate Behavior By Police**

A woman and her lover were arrested for making out in a park. The women became frightened when the police officer made one of the women show her breast to prove that she was a woman. He also told police in the department where one of the women worked, endangering her job.

1992

## Employment

### E92001

#### **Director Fired For Being Gay**

A gay man was fired after 26 years, despite national recognition for his work, positive reviews by consultants and the fact that he was not out. He has been blocked from getting other jobs in his unique field by rumors from the members who fired him.

### E92002

#### **Promotion Denied**

Individual employed in pharmacy. All job evaluations had been excellent, and he was in line for a promotion. A co-worker told the boss that individual is gay. Shortly thereafter, individual was informed that he is "unsuitable" for promotion.

## Housing

### H92001

#### **Gay Tenant Encouraged to Leave By Bigoted Landlord**

A gay man was denied having a roommate by his landlord. In addition his landlord asked if his friends are “funny” using a limp-wristed gesture, his black friends were called loud and he was called a “polish Jew” for wanting to get a roommate.

### H92002

#### **Gay Man Denied University Housing**

A foreign exchange student was denied housing he was originally assigned to when his sexual orientation became known. His scholarship was being reviewed as well. There was a question if race or sexual orientation bias was the motivation. He is Panamanian.

## Hate Crimes

### HC9201

#### **Lesbian Receives Harassing Note**

“FUCK YOU LESBIES” found written on a note.

### HC9202

#### **Gay Man Stabbed**

Alan was stabbed by a 17 year old foster youth in his mother's custody. Neighbor heard youth say “that fag tried to rape me.” Alan states there was no sexual relationship with the youth. Police talked to Alan at hospital. A week later, Alan was charged with sodomy.

---

## 1991

---

## Employment

### E91001

#### **Firing at Production Company**

Individual who was instrumental in getting company out of debt, received numerous bonuses for work, complained to management about employees he supervised refusing to accept direction from him, and harassing him about his being gay. One employee stated she “would not take direction from a fag”. Individual was told the situation would be addressed. He was fired the next day.

### E91002

#### **Man Refused Application**

A man with disabilities wanted to apply for a clerical position at a temp agency. The worker refused to take his application because he was a man and upper management explained that they “didn't want any fags working here”.

### E91003

#### **Teacher's Job Threatened**

A teacher with outstanding evaluations from her department chair, administrators and students was told by her principal that if she is ever at a public function that is perceived to be about lesbians and gays she would be fired. She finally quit because of the threat of exposure and intrusiveness into her personal life.



**E91004**

**Sporting Goods Worker Fired**

A woman who was working at a sporting goods store was complimented repeatedly, given lots of responsibility, and was credited for having made the store a success. She was given a promotion and a raise. The week after her promotion she mentioned giving flowers to a girlfriend and the following week she was fired.

**1990**

**Employment**

**E90001**

**Firing At Production Company**

Man who was instrumental in getting a company out of debt, received numerous bonuses for work, complained that a female employee under him was refusing directions and harassing him about being gay. Management addressed situation by firing him.

**E90002**

**Bank Demotion**

Individual had been branch manager at a bank in another city before moving to Louisville. While in seminary, worked part-time for a local bank, and upon graduating was asked to go full-time into management training. Nine months later the bank learned that he was gay and transferred him to customer service cubicle to answer phones. Among comments made to him in explanation for his demotion were that he was not "aggressive enough".

**1988**

**Police Harassment**

**P88001**

**Police Brutality**

A lesbian ran a red light while drunk. Police pulled her over, asked her to get out of the car, started slamming her up against the car, laughing and saying that "we got us one." When they took her downtown they continued to hassle her.

**1983**

**Housing**

**H83001**

**Gay Man Denied Equal Benefits**

A gay man was moved for airport expansion, but was not given full relocation benefits because he and his partner were not acknowledged as a family, nor were they given benefits separately.

## 1981

### Employment

#### **E81001**

##### **Bank Vice President Fired**

Man employed for nearly 20 years with a local bank, worked his way up to Vice President. A religious organization he belongs to voted him to be the President of the gay and lesbian group in the church. During a review at the bank, this man was commended for his continued excellent job performance and given a raise. During this review, the man informed his supervisor that he had been elected President of the Louisville chapter of Dignity/Integrity, a group for Catholic and Episcopalian gays and lesbians. The man was then told that he must "stay in the closet" and keep his job or "come out" and lose his job. The man chose to remain President of his gay and lesbian religious group and was fired from the bank at which he was the Vice President.

### Miscellaneous

#### **Administrators Fired**

Two competent administrators were fired from their jobs at a local school. One administrator was the supervisor of the other. When the employer found out that the second man was gay, he asked the first man to fire him. He refused, and so the employer fired them both saying: "You must both be AIDS-ridden queers and I don't want either one of you. Both of you fags are fired." The two men both eventually found other jobs, but at lower salaries.

#### **Employee at Restaurant Fired**

Woman was hostess at local chain restaurant. During her tenure there several employees known to be gay were fired. The head cook informed the woman, a lesbian, that in recent management discussions it was determined that any employee determined to be gay would be fired. The lesbian was fired shortly thereafter.

#### **Food Chain Firing**

Woman was employed at a fast food restaurant for a year and a half. A new manager was hired who openly expressed prejudice against gays and lesbians. After a customer complained about not being heard through the drive-up window (which she was working at the time) woman was fired. This incident was do to no fault of the employee. A few weeks later, the manager told a co-worker that he finally "got rid of all the queers".

#### **Laborer Fired**

Man employed for 6 months at pipeline company. Supervisor expressed satisfaction in his work. A few weeks later, the employee saw his supervisor at a local establishment frequented by gay men. The supervisor immediately left the establishment. The next day an alleged complaint was called in reference to the driving of the employee...he was fired.

#### **Trainer Fired**

A man working for a paint company, doing excellent work, was asked to train a new manager. The manager then got promoted ahead of him. She started harassing him about his work, although the quality of it had not changed according to his customers and other supervisor. She threatened his job and when he confronted her about not having a legitimate reason, she fired him.

**Harassment From The Ones That Are Suppose To Protect Us**

A woman who is employed by the police department has experienced anti-gay harassment and insults from other officers.

**Care Center Worker's Promotion Undermined by Co-workers**

A woman working at a care center for ten months got offered a management position. She accepted the position. She found out that her judgment was being questioned and that two women she had confided in had been pressured into telling management about her sexual orientation.

**Computer Analyst "Laid Off"**

A successful computer analyst was laid off one week after coming out to his employer. He came out because of a health related issue that they were discussing. There was a higher paid, less valuable employee that would have made more economical sense in a layoff.

# EXHIBIT 12

**COMPLAINT OF DISCRIMINATION**

**MAIL OR DELIVER TO:**

Louisville Metro Human  
Relations Commission  
745 West Main Street, Suite 251  
Louisville, KY 40202

**PLEASE RESPOND TO THIS COMPLAINT**

---

NAME TELEPHONE NUMBER

---

STREET ADDRESS CITY STATE ZIP CODE

---

WAS THE DISCRIMINATION IN . . . (CHECK ONE)

- Employment     Housing     Public Accommodations     Hate Crimes

BECAUSE OF . . . (CHECK ONE)

- Race     Age     National Origin     Sexual Orientation     Gender Identity  
 Sex     Handicap     Retaliation     Religion     Other
- 

Who discriminated against you? Give name and address of employer, labor organization, employment agency, apprenticeship committee, licensing agency, public accommodation, real estate broker or lender or apartment manager.

LIST ALL:

NAME TELEPHONE NUMBER

---

STREET ADDRESS CITY STATE ZIP CODE

---

AND (OTHER PARTIES, IF ANY)

---

THE ACTUAL DATE OF THE MOST RECENT  
DATE OF ALLEGED DISCRIMINATION:

\_\_\_\_\_  
MONTH                      DAY                      YEAR

**LOUISVILLE METRO  
HUMAN RELATIONS COMMISSION**

**COMPLAINT OF DISCRIMINATION**

---

EXPLANATION OF YOUR COMPLAINT

The Complainant believes these actions are because of (state basis), which is in violation of Louisville Metro Amended Ordinance, No. 193, Series 2004.

---

I SWEAR OR AFFIRM THAT I HAVE READ THE ABOVE CHARGE OF ALLEGED DISCRIMINATION AND THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

\_\_\_\_\_  
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

MY COMMISSION EXPIRES ON \_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC

# EXHIBIT 13

# Group lobbies aldermen to expand ordinances to protect homosexuals

By M. DAVID GOODWIN  
Staff Writer

Five years ago, Louisville's lesbian and gay community failed to persuade the Board of Aldermen and Jefferson Fiscal Court to expand local anti-discrimination ordinances to protect homosexuals.

But after refocusing its strategy and broadening its membership, a new community-wide group — called the Fairness Campaign — has decided to petition aldermen first this time around.

The new approach has attracted the support of some aldermen, including one who is considering sponsoring an amendment before he leaves office in December.

The Fairness Campaign, along with nearly 100 supporters, held a news conference on the steps of City Hall yesterday to unveil its platform and deliver about a thousand postcards of support to aldermen. More than 50 civil, religious, labor union and business leaders and organizations have lent their support to the effort.

"This is not an issue of gay rights," said Carla Wallace, the campaign's co-coordinator. "This is an issue of human rights."

"We're not asking for special privileges, or new laws, or quotas or anything like that. We are simply saying that this should be a city where all citizens are treated fairly and equally. That's what extending the existing laws would be about," she said in an interview yesterday.

The Fairness Campaign is relying on the support of the Louisville and Jefferson County Human Relations Commission, which introduced this measure to city and county officials in 1986 and reaffirmed it on Aug. 8. Louisville would join 85 other cities, including Cincinnati, Kansas City, Seattle and Denver, that have passed laws banning discrimination based on sexual orientation.

Organizers also hope the city will follow the lead of several local businesses — Ford Motor Co., General Electric Co., Philip Morris Inc., E. I. duPont de Nemours and the University of Louisville — which have established anti-discrimination employment policies protecting homosexuals.

Gayrights supporters are requesting that the words "sexual orientation" be added to a law that prohibits discrimination in jobs, housing and public accommodation based on race, color, religion, age, sex or physical defect or handicap — the latter of which was added by the aldermen in 1989.

The campaign comes on the heels of the aldermen's attempt to pass a hate crime bill, which would protect victims of attacks motivated by race, religion, gender, disability or sexual orientation.

Wallace said the Fairness Campaign's mission is to extend the hate crime ordinance to provide civil rights protection for the estimated 30,000 homosexuals in Louisville. She said a gay person could report a crime but then be singled out on the job or in housing because of sexual orientation.

The group was formed in July, when members began attending aldermanic meetings to monitor the city's political process and to petition aldermen for the change.

They also have formed the Committee for Fairness and Individual Rights political action committee to support candidates, including some in next month's election, whom they have declined to identify.

As mandated by the aldermen in 1986, the Human Relations Commission has collected data on complaints of discrimination against gays and lesbians. It has received 40

discrimination complaints, including 18 in employment, 15 attacks and harassment and seven in housing, over the past five years.

Gwendolyn Young, executive director of the commission, says the number of complaints has been low because homosexuals feel they have no legal recourse.

In 1986, the Greater Louisville Human Rights Coalition began crusading for a proposed measure. Two years later, 6th Ward Alderman Jerry Kleier tried to insert "sexual orientation" into an amendment that expanded the ordinance to include the disabled.

"I made a deal with the disabled people that I would take (sexual orientation) out if I felt it was going to prevent the whole thing from getting passed," Kleier said. "At the time, I didn't have enough votes to get it passed with it."

After the wording about the disabled was inserted into the ordinance, Kleier promised gay-rights activists he would reintroduce the issue later. He hasn't, he said, because no one ever asked him to reintroduce it. But he said he hasn't ruled out introducing the measure before he leaves office.

Wallace said that if the group succeeds in getting a sponsor for the amendment, it will petition Fiscal Court next.

## SAVE 20% on watch and jewelry repair



### RUNNING LATE LATELY? THEN, MAKE TIME GETTING TO LAZARUS AND SAVE 20% ON WATCH REPAIR!

Our watchmakers will fine-tune your timepiece to perfection! We'll clean, overhaul and electronically time all types of watches including quartz analog, manual wind and automatic models. Ask about our new extended watch service warranty.\*

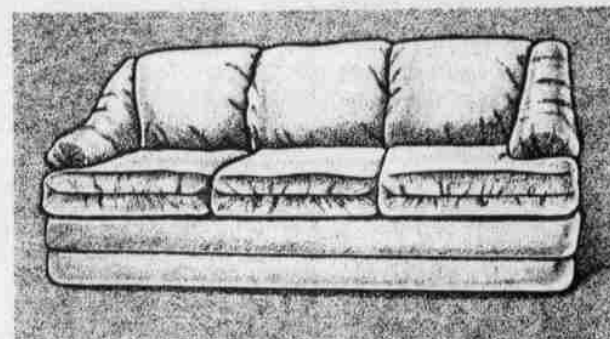
### COMING UNSTRUNG? SAVE 20% ON JEWELRY REPAIR SERVICES!

Our experts repair rings, reset stones, solder chains, restring pearls and beads, replace clasps and so much more!

Watch and Jewelry Service Center (D761) at Oxmoor Center. Phone 423-3365. \*For a copy of warranty prior to purchase, write to Warranties, Lazarus, Box 1786, Cincinnati, OH 45201. Sale prices effective through October 19, 1991.

# LAZARUS

## Budget Cutting Doesn't Have To Be An Uncomfortable Experience.



Contemporary Sofa \_\_\_\_\_ from \$119

Save 20% to 60% off retail\* on top-quality, previously leased brand-name furniture from Cort.

## CORT

FURNITURE RENTAL  
CLEARANCE CENTER

4600 Shelbyville Road, Shelbyville Road Plaza, 897-0186  
Store Hours: Monday - Friday 10 a.m. - 7 p.m., Saturday 10 a.m. - 5 p.m.

Furniture may vary by location. \*Below retail prices charged for comparable new furniture at other retailers.



FORD • MERCURY • LINCOLN • FORD TRUCK

# WHY PAY FOR THE WHOLE CAR WHEN YOU ONLY WANT TWO YEARS' WORTH.



With Ford Credit's Red Carpet Lease, you only pay for what you use. We simply take the total cost of the car, then deduct its guaranteed future value. Your payments are the difference, plus a lease charge based on the total cost of the vehicle.

So your monthly cost is much less than with a conventional purchase financed over the same period of time. And

you can drive a new car as often as every two years. That gives you great flexibility. And that's great news for growing families because, as your driving needs change, you're free to change what you drive. You can move up to the model that's right for you and always be driving a state-of-the-art

vehicle, with the most advanced comfort and safety features.

At the end of your lease you can return the car and start the lease process again to drive away in a new car. Or you can buy it for the amount agreed upon with your dealer at the beginning of the lease. You'll never have to deal with getting rid of a used car.

You can also get the peace of



mind of worry-free driving. When you add Ford's Red Carpet ESP you've got coverage that can even include scheduled maintenance.

Ford Credit's Red Carpet Lease. Ask about it at your Ford or Lincoln-Mercury dealer. To learn more about Red Carpet Leasing, call 1-800-421-0494 to receive a free copy of Understanding Leasing.

## SEE YOUR FORD OR LINCOLN-MERCURY DEALER

**Here's How A Lease Works:** On a car with a \$16,000 sticker price, the monthly payment would be \$273.64 for 24 months. First month's lease payment, down payment of \$2,400.00 and refundable security deposit of \$275.00, totaling \$2,948.64 due at lease inception. Total amount of payments \$6,567.36. Title, taxes and license fee extra. Lessee may have the option, but not the obligation to purchase the car at lease end, at a price agreed to by the lessee and dealer at lease inception. Lessee is responsible for excess wear and tear and a mileage charge of 11 cents per mile over 30,000 miles. Lease subject to approval and adequate insurance as determined by Ford Credit.

Buckle up—together we can save lives.







# METRO

## Mayor trips the lights fantastic to open holiday season in city

By BILL WOLFE, Staff Writer

It was a night to warm the hearts of festival-goers and festival planners.

Unseasonably warm temperatures contributed to an unexpectedly high turnout last night for Light-Up Louisville! and Dickens on Main Street. Police estimated the crowd at 100,000 — though just 80,000 had been forecast for the annual downtown celebration of lights, costumes, food and music.

"The weather just made it so much easier to bring families downtown," Mayor Jerry Abramson said. The "blistering cold" of recent Light-Up Louisville! festivals discouraged elderly people and small children from attending, he said.

Last night's weather, however, was the best in the event's 10-year history, Abramson said, leading to "a real family happening in downtown Louisville." (All the same, he said his new son, Sidney, was too young to attend this year.)

The breezy, warm evening seemed more akin to Derby days than the holidays. By 5 p.m., when a sizable crowd had already gathered along Main Street, the temperature was hovering at the day's high, 71 degrees.

"I think the weather's great," said Jessica Moody, 15, who was working a Salvation Army collection kettle with her mother, Shirley Hazelwood, and her grandmother, Jackie Diebold, all of Louisville.

City police Officer Ramona Kihnley recalled last year's festival, when she wore a leather jacket, long underwear and insulated socks — and even that hadn't been enough. "It was cold — really cold," she said.

This year Kihnley needed only a light jacket. "It's great — a lot better than freezing, anyway," she said.

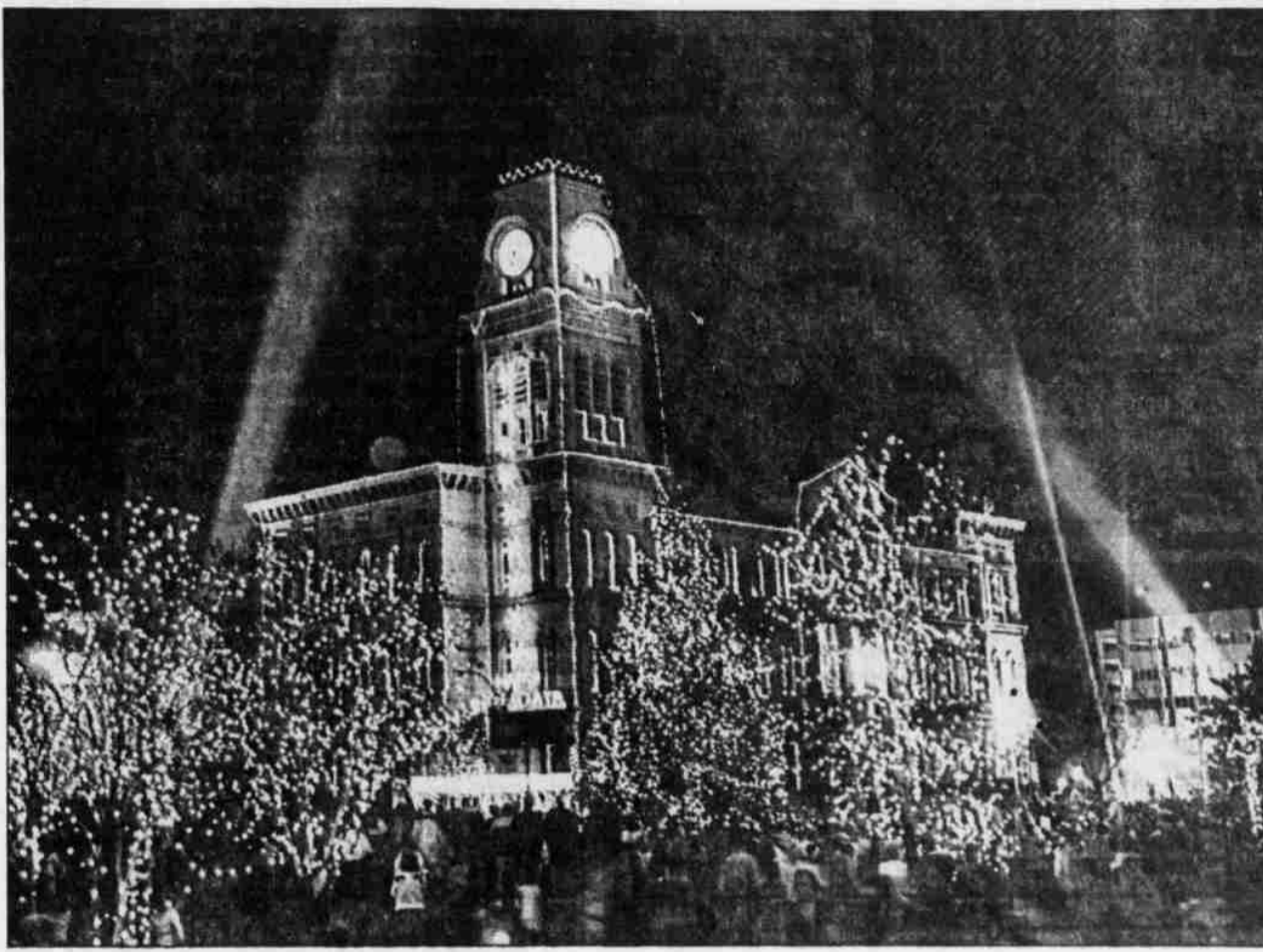
Joseph and Brenda Wood of Louisville said they decided to attend the festival for the first time because of the "wonderful" weather.

Although Dickens on Main Street officially opened at noon yesterday, for many people the true celebration's kickoff came hours later with Light-Up Louisville! on Jefferson Square, at Sixth and Jefferson streets.

Early in the evening, the square was dark, except for the flashlights and glowing plastic necklaces brought by many in the crowd.

Connie Henken and her daughter Olivia, 3, did their part to add to the occasion with sparkling, light-decorated shirts. Henken, who was making her fifth trip to the festival, even sported flashing-

See LIGHTS  
Page 11, col. 6, this section



STAFF PHOTOS BY JAMES H. WALLACE



Above, searchlights scanned the evening sky, at one point crossing their beams to form a star, and Louisville's City Hall was arrayed in electric splendor during Light-Up Louisville! ceremonies last night. At left, Kim Snead joined in holiday song last night with the Community Singers of the Christian Academy of Louisville. The carolers, performing on the steps of the Kentucky Center for the Arts, were part of the Dickens on Main Street festivities.

## Bather asks delayed vote on law to ban gay bias

By RICK McDONOUGH  
Staff Writer

Support for a proposed Louisville ordinance that would prohibit discrimination against homosexuals may unravel because one of its sponsors now says he will vote against it unless the process is slowed down.

Alderman Paul Bather said he supports the measure but will vote against it if it is brought up Dec. 23 as planned. He said the community needs more time to be persuaded and educated on the need for the law.

"The process, to me, is as important as the substance," Bather said.

But in addition to process and substance, politics is always a consideration in getting controversial legislation approved. In this case, delaying a vote beyond Dec. 23 would change the politics and make approval by the Board of Aldermen less likely.

Seven of the 12 aldermen co-sponsored the proposed ordinance when it was introduced Nov. 12. But two of the seven, Jerry Kleier and Tom Denning, lost bids for re-election and will leave the board at the end of the year. The Dec. 23 meeting will be their last, unless a special meeting is called.

Board President Melissa Mershon said she and the six other co-sponsors knew when they signed the measure that it would be voted on before the end of the year.

Mershon and Alderman Rhonda Richardson, head of the affirmative action committee, said there already has been a great deal of talk about the issue and that more talk is not likely to enlighten or unify the community on the issue. Gay rights also had been the focus of discussion on a hate-crimes ordinance that Bather sponsored and the aldermen approved earlier this month.

"I really can't understand Paul Bather's position," Richardson said.

Under the new hate-crimes law, the Louisville-Jefferson County Human Relations Commission has power to investigate and impose fines against those who harm others because of race, religion, ethnicity, health condition, disability, gender or sexual orientation.

The proposed ordinance would add to that, protecting homosexuals from discrimination in housing, jobs and accommodations. Supporters say homosexuals who come forward

See BATHER  
Page 11, col. 1, this section

## Falling interest rates cushion blow of Wilkinson's budget cuts

By FRAN ELLERS, Staff Writer

FRANKFORT, Ky. — Cuts in the state budget to cope with a \$155 million revenue shortfall may slow some projects and programs but probably won't derail any, according to a plan released yesterday by Gov. Wallace Wilkinson's administration.

Almost a third of the savings comes from debt payments that are lower than expected because of dropping interest rates and delays in selling bonds.

The plan also eliminates state jobs that have been left vacant, slows some purchases and reduces the operating budgets of the eight state universities by a total of \$31.6 million.

Unless a sluggish economy forces further budget cuts before the fiscal year ends June 30, the plan will leave a \$52 million balance in the state's General Fund on that date.

Also, the plan calls for increased spending in one area — an extra \$22 million to public schools to help fulfill the promises of the 1990 Kentucky Education Reform Act.

Wilkinson had made it plain earlier that he would not cut education, Medicaid and welfare programs, and the plan he announced yesterday spares others as well — local jails, adult technical education and the state's prosecutorial system, which was projecting layoffs of 80 assistant prosecutors if it had to come up with the proposed \$1.1 million in cuts.

Wilkinson was reluctant to take money from local governments, which already are suffering from the recession, said the state's budget director, Gordon Duke. The governor considered adult technical education as important as elementary and secondary education, and the prosecutors had made a good case because of the projected layoffs, Duke said.

The plan does not, however, spare the legislative and judicial branches, which had objected to the 3.4 percent cuts that Wilkinson had requested but may not command.

The plan includes a \$3.2 million cut for the judicial branch and one of \$848,000 for the legislative branch, although neither branch has agreed yet, Duke said.

Even though the governor does not control the budgets of the other branches of government, they have traditionally gone along with requests for budget cuts. Judicial branch officials in this instance wanted to cut only \$1.3 million, and legislative branch officials, \$476,000.

Duke said that Wilkinson wanted a 3.4 percent across-the-board cut, but because some executive-branch agencies were largely exempted from cuts, others had to take larger reductions.

The Economic Development Cabinet, for instance, is one of those hardest hit by the cuts — its \$73.5 million budget was reduced by \$16.9 million — but three-fourths of the cut is debt-service savings, state budget officials said. The Department of Parks had a similar situation — its \$27.1 million budget dropped \$3.75 million, but \$2.6 million of that was debt-service savings.

Higher education was cut by a total of \$42.4 million, including the university operating expenses and debt-service savings. Corrections dropped by \$12.2 million.

Leaving job openings vacant accounts for a lot of the agency cuts, Duke and other officials said. Those vacancies include jobs that have been added but not filled, and jobs that are temporarily vacant.

However, the Department of Environmental Protection, whose \$26.7 million budget was reduced by \$5.1 million, will try to make that cut by delaying equipment purchases, not by reducing the number of new people that it is scheduled to hire, Commissioner Bill Eddins said.

Wilkinson also made up the shortfall with \$55 mil-

See BUDGET  
Page 11, col. 6, this section



COLOR HIM OUTGOING: Gov. Wallace Wilkinson's official portrait at the Capitol will be moved to the old Capitol Annex on Dec. 9 as Wilkinson leaves office. Story, Page A 12.

## Moloney says education will get enough for reforms, no more

By TOM LOFTUS  
Staff Writer

LEXINGTON, Ky. — Sen. Michael R. Moloney said yesterday that Education Commissioner Thomas Boysen will not get all he wants in the next budget and that universities may get no funding increase at all next year.

But Moloney, a Lexington Democrat who chairs the Senate's budget committee, said public school funding will be increased enough to honor the commitment of the 1990 Kentucky Education Reform Act. He

made the comments during the taping of WLEX-TV's "Your Government" program, which will air at 11:30 a.m. tomorrow.

Regarding the funding of education reform, Moloney said: "We'll find a way to do it. But I don't know that every penny that Commissioner Boysen wants is needed, and I'm pretty sure it's not all going to be delivered." Boysen has requested an increase of about \$200 million for elementary and secondary education in the 1992-93 fiscal year. Moloney said the part that probably will not be fully funded is a major increase for student testing.

"We need to fund the act that we passed in 1990," Moloney said. But limited revenue means the state can't afford "the absolute Cadillac of testing programs."

Moloney said that the 1992 General Assembly faces an extremely difficult task in crafting a 1992-94 budget and that increases for programs other than education reform will be limited.

"I don't think there's going to be any new money in the first year for higher education. It's going to be basically a hold-your-own budget," he said. "In the second year we'll have the opportunity to do some things."

Moloney also echoed a concern expressed this week by Gov. Wallace Wilkinson that Boysen — the first education commissioner under the reform act — did not take full advantage of a rare opportunity to reorganize and "change the direction of the Education Department."

Moloney is also expected to be in the center of the 1992 session's debate on campaign-finance reform. He has proposed sweeping legislation that includes partial

See MOLONEY  
Page 11, col. 6, this section

## Firefighters put out small fire at Downs

The next-to-last day of the fall meet at Churchill Downs was inconvenienced briefly yesterday by a small smoldering fire in Clubhouse Section 114.

The fire apparently was caused by a cigarette that dropped through a crack in the floor on the second level and nestled into empty space above the first floor, according to Lt. Col. David Abner of the Louisville Fire Department.

No one was injured. The fire was reported at 3:11 p.m. and declared under control at 3:28, Abner said. It was confined to a foot-square area.

Racing was not interrupted, said Churchill Downs spokesman Karl Schmitt. Attendance at the track was 19,083, he said.

By the time firefighters arrived, Downs officials had located the fire and tried to extinguish it, Abner said. The fire was too small to activate the track's sprinkler system, he said.

## Corrections & clarifications

Because of a clerk's error, yesterday's Weekend section listed the wrong dates for the Bunbury Repertory Theatre presentation of "The Day They Shot John Lennon." Performances will be Thursday through Dec. 8 and Dec. 12-14 at 112 S. Seventh St. Call (502) 585-5306.

The obituary yesterday for Glenn W. Norman misspelled the first name of a daughter, Camille Pope.

## Senate faces controversial health-care benefits bill

By MIKE BROWN  
Staff Writer

WASHINGTON — Kentucky's two U.S. senators face a tough political choice on a controversial coal-industry bill.

The issue is what to do about the two financially beleaguered health-care funds that pay benefits to some 120,000 retired United Mine Workers members and their widows, including 15,500 beneficiaries in Kentucky and 2,600 in Indiana.

Sen. Jay Rockefeller, D-W. Va., has introduced legislation to bail out the two funds with a new system that would impose a tax of 75 cents on each hour a miner works at all coal producers, including non-union companies.

Both the UMW and the Bituminous Coal Operators Association strongly back the measure, contending the entire industry has an obligation to shore up the union's retirement health program, which has an increasing deficit that is estimated at between \$90 million and \$120 million.

The BCOA is a fast-shrinking group of unionized operations that has become more and more burdened by health-care costs as companies that had supported the funds have gone out of business or simply stopped making contributions.

According to the BCOA, the companies still supporting the funds are now paying \$3 for these so-called "orphan" beneficiaries for every \$1 they pay for their own retirees.

Noting that the entire industry pays a tax to take care of "abandoned" mine lands under the federal strip-mine law, Rockefeller argues it should do no less for "abandoned" miners.

But while his bill is backed by the BCOA's 14 member companies and some 300 other firms that the organization represents, it is opposed by non-union operators who contend BCOA has manufactured the crisis to rid itself of the burden of expensive medical benefits agreed to by its negotiators in past contract talks.

David Gooch, president of Coal Operators and Associates, a group of non-union Eastern Kentucky companies, said in a telephone interview last week that a tax based on the hours a miner works would give a competitive price advantage to large, highly mechanized mining companies and would hurt the many small, labor-intensive operations in Eastern Kentucky.

The Rockefeller plan also is opposed by coal companies that have dropped out of the national UMW-BCOA contract and stopped paying into the health funds. In addition to the 75-cent tax, the bill would require those companies to pick up the health-care costs of their former employees, just as the remaining BCOA-contract companies would continue to pay premiums for their retirees.

With the industry's badly fractured interests, Rockefeller's bill is not an easy political choice for Sens. Wendell Ford and Mitch McConnell. Each said last week that he has not made a decision on the measure.

Ford, who is known to have reservations about the bill, said through a spokesman that he wants to talk to "the coal people" about it. As Democratic whip, a senior member of the Energy Committee and a Senate leader on coal issues, Ford's support appears to be critical.

Republican McConnell is studying the bill, according to a spokesman.



STAFF PHOTO BY PAUL SCHUMANN  
**IT'S MALL IN THE GAME:** The hustle and bustle of the holiday season began in earnest yesterday for Kellie Wilbanks, 14, of Louisville as she carried a load of purchases from Green Tree Mall in Clarksville, Ind. Her next shopping stop was the nearby River Falls Mall.

## Spruced-up span

### Franklin covered bridge getting new parts, new lease on life

By DAVID L. BAKER  
The State Journal

FRANKFORT, Ky. — If the Switzer Covered Bridge were a person, it would have replacement joints, a pacemaker, a hairpiece and dentures.

The 136-year-old Franklin County landmark, one of only 11 covered bridges remaining in Kentucky, is undergoing something akin to reconstructive surgery.

Appropriately, it's being performed by two men named Wood — brothers Gary and LeRoy from Brooksville, in Bracken County.

"We're trying to leave what we can, but most of the beams need to be replaced," Gary Wood said. "Time just got to the wood."

The covered bridge spanning Elkhorn Creek at Switzer — pronounced SWIGT-zer — is the third to be renovated by the Wood brothers, who grew up within two miles of a covered bridge. "These things need to be saved," LeRoy Wood said, "because once they're gone, they're always gone."

Time, weather and vandals have taken a toll on Switzer's 120-foot bridge built by George Hockensmith in 1855. Hockensmith used yellow poplar, one of the toughest materials available at the time, but the main beams had rotted away from abutments at either end.

One side of the bridge had sagged two feet; Gary Wood said the bridge was being held up by its overhead

beams. The renovation crew erected a stout bracing system to help lift the structure to its old height. Steel cables and pulleys are used to slide new beams into place after old sections are cut away.

The drying and decay that accompany the aging process produced a marked contrast in the weight of the wood. Each 24-foot beam coming out weighs about 200 pounds, LeRoy Wood said. The replacement beams, cut near Campton in Wolfe County, weigh at least 600 pounds.

Few of the original beams at road level will remain, and the diamond-cross bracing beneath the wooden siding must be replaced on the bridge's west side because of damage from exposure.

Twelve-foot steel rods that were added in 1906 are being replaced with rods forged from train track. But the upper beams will not have to be replaced, Gary Wood said.

The restoration is a dream realized for community residents and the Switzer Ruritan Club, which for three years has been selling caps, T-shirts and baked goods to raise money for it.

Work will be done by mid-December and the bridge "should last as long as it did up to now," Gary Wood said.

What of the bridge's graffiti or the dozens of initials carved into the wood by love-struck couples?

"That's just part of the history," he said. "It'll stay."

Distributed by The Associated Press

## Bather may vote against gay-bias law

Continued from Page A 9

with a harassment complaint need protection from bosses and landlords who may not approve of their sexual orientation.

"We are definitely very disappointed" with Bather, said Carla Wallace, a coordinator of the Fairness Campaign, a group lobbying for passage of the ordinance. "He knows that right now it has a chance to pass, and his wavering is putting it in jeopardy."

Richardson said that unless Bather or someone else raises a substantive question about the proposed ordinance, she intends to go ahead with the vote Dec. 23. She's hoping Bather or other expected opponents will change their minds or abstain.

"I'm gambling, maybe, when it comes time to vote that all of my colleagues will do what they feel is ultimately in the best interest of our community," Richardson said.

## Owen County woman dies of hypothermia

From Staff and Special Dispatches

OWENTON, Ky. — An 86-year-old Owen County woman, who was found Wednesday in her unheated home, died of hypothermia early Thursday.

Rena Ann Morgan Gibson was pronounced dead at the University of Kentucky's Albert B. Chandler Medical Center in Lexington, according to the Fayette County coroner's office.

Gibson, who was found unre-

sponsive in her home by relatives, was taken to Owen County Memorial Hospital and later transferred.

She was a native of Owen County. Survivors include a daughter, Cathryn Whobrey; a sister, Lula Harrison of Lebanon, Ohio; three grandchildren; and four great-grandchildren.

The funeral will be at 2 p.m. Monday at McDonald Seminary Street Funeral Home, with burial in Salem Cemetery, Owen County. Visitation will be after 4 p.m. tomorrow.

## REGIONAL ROUNDUP

COMPILED FROM STAFF AND AP DISPATCHES

### Claims office to stay open in Bullitt

Waste Management of Kentucky Inc., owner of a garbage truck that hit a CSX railroad bridge just before the Nov. 19 train derailment in Shepherdsville, will keep its claims office open Monday, even though company officials had originally said yesterday would be the last day.

Robert Lee, general manager of Waste Management, said he doesn't know when the office will close. "We made a commitment that we could be there as long as need be," he said.

Bill Krall, who was managing the Shepherdsville-based office yesterday, said the number of people coming into the Shepherdsville Best Western to make a claim was "winding down." The office will be open Monday from 8 a.m. to 5 p.m.

Lee said more than 2,000 claims had been filed as of yesterday, but the exact number or amount claimed hadn't been determined.

### Louisville events to mark AIDS day

Two events in Louisville will help commemorate World AIDS Day tomorrow.

The Louisville Visual Art Association and local AIDS-Awareness groups are working with the national Visual AIDS Project to participate in A Day Without Art. The event is a national project to express the effect of the AIDS virus in the arts.

Several pieces of art on display at the Water Tower, 3005 Upper River Road, will be shrouded in black cloth to symbolize loss of life through loss of art.

Mary Anne Carnegan, founder and facilitator for Mothers and Others, a support group for people whose family members have died of AIDS or have tested positive for the AIDS virus, will speak at 2:30 p.m. Kate Clarke, executive director of Heart to Heart AIDS Support Services, will have general information about AIDS in Louisville and local events.

The Aids Interfaith Ministry is sponsoring the first Interfaith Prayer Service. "People Living in Darkness Have Seen a Great Light" will be at 2:30 p.m. in the Chapel at the Presbyterian Theological Seminary, 1044 Alta Vista Road.

Dr. Johanna Bos, a seminary professor, will speak. There also will be a liturgical dance and a candlelight and musical ceremony to remember AIDS victims.

The service is open to the public. Anyone needing transportation can call Helen Deines at the Church of the Ascension at 451-3860.

### Paducah workers authorize strike

PADUCAH, Ky. — Non-medical union workers at Lourdes Hospital last night overwhelmingly authorized a strike when their contract expires at midnight tonight.

Picket lines will form at 12:01 a.m. CST tomorrow unless an agreement extends the contract, said Joe Sills, leader of Local 2770 of the International Association of Machinists and Aerospace Workers. The union represents about 800 hospital employees, but only about half of them are union members. Only union members could vote on the strike.

Sills said 91 percent of the members who voted approved the strike, but he would not release the vote totals.

The workers handle a broad range of duties at the hospital, including custodial, clerical, food services, maintenance and housekeeping.

The union and administrators are at odds over salaries and benefits, among other things. Union leaders have dismissed the hospital's proposal for pay raises — up to 4 percent for employees with less than seven years of service and 2 percent for those who have reached the highest pay scale.

### Woman jailed after police chase

BOWLING GREEN, Ky. — A Bowling Green woman who led city police on a chase has been placed in jail and faces an array of charges.

Lara Lynn Manning, 25, was charged with reckless driving, attempting to elude police, two counts of wanton endangerment, two counts of theft, tampering with evidence and driving on a DUI-suspended license.

The chase began after witnesses reported they saw Manning throw a purse from her car, which was later determined to have been stolen. The purse contained \$407 in cash and other items.

When police tried to stop Manning she fled in her car, driving through a chain-link fence before hitting a utility pole. No one was injured.

Manning was lodged in the Warren County Regional Jail.

### Gunman surrenders after five hours

BOWLING GREEN, Ky. — A gunman surrendered to police without incident after barricading himself in his girlfriend's trailer for five hours.

Tony M. Smith, 22, of Bowling Green, was charged with wanton endangerment and terroristic threatening, according to Kentucky State Police. He was taken to the Warren County Regional Jail.

Smith, who had vowed he wouldn't be taken alive, surrendered Thursday night after police had surrounded the trailer for nearly five hours, said Jackie Strode, public affairs officer at the Bowling Green police post.

The standoff began when Trooper Rodney Gross approached the trailer, nine miles north of Bowling Green, about 4:30 CST. Smith allegedly pulled a gun and threatened to kill the trooper, authorities said. Gross returned to his vehicle, and about 10 other state police officers and members of the Warren County Sheriff's Office were called to the scene.

Smith barricaded himself, his girlfriend and her small child after refusing her request to leave, Strode said. He fired several shots inside the trailer while police were outside, but no one was injured, Strode said.

### Lexington band helps bring Santa

NEW YORK — Lafayette High School's marching band helped usher in the Christmas season for the nation as it preceded Santa Claus in Macy's Thanksgiving Day parade.

The 194-member band was among bands from across the country that appeared in the three-hour parade broadcast nationwide.

But Lafayette's was not the only Kentucky presence in the 2½-mile parade: The Kentucky Headhunters, a band with roots in Metcalfe County, also appeared. The Headhunters performed "The Ballad of Davy Crockett."

Lafayette's band performed Christmas music and songs from "The Wiz," including "Ease on Down the Road." NBC weatherman Willard Scott mistakenly introduced the band as being from "Lafayette, Kentucky."

"It felt great," said Zena Armstrong, a saxophone player. "It was fun to perform in front of the cameras. But I was happy to see Macy's at the end because I was so tired."

### Carrollton chemical plant damaged

CARROLLTON, Ky. — An early morning fire damaged one department at the Atochem chemical plant in Carrollton yesterday, although no one was reported injured.

Officials did not find any environmental hazards, said Carroll County Judge-Executive Harold Tomlinson.

Officials are still investigating the cause of the fire, which started about 4:35 a.m. at the plant on U.S. 42, Tomlinson said. Firefighters worked until about 5:30 a.m. to extinguish the flames. People inside the department where the fire started left the area but did not evacuate the plant, Tomlinson said.

Tomlinson said representatives from the state Environmental Protection Agency and Disaster Emergency Services inspected the site yesterday morning, but found no environmental hazards.

Carrollton officials also notified the Occupational Safety and Health Administration, Tomlinson said.

## Moloney calls school funds tight

Continued from Page A 9

public financing for the candidates for governor and lieutenant governor.

His public-financing suggestion generally has the support of Senate leaders and Gov.-elect Brereton Jones. But House Speaker Don Blandford has said most House members are reluctant to spend tax dollars on political campaigns.

"There is some reluctance, but I think also there is some misunderstanding about the bill," Moloney said. "We're in effect spending public tax dollars now to pay for campaigns by virtue of the large number of non-bid contracts that are being awarded to contributors. We're just paying for it after the fact."

He said partial public financing is a vital part of his reform plan because it's the only way to limit campaign spending. (Under the plan, candidates who qualify for and accept public money must agree to abide by spending limits.)

"I think we can greatly lessen the cost of elections, greatly lessen the dependency of candidates on the dollar to get their message across," Moloney said.

Moloney said he expects his public financing plan would require \$10 million in state money every four years — money that he said could be partly obtained from the savings in reducing the number of elections. (He has suggested cutting the number of elections in half by moving elections held in odd-numbered years to even-numbered years.)

On yet another matter, Moloney said that he expects his close friend Scotty Baesler, who finished second to Jones in the May Democratic primary for governor, will run for Congress in 1992.

If so, Moloney said he expects Baesler, the mayor of Lexington, to win, stay in Congress until 1998 and make a race for the U.S. Senate then; Democratic Sen. Wendell Ford is expected to win another term next year and retire in 1998.

## Lights fantastic kick off season

Continued from Page A 9

light earrings.

But the real illumination came at 6:20, when Abramson threw a ceremonial switch to turn on an estimated 400,000 Christmas lights' downtown.

As the Abramson-led countdown reached its final 10 seconds, nine giant snowflakes decorating the City Hall clock tower clicked on, one each second. At the climax, a "Happy Holiday" sign flashed on — along with the city Christmas tree decorations, other festive lights and giant searchlights that crossed their beams overhead to form a star.

Shortly afterward, the new lights on the George Rogers Clark Memorial Bridge over the Ohio River were turned on. The illumination, part of Project Bridelight, will shine nightly year-round. Lighting of the nearby Kennedy Bridge is set for July 4.

After the lighting ceremony, most of the throng at Jefferson Square moved to Main Street, where music, food booths and arts and crafts displays were waiting. Within minutes, the blocks between Fifth and Eight streets were jammed.

Not everyone was enamored of the weather. Balloon vendor Fred Sanders complained that it was "too windy" as he sought to keep his wares under control.

And Afchine Ahmadi, a University of Louisville student dressed in shorts, complained that the temperature was too warm.

"I wish the weather would be colder, because it doesn't seem like Christmas," he said.

True, agreed Connie Henken. "But I can handle it," she said. "This is perfect."

## Budget cut to leave \$52 million balance

Continued from Page A 9

lion in surplus funds and \$15 million in extra money that agencies had collected from special fees or taxes those agencies levy.

The savings on debt service came largely because interest rates, which were figured at 8.5 percent when the budget was written, have been between 6 and 7 percent, budget officials said.

Wilkinson was forced to cut the state budget to meet a revenue shortfall four years ago, in one of his first major acts in office. He vowed then to leave the budget in better shape than he found it. His plan calls for \$52 million in surplus at the end of the fiscal year. But some budget experts, including Rep. Joe Clarke, the House budget committee chairman, say they expect that national economic trends are likely to force Jones to make further budget cuts within six months.

Information for this story also was gathered by staff writer Tom Loftus.

## Health-care workers urged to play bigger role in finding abuse victims

By MARY O'DOHERTY  
Staff Writer

Kentucky's doctors and other health-care workers — long considered crucial players in the effort to break the cycle of domestic violence — are being urged to do a better job of identifying battered women.

National studies show that as many as one-third of the women who visit emergency rooms are there for symptoms related to abuse. But state officials say that health-care workers often fail to report these cases.

"Many domestic-violence victims will go to their physicians before they go to the police or their families," said Kathy Frederich, the state Department for Social Services' domestic-violence expert. "Too many physicians tend to rationalize this as a family problem ... instead of the crime that it is."

Since 1978, state law has required health-care workers — as well as police and anyone else — to report to the state anyone they suspect is a victim of abuse. A state social worker then attempts to contact victims and tell them where to get help.

In an effort to increase the reporting, a 255-page medical protocol will be distributed this month and next to all the state's hospitals and to many physicians.

The protocol, which includes information about spouse-abuse shelters and other services, will be unveiled at a news conference today by state Attorney General Fred Cowan's task force on domestic violence.

The number of spouse-abuse reports

**"Too many physicians tend to rationalize this as a family problem ... instead of the crime that it is."**

**Kathy Frederich, a domestic-violence expert**

from all sources, including medical personnel, has increased sharply in Kentucky over the last several years.

During fiscal year 1991, which ended on June 30, the state received 11,311 reports, including 641 from hospitals. That was up from 9,674 reports in fiscal 1990, including 569 from hospitals.

However, the number of reports coming directly from doctors during the last two years dropped from 38 to 33. In addition, state records show that doctors in at least 90 of the state's 120 counties made no reports last year. Only six physicians in Jefferson County were the initial source for the reports to the state.

(The number of reports received from physicians may be slightly higher than the records indicate because officials count only the initial reporting source. For instance, if a physician reports a case after police have, the physician's report wouldn't be counted. Physicians also sometimes ask the hospital staff to report for them.)

Many doctors agree that domestic-violence cases are underreported and they pre-

dict that the state's protocol will mean more cases, especially those where women acknowledge they were abused, will be reported.

But, the doctors say, the protocol does not address another, stickier problem: How to deal with patients who deny they were beaten or who ask their physicians not to make a report.

Officials insist that state law requires notification, but many physicians believe their ethical obligation to patients comes first.

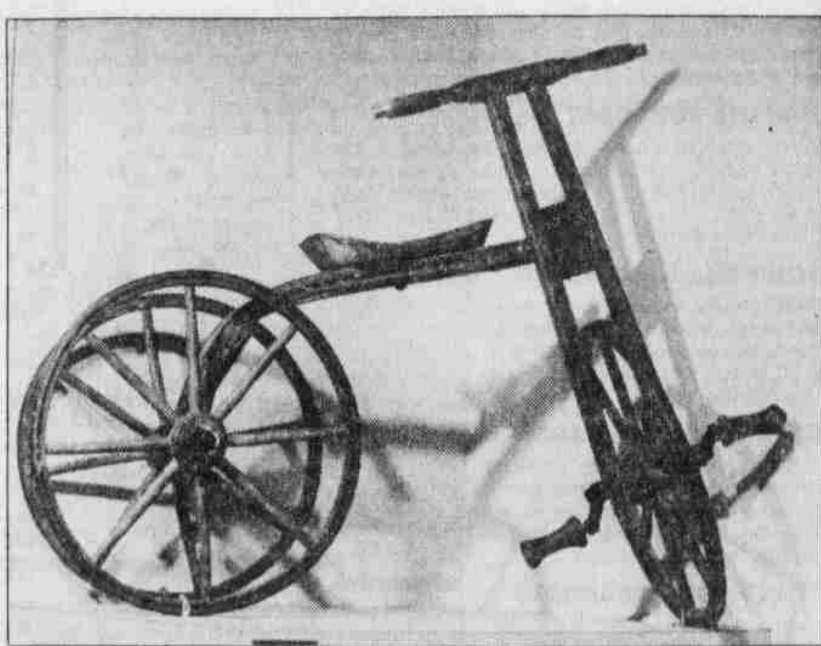
Although it has recently launched an ambitious campaign to encourage doctors to identify domestic-violence victims, the American Medical Association agrees that doctors shouldn't be subject to rigorous reporting laws. The AMA contends that physicians need to be able to choose not to make reports, in cases where it could hurt their relationship with a patient, according to an AMA spokesman.

Dr. Rex McConnell, a Garrard County physician who works in emergency rooms in several counties, said he always abides by the reporting policies of those hospitals.

But in his private office, when he's dealing with a woman who denies she is abused or doesn't want it reported, then "what that patient says to me is confidential, no matter what the law says," McConnell said.

The state's reporting law has never been tested in the courts, according to Stanley Stratford, assistant general counsel for the

See DOCTORS  
Page 3, col. 5, this section



STAFF PHOTO BY DURELL HALL JR.

This tricycle, circa 1875, was called a velocipede back in its day.

## Velocipede's nicks, dents demanded investigation



**JIM ADAMS**  
METRO  
COLUMNIST

In the quiet there, it's possible to linger over it beyond all reason: "Tricycle of painted wood ca 1875 Owned by Hubert Leon Bruner Given by Mrs. Arthur Raidt."

Whoever turned and tapered and sanded its wooden seat may have also been the one who painted it red, and capped the handlebars with shiny brass tips.

Whoever balanced each thin wheel with eight spokes also applied the neat black band along each wheel's side, and the pencil lines, finer still, done in white along the side of the seat support.

The most wonderful aspect of all, however, wasn't applied by any craftsman. This aspect is in the nicks and rust, the bumps and dents, and it's in the paint, or what's left of it, which doesn't appear to have flaked off or fallen off, but rather to have been polished off. Buffed slick, you

could imagine, by the seats of maybe a hundred little pants. This is the exuberant quality of the toy.

It's what makes the small chains that hold the tricycle to the wall of the Filson Club Museum seem more like shackles. It wasn't made to be so still.

This child's thing from another century, seen on several occasions, finally demanded investigation, and a recent day of telephoning was successful in locating one person who believes she may well have ridden the tricycle a time or two in her childhood: Anna Hunter Frazier, a retired schoolteacher whose farm straddles the line separating Breckinridge and Meade counties.

Hubert Leon Bruner, if state records of his death are correct, was born on Sept. 27, 1873. Frazier said he grew up on a large Breckinridge County farm; Frazier was his niece, from his wife's side of the family, and therefore was a cousin of his two children, Florence (to whom Frazier became especially close, and who later became Mrs. Arthur Raidt) and Dorothy. Frazier wasn't sure if the tricycle was

See TRIKE  
Page 3, col. 1, this section

## Thieves want to turn season of giving into season of taking

By T. L. STANLEY  
and MARVIN GREENE  
Staff Writers

While 'tis the season to be jolly, 'tis also the season to be wary of crooks, police say.

Stella Hardin of Louisville learned the hard way that carrying a large purse while Christmas shopping was unwise.

Hardin's purse was snatched off her shoulder as she left a department store in Southland Terrace Shopping Center. The purse was vulnerable because she was loaded down with three shopping bags full of gifts.

As she was walking to her car, three men asked if they could help with her bags. Hardin, 50, said no, but one of them grabbed her purse and they fled. Fortunately, they didn't steal her gifts.

"When they asked if I needed help, I said, 'Boy, are they being so generous.' I was the target. They could have easily grabbed the bags, but they wanted money," Hardin said.

She went shopping the next day and noticed that many women weren't carrying purses at all.

Police in Louisville and Jefferson County said crime usually increases during the holidays — everything from break-ins and shoplifting to

street holdups and pickpocketing. However, they did not have specific statistics.

Shoppers loaded down with packages, cash and credit cards need to be especially careful, said Sgt. Earl Droddy, city police crime prevention coordinator.

"Sometimes people just take things for granted and forget that there's a possibility something can happen to them, and it can happen quickly," Droddy said.

In Southern Indiana, police say holiday-related crime is light this year. But break-ins and thefts are an inevitable part of the holiday season, New Albany police Col. Mike Culwell said.

"Once people start accumulating wealth — in this case presents — there will always be someone out there who wants to take it away," he said.

Police advise that women carry small, clutch-type purses when holiday shopping and that they carry them close to their bodies and not let them dangle from shoulders or arms. Wearing pouches around the waist to hold belongings is even better, police said.

"You want to make yourself and your property unattractive to a

See SEASON  
Page 3, col. 5, this section

### Tips to make shopping during holidays safer

#### For shoppers

■ Keep your car doors locked at all times.

■ Park in well-lighted areas, and scan the parking lot before getting out of your car. On the way out of a store, find your car before walking into the parking lot. Have your keys ready, and be aware of anything suspicious.

■ If you must carry valuables in your car, lock them in the trunk or cover them with a blanket.

■ Carry your cash in various pockets, instead of in your wallet. Avoid pickpockets by carrying your wallet in a front or vest pocket, rather than a rear pocket.

■ Hold your purse close to your body and make sure it is shut.

#### For merchants

■ Keep store windows clear of posters and displays. Cluttered windows make it easier for robbers to work without being seen from outside.

■ Stay alert for unusual activities both inside and outside the store. Watch for people loitering at phone booths or cars.

■ Greet people who come in and look at them carefully. Ask them if they need help. Draw attention to suspicious people so others will possibly be able to make an identification if a theft occurs.

■ Keep a minimum of cash in the register, and put the rest in the safe. Place a \$2 bill beneath your \$1 stack and write down the serial number. That way, you will be able to identify the bill later if it is recovered from a robber.

■ Have employees park in well-lighted areas at night, and make sure two people open and close the store.

## Both sides pack hearing on gay-rights ordinance

By LAWRENCE MUHAMMAD  
Staff Writer

Advocates and opponents of a proposed gay-rights ordinance packed a public hearing in Crescent Hill last night and spilled into the parking lot, where partisans competed by shouting slogans and singing hymns.

As about 35 opponents of the measure sang "Nothing But the Blood of Jesus," an equal number of proponents sang "We Shall Overcome," hoisted signs reading "Homophobia is a social disease" and shouted "Equal Rights Now."

Some, like public school tutor Frandrea Neal, did both.

"I'm not on any side," Neal said. "I'm a little hurt that so many people have been so dogmatic and beat others over the head with religion. The Bible says, 'Whosoever will, let him come.'"

Inside Lang House, 115 S. Ewing Ave., such charity seemed scarce.

Speakers debated whether the proposed ordinance being considered by the Louisville Board of Aldermen would spread AIDS and

See HEARING  
Page 3, col. 3, this section

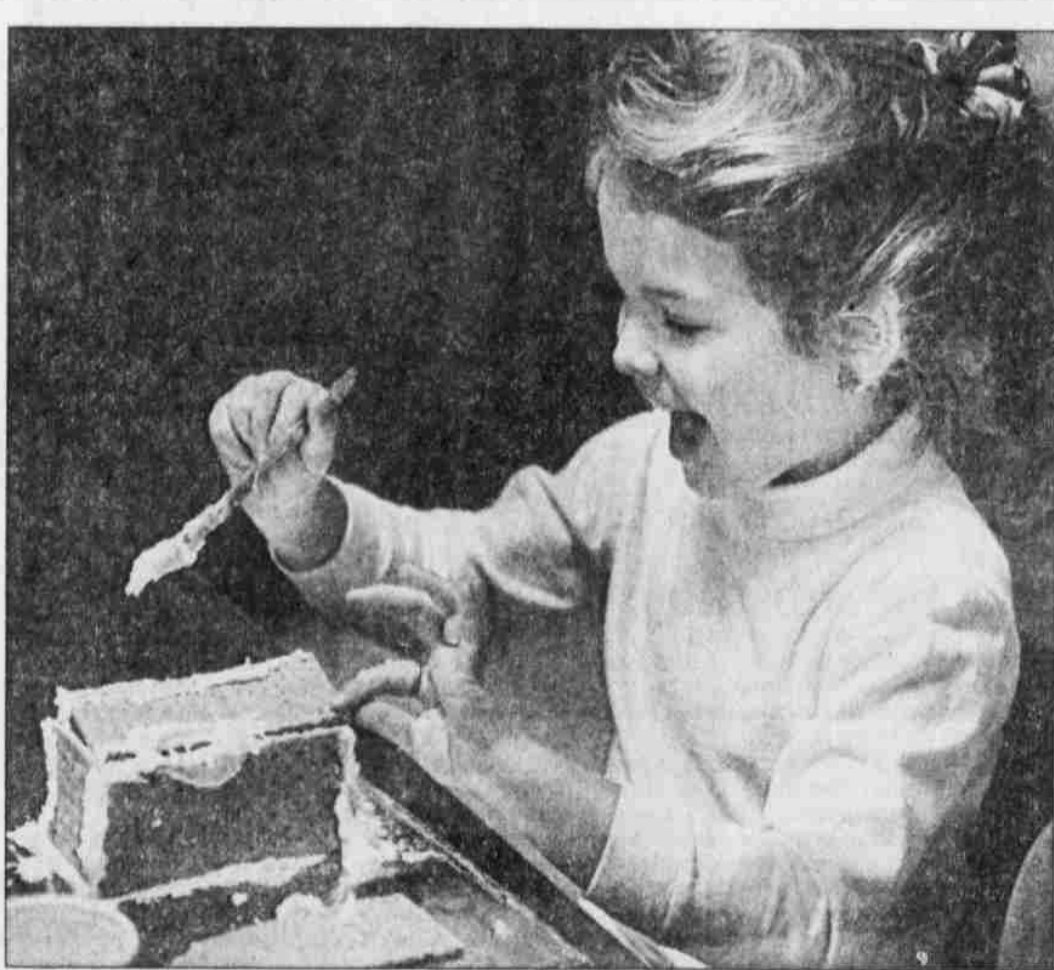
### Corrections & clarifications

A real-estate transfer printed Sunday contained several mistakes. It should have read: Hallmark Homes Inc. of Louisville Corp. to Brian K. and Michelle Fuller, 9903 Park Lake Court, \$65,030. Another transfer omitted a name and used an address given for tax purposes instead of the property transferred. The property was transferred from Pearl Z. Pryor to Roger N. and Cynthia G. Pryor and is at 6719 Flagler Ave.

ty Goodman, Helen Hedden, Susan Kocher and Bonnie Varisco joined Schloemer & Associates Counseling as independent businesspeople, not employees.

The grade-point average of Jefferson-town High School center Josh Henry is not below 2.0, as indicated in a story about the All-State football team published Sunday.

The obituary yesterday for John-n Lee Franklin misidentified him as a former member of Pleasant View Baptist Church.



STAFF PHOTO BY MICHAEL HAYMAN

**BUILDING A TREAT:** Natalie Isgrigg worked on a gingerbread house she was making yesterday with her kindergarten class at the YMCA of Southern Indiana Inc. in Jeffersonville. About 24 children took part in the two-hour process of creating their own edible houses.

## Senate OKs new U.S. House districts

By GIL LAWSON  
and AL CROSS  
Staff Writers

FRANKFORT, Ky. — A redistricting plan that would put Eastern Kentucky's two congressmen in the same district won easy approval yesterday in the state Senate. The vote was 29-6.

In response to the Senate plan, House members from Eastern Kentucky circulated a rival plan that would combine parts of the 4th and 6th districts in Northern and Central Kentucky and would allow the two mountain congressmen — Democrat Chris Perkins of Hindman and Republican Hal Rogers of Somerset — to stay in separate districts. But that alternative appeared unlikely to pass.

Also yesterday, the Senate approved a reapportionment plan for its own members, over the protests of two Republicans who would be placed in the same district.

Shortly before the Senate acted

See SENATE  
Page 3 col. 5, this section



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

---

**Chelsey Nelson Photography LLC  
and Chelsey Nelson,**

Plaintiffs,

v.

**Louisville/Jefferson County Metro  
Government; Louisville Metro  
Human Relations Commission-  
Enforcement; Louisville Metro  
Human Relations Commission-  
Advocacy; Verná Goatley,** in her  
official capacity as Executive Director of  
the Louisville Metro Human Relations  
Commission-Enforcement; and **Marie  
Dever, Kevin Delahanty, Charles  
Lanier, Sr., Leslie Faust, William  
Sutter, Ibrahim Syed, and Leonard  
Thomas,** in their official capacities as  
members of the Louisville Metro  
Human Relations Commission-  
Enforcement,

Defendants.

**Case No. 3:19-cv-00851-BJB-CHL**

**[Proposed] Order Granting  
Plaintiffs' Motion to Compel  
Discovery**

---

This matter is before the Court on Plaintiffs' Motion to Compel Discovery. The Court, having reviewed the motion and being otherwise sufficiently advised, orders as follows:

IT IS HEREBY ORDERED

1. Plaintiffs' Motion to Compel Discovery is GRANTED against Defendants.
2. Defendants shall produce and/or provide within 14 days of this order

- all case files related to public-accommodations complaints as requested in Plaintiffs' First Set of Requests for Production to Defendants ("RFPs") 40-58;
- all complaints related to housing and employment discrimination as requested in RFP 40 and then, after Plaintiffs review those complaints, produce case files related to those complaints that Plaintiffs request as requested in RFPs 41-58;
- "spreadsheets used by HRC to track open and closed cases" as responsive to RFPs 1-39; and
- complete responses to Plaintiffs' First Set of Interrogatories to Defendants 15-17.

IT IS FURTHER ORDERED that the documents produced in response to RFPs 1-58 are designated as Confidential under the parties pre-existing Confidentiality Agreement. This designation does not express an opinion as to the merits of Defendants' confidentiality arguments.

IT IS FURTHER ORDERED that within two (2) days of complying with this Order, counsel for Plaintiffs and Defendants shall jointly FILE A NOTICE certifying Defendants' compliance so that the Court may set deadlines for the close of Plaintiffs' discovery and dispositive motions deadlines. The discovery and dispositive motions deadlines for Defendants shall remain in place. *See* ECF No. 57.