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15 APR 27 AM 11:03

KING COUNTY
SUPERIOR COURT CLERK
E-FILED

CASE NUMBER: 15-2-10233-8 SEA

SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

JASMINE KAISER,

Plaintiff,

No.

v.

COMPLAINT

CSL PLASMA INC., a corporation,

Defendant.

I. PARTIES

1. The plaintiff is Jasmine Kaiser, an individual residing in King County, Washington.
2. The defendant is CSL Plasma Inc., a for-profit Delaware corporation conducting business in King County, Washington.

II. JURISDICTION AND VENUE

3. This Court has subject-matter jurisdiction over this action under RCW 2.08.010 because the amount in controversy exceeds \$300.
4. This Court has personal jurisdiction over CSL Plasma Inc.
5. Venue is proper in this Court under RCW 4.12.020 because the events giving rise to this action occurred in King County.

COMPLAINT - 1

KELLER ROHRBACK L.L.P.

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III. FACTS

6. Ms. Kaiser is a transgender person. She was assigned the sex of male at birth and was given a male birth name but identifies as female and has transitioned to female. As part of a transition process, Ms. Kaiser changed her legal name to Jasmine Kaiser. At no point, either before or after her transition process, has Ms. Kaiser engaged in sexual contact with a male.

7. CSL Plasma operates and advertises a plasma center in Kent, Washington, as a for-profit business. CSL accepts so-called "donations" of plasma, for which CSL Plasma pays "donors" significant compensation.

8. In June 2014, Ms. Kaiser went to the plasma center in Kent with the intention of donating plasma in exchange for compensation. She was asked to watch an informational video. Ms. Kaiser also underwent a pre-plasma-donation screening. Unfortunately, Ms. Kaiser was unable to donate plasma on that date, allegedly because of an elevated heart rate. An employee of CSL Plasma encouraged Ms. Kaiser to return on another day to donate plasma.

9. Ms. Kaiser returned to CSL Plasma on or about June 25, 2014, to donate plasma. After again watching the informational video, an employee of CSL Plasma informed Ms. Kaiser that she would not be permitted to donate plasma because she is a transgender person. The employee told Ms. Kaiser that CSL Plasma placed a "lifetime deferment" on any donation by Ms. Kaiser. The employee also told Ms. Kaiser that CSL would inform other, similar donation centers about her lifetime deferment—the purpose and effect of which were to blacklist Ms. Kaiser from ever donating plasma anywhere.

10. On information and belief, CSL Plasma maintains a company-wide policy of refusing plasma donations by transgender people.

11. As a direct and proximate result of CSL Plasma's unlawful actions, Ms. Kaiser has lost business opportunities; suffered monetary damages; and suffered embarrassment, humiliation, emotional pain and anguish, and other compensable damage.

IV. CAUSE OF ACTION

12. Ms. Kaiser re-alleges the foregoing paragraphs as though fully set forth herein.

13. The Washington Law Against Discrimination, RCW 49.60.010 to .505, protects the citizens of Washington from discrimination on the basis of gender identity and expression in places of public resort, accommodation, assemblage, or amusement and protects the "right to engage in commerce free from any discriminatory boycotts or blacklists."

RCW 49.60.030(1):

14. The Washington Law Against Discrimination defines "sex" as "gender."
RCW 49.60.040(25). The Washington Law Against Discrimination defines "sexual orientation" as

heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.

RCW 49.60.040(26).

15. CSL Plasma is in violation of the Washington Law Against Discrimination by refusing to permit plaintiff to provide plasma in exchange for compensation based on her gender expression or identity and transgender status.

16. Under RCW 49.60.030(3), violations of Washington Law Against Discrimination are per se violations of the Consumer Protection Act, RCW 19.86.010 to .920.

1 17. CSL Plasma's conduct constitutes unlawful discrimination in a place of public
2 accommodation and violates plaintiff's right to engage in commerce free from discriminatory
3 boycotts or blacklists in violation of chapter 49.60 RCW and, therefore, constitutes a violation
4 of the Consumer Protection Act.

5
6 18. Ms. Kaiser is a transgender woman and, for the purposes of the definitions set
7 forth in the Washington Law Against Discrimination and the Consumer Protection Act, she is
8 protected based upon her "sexual orientation."

9 19. Notwithstanding RCW 49.60.030(3), CSL Plasma's conduct is an unfair practice
10 in trade or commerce that is contrary to the public interest and therefore violates the
11 Consumer Protection Act.

12 **V. PRAYER FOR RELIEF**

13 20. Ms. Kaiser prays for the following relief:

- 14 A. a money judgment against defendant CSL Plasma and in favor of Ms.
15 Kaiser;
16 B. declaratory relief pursuant to the Consumer Protection Act and the
17 Washington Law Against Discrimination;
18 C. injunctive relief pursuant to the Consumer Protection Act;
19 D. exemplary damages, including exemplary damages under RCW 19.86;
20 E. an award of attorney fees and costs to the extent authorized by
21 Washington law, including the Washington Law Against Discrimination and the
22 Consumer Protection Act; and
23 F. such other relief as the Court deems just and proper.
24
25
26

1 DATED this 27th day of April, 2015.

2 KELLER ROHRBACK L.L.P.

3
4 By Isaac Ruiz

5 Isaac Ruiz, WSBA #35237
6 Kathryn M. Knudsen, WSBA #41075
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9 LEGAL VOICE

10 By Isaac Ruiz for

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16 GENDER JUSTICE

17 Jill Gaulding
18 (pro hac vice application is forthcoming)
19 550 Rice St.
20 St. Paul, MN 55103
21 Tel. (651)789-2090

22 *Attorneys for Plaintiff Jasmine Kaiser*

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 CASE NUMBER: 15-2-10233-8 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
 IN AND FOR THE COUNTY OF KING

JASMINE KAISER

Plaintiff(s),

vs.

CSL PLASMA INC.

Respondent(s)

NO. 15-2-10233-8 SEA

ORDER SETTING CIVIL CASE SCHEDULE

ASSIGNED JUDGE Bradshaw, Timothy A., Dept. 1

FILED DATE: 4/27/2015

TRIAL DATE: 5/3/2016

SCOMIS CODE: *ORSCS

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

I. NOTICES

NOTICE TO PLAINTIFF: The Plaintiff may serve a copy of this *Order Setting Case Schedule (Schedule)* on the Defendant(s) along with the *Summons and Complaint/Petition*. Otherwise, the Plaintiff shall serve the *Schedule* on the Defendant(s) within 10 days after the later of: (1) the filing of the *Summons and Complaint/Petition* or (2) service of the Defendant's first response to the *Complaint/Petition*, whether that response is a *Notice of Appearance*, a response, or a Civil Rule 12 (CR 12) motion. The *Schedule* may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

"I understand that I am required to give a copy of these documents to all parties in this case."

 PRINT NAME

 SIGN NAME

I. NOTICES (continued)

NOTICE TO ALL PARTIES:

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLCR] -- especially those referred to in this *Schedule*. In order to comply with the *Schedule*, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLCR 26], and for meeting the discovery cutoff date [See KCLCR 37(g)].

CROSSCLAIMS, COUNTERCLAIMS AND THIRD PARTY COMPLAINTS:

A filing fee of \$240 must be paid when any answer that includes additional claims is filed in an existing case.

KCLCR 4.2(a)(2)

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before their Chief Civil Judge.

PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this *Schedule* are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLCR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

If you miss your scheduled Trial Date, the Superior Court Clerk is authorized by KCLCR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:

All parties to this action must keep the court informed of their addresses. When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:

A Statement of Arbitrability must be filed by the deadline on the schedule if the case is subject to mandatory arbitration and service of the original complaint and all answers to claims, counterclaims and cross-claims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. Any party filing a Statement must pay a \$220 arbitration fee. If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$250 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

NOTICE OF NON-COMPLIANCE FEES:

All parties will be assessed a fee authorized by King County Code 4A.630.020 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Civil Rule 41.

King County Local Rules are available for viewing at www.kingcounty.gov/courts/clerk.

II. CASE SCHEDULE

✓	CASE EVENTS	DATE
	Case Filed and Schedule Issued.	4/27/2015
✓	Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR2.1(a) and Notices on page 2]. \$220 Arbitration fee must be paid	10/5/2015
✓	DEADLINE to file Confirmation of Joinder if not subject to Arbitration [See KCLCR 4.2(a) and Notices on page 2]	10/5/2015
	DEADLINE for Hearing Motions to Change Case Assignment Area [KCLCR 82(e)]	10/19/2015
	DEADLINE for Disclosure of Possible Primary Witnesses [See KCLCR 26(b)]	12/1/2015
	DEADLINE for Disclosure of Possible Additional Witnesses [KCLCR 26(b)]	1/12/2016
	DEADLINE for Jury Demand [See KCLCR 38(b)(2)]	1/26/2016
	DEADLINE for Change in Trial Date [See KCLCR 40(e)(2)]	1/26/2016
	DEADLINE for Discovery Cutoff [See KCLCR 37(g)]	3/15/2016
	DEADLINE for Engaging in Alternative Dispute Resolution [See KCLCR 16(b)]	4/5/2016
	DEADLINE for Exchange Witness & Exhibit Lists & Documentary Exhibits [See KCLCR 4(j)]	4/12/2016
✓	DEADLINE to file Joint Confirmation of Trial Readiness [See KCLCR 16(a)(1)]	4/12/2016
	DEADLINE for Hearing Dispositive Pretrial Motions [See KCLCR 56; CR56]	4/19/2016
✓	Joint Statement of Evidence [See KCLCR 4(k)]	4/26/2016
	DEADLINE for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file proposed Findings of Fact and Conclusion of Law with the Clerk)	4/26/2016
	Trial Date [See KCLCR 40]	5/3/2016

The ✓ indicates a document that must be filed with the Superior Court Clerk's Office by the date shown.

III. ORDER

Pursuant to King County Local Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action must serve this *Order Setting Civil Case Schedule* and attachment on all other parties.

Amelia J. Craighead

DATED: 4/27/2015

PRESIDING JUDGE

IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE

READ THIS ORDER BEFORE CONTACTING YOUR ASSIGNED JUDGE.

This case is assigned to the Superior Court Judge whose name appears in the caption of this case schedule. The assigned Superior Court Judge will preside over and manage this case for all pretrial matters.

COMPLEX LITIGATION: If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

APPLICABLE RULES: Except as specifically modified below, all the provisions of King County Local Civil Rules 4 through 26 shall apply to the processing of civil cases before Superior Court Judges. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

CASE SCHEDULE AND REQUIREMENTS: Deadlines are set by the case schedule, issued pursuant to Local Civil Rule 4.

THE PARTIES ARE RESPONSIBLE FOR KNOWING AND COMPLYING WITH ALL DEADLINES IMPOSED BY THE COURT'S LOCAL CIVIL RULES.

A. Joint Confirmation regarding Trial Readiness Report:

No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g. interpreters, equipment, etc.).

The form is available at <http://www.kingcounty.gov/courts/superiorcourt.aspx>. If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff's/petitioner's counsel is responsible for contacting the other parties regarding said report.

B. Settlement/Mediation/ADR

a. Forty five (45) days before the trial date, counsel for plaintiff/petitioner shall submit a written settlement demand. Ten (10) days after receiving plaintiff's/petitioner's written demand, counsel for defendant/respondent shall respond (with a counter offer, if appropriate).

b. Twenty eight (28) days before the trial date, a Settlement/Mediation/ADR conference shall have been held. FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.

C. Trial: Trial is scheduled for 9:00 a.m. on the date on the case schedule or as soon thereafter as convened by the court. The Friday before trial, the parties should access the King County Superior Court website <http://www.kingcountv.gov/courts/superiorcourt.aspx> to confirm trial judge assignment. Information can also be obtained by calling (206) 205-5984.

MOTIONS PROCEDURES

A. Noting of Motions

Dispositive Motions: All summary judgment or other dispositive motions will be heard with oral argument before the assigned judge. The moving party must arrange with the hearing judge a date and time for the hearing, consistent with the court rules. Local Civil Rule 7 and Local Civil Rule 56 govern procedures for summary judgment or other motions that dispose of the case in whole or in part. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Non-dispositive Motions: These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the Note for Motion should state "Without Oral Argument." Local Civil Rule 7 governs these motions, which include discovery motions. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Motions in Family Law Cases not involving children: Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions calendar. Local Civil Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Emergency Motions: Under the court's local civil rules, emergency motions will be allowed only upon entry of an Order Shortening Time. However, emergency discovery disputes may be addressed by telephone call and without written motion, if the judge approves.

B. Original Documents/Working Copies/ Filing of Documents: All original documents must be filed with the Clerk's Office. Please see information on the Clerk's Office website at www.kingcounty.gov/courts/clerk regarding the new requirement outlined in LGR 30 that attorneys must e-file documents in King County Superior Court. The exceptions to the e-filing requirement are also available on the Clerk's Office website.

The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copies must be delivered to his/her courtroom or the Judges' mailroom. Working copies of motions to be heard on the Family Law Motions Calendar should be filed with the Family Law Motions Coordinator. On June 1, 2009 you will be able to submit working copies through the Clerk's office E-Filing application at www.kingcounty.gov/courts/clerk.

Service of documents: E-filed documents may be electronically served on parties who opt in to E-Service within the E-Filing application. The filer must still serve any others who are entitled to service but who have not opted in. E-Service generates a record of service document that can be e-filed. Please see information on the Clerk's office website at www.kingcounty.gov/courts/clerk regarding E-Service.

Original Proposed Order: Each of the parties must include an original proposed order granting requested relief with the working copy materials submitted on any motion. Do not file the original of the proposed order with the Clerk of the Court. Should any party desire a copy of the order as signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order.

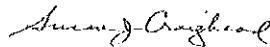
Presentation of Orders: All orders, agreed or otherwise, must be presented to the assigned judge. If that judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the assigned judge or in the Ex Parte Department. Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. **If final order and/or formal proof are entered in the Ex Parte Department, counsel is responsible for providing the assigned judge with a copy.**

C. Form

Memoranda/briefs for matters heard by the assigned judge may not exceed twenty four (24) pages for dispositive motions and twelve (12) pages for non-dispositive motions, unless the assigned judge permits over-length memoranda/briefs in advance of filing. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PETITIONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.



PRESIDING JUDGE