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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.

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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.

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

#### 4 IV. CAUSE OF ACTION

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

6 13. The Washington Law Against Discrimination, RCW 49.60.010 to .505, protects  
7 the citizens of Washington from discrimination on the basis of gender identity and expression  
8 in places of public resort, accommodation, assemblage, or amusement and protects the "right  
9 to engage in commerce free from any discriminatory boycotts or blacklists."  
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11 RCW 49.60.030(1).

12 14. The Washington Law Against Discrimination defines "sex" as "gender."  
13 RCW 49.60.040(25). The Washington Law Against Discrimination defines "sexual  
14 orientation" as  
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16 heterosexual, homosexuality, bisexuality, and gender expression or identity.  
17 As used in this definition, "gender expression or identity" means having or being  
18 perceived as having a gender identity, self-image, appearance, behavior, or  
19 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.

20 RCW 49.60.040(26).

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

24 16. Under RCW 49.60.030(3), violations of Washington Law Against Discrimination  
25 are per se violations of the Consumer Protection Act, RCW 19.86.010 to .920.  
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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 18. Ms. Kaiser is a transgender woman and, for the purposes of the definitions set  
6 forth in the Washington Law Against Discrimination and the Consumer Protection Act, she is  
7 protected based upon her "sexual orientation."  
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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.  
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1 DATED this 27th day of April, 2015.

2 KELLER ROHRBACK L.L.P.

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22 *Attorneys for Plaintiff Jasmine Kaiser*