

Contact Gloria Allred
(323) 653-6530
e-mail: gallred@amglaw.com

Statement of Gloria Allred

Today we filed a lawsuit in Orange County Superior Court on behalf of Frank Bernard. Mr. Bernard legally married his same sex spouse, Carl, in California on June 30, 2008. We are suing Ilitch Holding, Inc. and Little Caesar Enterprises (defendants) because Mr. Bernard an employee of Ilitch Holdings, Inc. and Little Caesar Enterprises was denied health insurance and other benefits for his spouse solely on account of his sexual orientation specifically because he was not married to a spouse of the opposite sex.

In March 2014, Mr. Bernard was contacted by Sean Varvello, a Regional Trainer employed by Defendants. Mr. Varvello stated that he had read Mr. Bernard's on-line resume and that Defendants were interested in employing him as a Restaurant Manager. Mr. Bernard interviewed with Mr. Varvello and was sent a formal offer letter on March 19, 2014. The offer letter states in relevant part that Mr. Bernard would be entitled to "health insurance and other benefits" after a 90-day waiting period following his first day of full-time employment.

Mr. Bernard accepted Defendants' offer and his first day of work as a Manager Trainee was April 10, 2014. Frank Bernard looked forward to a long and successful career with Defendants. After approximately two weeks of employment Mr. Bernard submitted paperwork to his corporate office to obtain health insurance benefits for himself and his husband.

On June 30, 2014, Mr. Bernard received his Blue Cross/Blue Shield card in the mail. He did not receive a duplicate card for his husband.

On July 1, 2014, Mr. Bernard telephoned Defendant Little Caesar Human Resources Department and explained to the female representative that he had not received an insurance card for his husband. The Human Resources representative told Mr. Bernard that, "Little Caesar does not provide benefits to same-sex spouses." Mr. Bernard was also told that the company was in Michigan and that they did not have to provide such benefits.

As soon as Frank got off the phone he sent a text message to his Area Manager, Robert Parsons. Mr. Bernard wrote that Defendants refusal to provide him with insurance benefits for his husband was a violation of California law. He wrote, "...I would appreciate receiving the same benefits as heterosexual employees of Little Caesar. Please advise." Mr. Parsons responded that Mr. Bernard should talk to Human Resources.

Accordingly, Mr. Bernard telephoned Human Resources for a second time on July 1st. He spoke to a second representative who confirmed the information that HR had provided to him earlier that day.

That evening Mr. Bernard called Defendants' Ethics Hotline. He left a detailed message stating that he had been denied health insurance benefits for his husband. Mr. Bernard left his name and employee number.

On July 2, 2014, Mr. Bernard was contacted by an individual who said that she was following up on the ethics complaint he had made the prior day. Mr. Bernard again explained the situation set forth above. Mr. Bernard was told someone would get back to him.

On July 8, 2014, having heard nothing more from Defendants, Mr. Bernard again called the Ethics Hotline. He was told that a report of his complaint had been prepared and sent to Defendant Little Caesar. He was also provided with a report number, but not a copy of the report.

On July 9, 2014, Mr. Bernard received a telephone call from Bridget Graham a Human Resources representative located in Defendant Little Caesar Southern California Regional Office in Orange County. Ms. Graham confirmed to Mr. Bernard that Defendants did not provide same-sex spouse health insurance benefits.

Subsequent to his conversations with Mr. Bernard's Human Resources representatives, Mr. Bernard received a letter from Defendants dated July 8, 2014, in which they confirmed that Mr. Bernard's same-sex spouse would not be provided with health insurance coverage. Specifically, the letter states in relevant part: "Spouse means the one person to whom you are legally married under the laws of the State in which you reside, including a common law Spouse, and **who is the opposite gender from you.**" (Emphasis added.)

After he was advised by Defendants that they would not provide health insurance benefits for his spouse, Mr. Bernard felt he had no viable option other than to constructively terminate his employment as he could no longer work for a company that blatantly discriminated against him. On July 24, 2014, Mr. Bernard sent written notice to Defendants advising them of his constructive termination on account of the Defendants' on-going discrimination against him.

Our lawsuit alleges that Mr. Bernard has been discriminated against because of his sexual orientation in violation of California Government Code Section 12940. We are also suing for Constructive Wrongful Termination in Violation of Public Policy.

It is the public policy of the State of California, as expressed in the California Fair Employment and Housing Act, that employees shall not be subjected to disparate treatment on account of their sexual orientation.

We are seeking general compensatory and punitive damages in an amount according to proof at trial;

We are also seeking a permanent injunction mandating that Defendants change their policy in order to provide equal health insurance benefits to their legally married California employees regardless of sexual orientation, including but not limited to spousal health insurance benefits.

In addition, we are seeking reasonable attorneys' fees and costs and further relief as the Court deems just and proper.

Individuals who are gay and lesbian and who are in committed loving relationships have been forced to suffer a long history of both public and private discrimination against them and second class treatment. They still do not enjoy the right to marry in many states, but we won that right to marry in California for Frank Bernard and his husband, Carl.

Because they are legally married in this State they have a right to enjoy all of the legal rights and privileges of that married relationship. Gay and lesbian couples have had to wage many legal and political battles to win equal protection under the law.

The exclusion of legally married same sex couples from the enjoyment of employment benefits such as health insurance for their spouses hurts these couples, economically and emotionally and denies them the respect and dignity that they are entitled to under the law.

I am also concerned that Little Caesar policy could deter gay men and lesbians from applying for employment there, because they will know that they will be discriminated against there. This would have a chilling effect on their employment opportunities.

With this lawsuit, we look forward to expanding the employment rights and benefits for legally married same sex couples and ending the policy and practice of sexual orientation discrimination against them by a major business in California and throughout the nation, and ending this discriminatory practice which we firmly believe violates California law.

Gloria Allred
Representing Frank Bernard
August 27, 2014