

STATE OF VERMONT  
SUPERIOR COURT  
CIVIL DIVISION

**Katherine Baker and Ming-Lien Linsley,**  
*Plaintiffs*

v.

Caledonia Unit  
Docket No. \_\_\_\_-7-11 CACV

**Wildflower Inn a/k/a DOR Associates LLP,**  
*Defendant*

**COMPLAINT**

1. Plaintiffs Katherine Baker and Ming-Lien Linsley bring this action against Defendant, the Wildflower Inn a/k/a DOR Associates LLP (the “Wildflower Inn”), for nominal damages and declaratory and injunctive relief to halt and correct the Wildflower Inn’s discriminatory policy of denying services and accommodations to same-sex couples in violation of Vermont’s Fair Housing and Public Accommodations Act, 9 V.S.A. § 4500, *et seq.*

***Parties***

2. Plaintiffs Katherine Baker and Ming-Lien Linsley are residents of Kings County, New York.

3. Defendant Wildflower Inn is the trade name for a business located at 2059 Darling Hill Road, Lyndonville, VT 05851. The Wildflower Inn trade name is registered with the Vermont Secretary of State under file number 0126546.

4. DOR Associates LLP is a limited liability partnership located at 2059 Darling Hill Road, Lyndonville, VT 05851. DOR Associates LLP owns and operates the inn located at that address. DOR Associates LLP is registered with the Vermont Secretary of State under the file number 0000250.

### ***Jurisdiction and Venue***

5. This Court has jurisdiction under 9 V.S.A. § 4506 to redress violations of the Fair Housing and Public Accommodations Act, 9 V.S.A. § 4500, *et seq.*

6. Venue is proper in this Court pursuant to 9 V.S.A. § 4506(a) and 12 V.S.A. § 402(a) because Defendants are located in Caledonia County, Vermont, and the violations of the Fair Housing and Public Accommodations Act occurred in Caledonia County, Vermont.

### ***Facts***

#### ***The Wildflower Inn***

7. The Wildflower Inn describes itself as an “award winning Vermont Country Resort,” with 24 rooms and suites, six meeting rooms, a batting cage and tennis court, an on-site spa, and a public restaurant. <http://wildflowerinn.com/about/default.shtml>.

8. The Wildflower Inn advertises itself as open to the general public. One of the resort’s slogans is “Four Seasons for Everyone!”

9. On its website, the Wildflower Inn advertises that it has been featured in articles and reviews by: National Geographic Traveler, Boston Magazine, Yankee Magazine, Bing Travel, The Boston Globe, Montreal Gazette, Vermont Magazine, Bloomberg.com, Trip Advisor, World Travel Guide, USA Today, and Travel & Leisure.

10. According to Manta.com, the Wildflower Inn has an annual revenue of between \$2.5 and \$5 million.

11. As of January 2011, the Wildflower Inn had 50 employees according to Dunn & Bradstreet, Inc.

### *Kate and Ming's Wedding Reception*

12. Kate and Ming became engaged to be married on October 8, 2010. They planned to have a traditional Buddhist wedding ceremony at a religious retreat, followed by a secular reception at a nearby venue for family and friends.

13. Ming's mother, Channie Peters, contacted the Vermont Convention Bureau (the "VCB") for help in finding a venue for the wedding reception. The VCB is a division of the Lake Champlain Regional Chamber of Commerce.

14. The VCB advertises that Vermont is "the perfect wedding destination." The VCB's website provides the following message:

Whether the dream entails a wedding reception in a sun-dappled meadow, a romantic country inn, or on a vintage cruise boat, Vermont's exceptional venues invite an unforgettable day with family and friends. Accommodation choices include quaint bed and breakfasts, beautiful inns, full-service hotels, four-season resorts and condominiums. So there's something sure to delight every member on the guest list.

The helping hand of the Vermont Convention Bureau adds much to a wedding plan, providing the expertise, creativity and passion for Vermont weddings that can help transform a special day into a lifetime of memories.

[http://www.vermontmeetings.org/Vermont\\_Wedding/index.asp](http://www.vermontmeetings.org/Vermont_Wedding/index.asp).

15. On October 20, 2011 a representative from the VCB e-mailed Channie to inform her that he would soon be sending out a request for proposals to the VCB's membership list for venues willing to host their "[w]edding reception and lodging."

16. The Wildflower Inn was one of the venues that received the request for proposals from the VCB.

17. On October 29, 2011, Channie received an e-mail from the Meeting and Events Director for the Wildflower Inn. The e-mail stated:

I received this referral from the Vermont Convention Bureau and wanted to follow up on your request for a reception location. I am so happy you are looking

at Vermont as a location for your wedding and reception, there are few places left in America with the unspoiled beauty and tranquility as Vermont. What better way to start a life together than in a place such as that! The Wildflower Inn would be the perfect location to showcase a “rustic” and “Classic Country” occasion. We have a 500 acre estate available to your guests with walking, biking and hiking trails right out the door of your room. We also have a heated, in-ground pool, batting cage, tennis court and jacuzzi for guests to enjoy while getting ready for the party. You could not offer a better “destination wedding” location for your guests.

The e-mail also noted that the Wildflower Inn could provide transportation for guests to and from the Buddhist center where the actual wedding would take place.

18. Based on the information received by Channie in response to the requests for proposals and the resort’s website, Kate and Ming were excited about having their reception at the Wildflower Inn.

19. On November 5, 2010, Channie spoke by phone with the Meeting and Events Director to discuss additional details about planning Kate and Ming’s reception at the Wildflower Inn. During the conversation, the Meeting and Events Director made a reference to “the bride and groom,” and Channie clarified that the reception would involve two brides.

20. Approximately five minutes after the conversation ended, the Meeting and Events Director sent Channie an e-mail with the subject title: “I have bad news.” The e-mail stated, in relevant part: “After our conversation, I checked in with my Innkeepers and unfortunately due to their personal feelings, they do not host gay receptions at our facility. I am so sorry and want to stress it does not reflect my personal or professional views.”

***The Wildflower Inn’s Policy Against “Gay Receptions”***

21. On information and belief, the owners of the Wildflower Inn have a policy of refusing to allow receptions for civil unions or weddings involving same-sex couples to take place at their resort.

22. On information and belief, the owners of the Wildflower Inn informed the Meeting and Events Director that they had previously received complaints about their no-gay-reception policy, but they believed that their policy was lawful.

23. On information and belief, during the same 12-month period in which the Meeting and Events Director refused to allow Ming and Kate to hold their reception at the resort, the Meeting and Events Director also turned away at least two other same-sex couples pursuant to the Wildflower Inn's no-gay-reception policy.

***Cause of Action: Violation of Fair Housing and Public Accommodations Act***

24. Plaintiffs reassert and incorporate by reference all the preceding paragraphs of this Complaint.

25. One of the purposes of Vermont's Fair Housing and Public Accommodations Act is to prevent the stigmatizing injury and deprivation of personal dignity that accompany denials of equal access to public establishments.

26. Since 1992, Vermont law has prohibited public accommodations from refusing to provide goods and services based on a person's sexual orientation. *See An Act Relating to Discrimination on the Basis of Sexual Orientation, 1991, No. 135 (Adj. Sess.), § 2.*

27. Under Vermont law, a "place of public accommodation" is "any school, restaurant, store, establishment or other facility at which services, facilities, goods, privileges, advantages, benefits or accommodations are offered to the general public." 9 V.S.A. § 4501(a).

28. The Wildflower Inn is a public accommodation under 9 V.S.A. § 4501(a).

29. Under Vermont law, "[a]n owner or operator of a place of public accommodation or an agent or employee of such owner or operator shall not, because of the race, creed, color, national origin, marital status, sex, sexual orientation, or gender identity of any person, refuse,

withhold from, or deny to that person any of the accommodations, advantages, facilities, and privileges of the place of public accommodation.” 9 V.S.A. § 4502(a).

30. On November 5, 2010, the Wildflower Inn refused, withheld from, and denied the “accommodations, advantages, facilities, and privileges of a place of public accommodation” because of sexual orientation when the resort’s agent turned away Kate and Ming because the owners “do not host gay receptions at our facility.”

31. The Vermont legislature created two narrow exemptions to the public accommodations statute that apply to (a) hotels with five or fewer rooms and (b) religious organizations. The Wildflower Inn does not qualify for either of these exemptions.

32. The Wildflower Inn does not qualify for the statutory exemption in 9 V.S.A. § 4502(d). That section allows the owner or operator of “an inn, hotel, motel or other establishment which provides lodging to transient guests, and which has five or fewer rooms for rent” to “restrict[] such accommodation on the basis of sex or marital status.” The exemption in 9 V.S.A. § 4502(d) does not apply because the Wildflower Inn has more than five rooms for rent and because plaintiffs were discriminated against on account of sexual orientation.

33. The Wildflower Inn does not qualify for the statutory exemption in 9 V.S.A. § 4502(l). That section allows “a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization” to discriminate against persons seeking goods or services “related to the solemnization of a marriage or celebration of a marriage.” 9 V.S.A. § 4502(l) does not apply because the Wildflower Inn is not a religious organization or a non-profit institution that is operated, supervised, or controlled by or in conjunction with a religious organization. To the contrary, the Wildflower Inn is a privately owned, for-profit, multi-million-dollar business.

34. Under Vermont law, the “personal feelings” of individual business owners who operate public accommodations do not authorize those owners to deny goods or services based on a person’s race, creed, color, national origin, marital status, sex, sexual orientation, or gender identity.

35. As a result of the Wildflower Inn’s violation of the Fair Housing and Public Accommodations Act, Kate and Ming have suffered the stigmatizing injury and deprivation of personal dignity that accompany denials of equal access to public establishments.

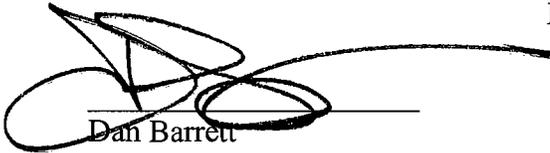
36. Pursuant to 9 V.S.A. § 4506(a), Kate and Ming have been “aggrieved by a violation of” the public accommodation laws and may bring an action “for appropriate relief in the superior court of the county in which the violation is alleged to have occurred.”

*Request for Relief*

Wherefore, Plaintiffs respectfully request the following relief:

- A. An award of nominal damages in the amount of one dollar (\$1.00);
- B. A declaration that Defendant's conduct violated the Fair Housing and Public Accommodations Act, 9 V.S.A. § 4500, *et seq.*;
- C. An injunction prohibiting Defendant from enforcing its no-gay-reception policy at the Wildflower Inn or any associated business that constitute a public accommodation;
- D. An order mandating that Defendant pay Plaintiffs' reasonable costs and attorneys' fees pursuant to 9 V.S.A. § 4506(b); and
- E. Any additional relief that the Court deems just and appropriate.

Respectfully submitted,



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*Counsel for Katherine Baker and Ming-Lien Linsley*  
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\* *Pro Hac Vice Motion to Follow*