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WILLIAM D. HOSHIJO, Executive Director

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAI'I

DIANE CERVELLI and TAEKO BUFFORD,

Plaintiffs, and

WILLIAM D. HOSHIJO, as Executive Director
of the Hawai'i Civil Rights Commission,

Plaintiff-Intervenor,

vs.

ALOHA BED & BREAKFAST, a Hawai'i sole
proprietorship,

Defendant.

) CIVIL NO. 11-1-3103-12 ECN
) (Other Civil Action)

) **DECLARATION OF DIANE**
) **CERVELLI**

DECLARATION OF DIANE CERVELLI

I, DIANE CERVELLI, do hereby declare:

1. I am one of the plaintiffs in the above titled action. I make this declaration based on my personal knowledge and am competent to testify to the matters stated in this declaration.

2. I am a lesbian woman in an intimate, committed relationship with Taeko Bufford. Taeko and I met in December 2006, began dating thereafter, and were in an exclusive relationship by mid-2007.

3. In 2007, Taeko and I, who live in California, began planning a trip for later that year to Hawai'i. We wanted to visit one of our friends, who resided in the neighborhood of Hawai'i Kai, and to spend time with our friend's newborn baby.

4. We had anticipated staying with our friend, but I subsequently learned that the baby was experiencing health issues, including loss of appetite and weight loss, which caused the baby to cry more than normal at times. In light of the situation, our friend suggested that we consider alternative accommodations to give ourselves breaks from the baby's crying and the family stress.

5. Taeko and I agreed to look for alternate accommodations, although the expense of paying for lodging made a car rental prohibitively expensive. Staying near our friend was important because we would be relying on our friend to pick us up and drop us off, and our friend could not travel long distances given her newborn's health issues.

6. Our friend suggested that I contact two bed and breakfasts in Hawai'i Kai, one of which turned out to be fully booked for the dates requested and the other of which was Aloha Bed & Breakfast. Attached as Exhibit A is a true and correct copy of her email to me suggesting I contact Aloha Bed & Breakfast and attached as Exhibit B is a true and correct copy of my email correspondence with the other bed and breakfast, which turned out to be booked for the dates requested.

7. On October 16, 2007, I emailed Aloha Bed & Breakfast to inquire whether it had a room available from December 27, 2007 through January 7, 2008. Attached as Exhibit C is a true and correct copy of that email. I received an email from Ms. Phyllis Young on the same day stating that the bed and breakfast could accommodate January 1, 2008 through January 7, 2008, a total of six nights. Attached as Exhibit D is a true and correct copy of that email.

8. After confirming that our friend could accommodate Taeko and me for the first

few nights when Aloha Bed & Breakfast was unavailable, I called the phone number for Aloha Bed & Breakfast on November 5, 2007 and spoke with Ms. Young, who indicated that the room was still available.

9. Ms. Young asked if someone would be staying with me, and then asked for the second person's name. When I responded with words to the effect of "her name is Taeko Bufford," Ms. Young asked, "Are you lesbians?" I was shocked by the question, but answered truthfully that we were. Ms. Young then refused to rent the room, stating that she was uncomfortable having lesbians in her house.

10. I felt deeply upset, distressed, and humiliated by Ms. Young's refusal to rent us a room and I called Taeko in tears to explain what had happened.

11. Taeko and I subsequently rented accommodations at a condo in Waikiki, but it was not close to our friend's home. The burden on our friend of driving with a sick newborn baby to the condo meant that we were able to have only a few visits together.

I declare under penalty of perjury the foregoing statements are true and correct.

DATED: Long Beach, CA, February 4, 2013.



DIANE CERVELLI