

LGBT Victory Over Hobby Lobby Restroom Case Could Produce National Results

The LGBT community has scored a legal victory against Hobby Lobby concerning the discrimination of one of its transgender employees, and the decision, her lawyer says, could have nationwide implications.

An Illinois appellate court has ruled that the retail giant violated an anti-discrimination law by denying Meggan Sommerville, a 51-year-old transgender woman who has worked at one of Hobby Lobby's locations in Aurora for more than 20 years, access to the store's women's room since transitioning in 2010, several media outlets have reported.

reported that Sommerville had, "as a result," suffered "anxiety and recurring nightmares and has been forced to limit fluid intake. As a result, the commission awarded Sommerville, who still works for Hobby Lobby, \$220,000 for emotional distress and attorney's fees in 2019.

The Illinois second district appellate court upheld a lower court decision that held that Hobby Lobby violated the Illinois Human Rights Act both as an employer and as a place of public accommodation.

CBN News reported that "Hobby Lobby's attorneys argued that by blocking Sommerville access to the ladies' room, the store was protecting women, according to *Forbes*. But the court disagreed with that argument, writing: "There is simply no evidence that Sommerville's use of the women's bathroom would pose a safety risk to other women ... The presence of a transgender person in a bathroom poses no greater inherent risk to privacy or safety than that posed by anyone else who uses the bathroom."

The three-judge panel court ruled that Sommerville “is a female, just like the women who are permitted to use the women’s bathroom,” and that “the only reason” Sommerville is barred from using the women’s bathroom is that ‘she’ is a transgender woman.”

Jacob Meister represented Sommerville in court and told *Bloomberg Law* that “this decision will have national implications and start the process of courts around the country addressing the issue of bathroom access.”

The Supreme Court’s 2020 decision in *Bostock v. Clayton County, Georgia*, determined discrimination based on sex includes sexual orientation and gender identity. However, it did not address access to sex-segregated facilities, services or sports teams.

reported that this is a landmark ruling, one of first impression, meaning it is a case in which a legal issue has never before been decided by that governing jurisdiction.
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