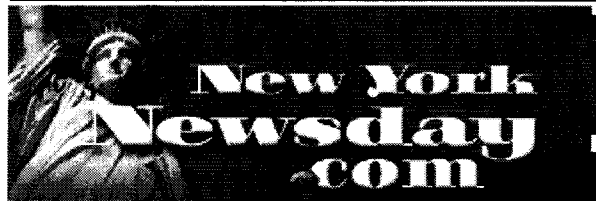



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Transsexuals In 'Real' Dispute

Transsexuals Say They Were Fired in Favor Of 'Real Women'

By Robert Kahn
Staff Writer

January 23, 2003, 7:31 PM EST

Jury selection began Thursday in a civil trial pitting two Manhattan transsexuals against the owners of a once trendy, now shuttered Chelsea nightclub.

Amanda Lepore and Sophia La Mar Munoz, dancers employed by Twilo during the late 1990s, filed a sexual discrimination suit against the club's operator in 2001, claiming they were fired "because the owner wanted to hire real women."

They are seeking \$100,000 from Stuart Cromwell Inc., operators of the legendary West 27th Street nightspot.

A lawyer for the defendant said the women were fired only because the club wanted to take "a new marketing approach."

"If there were a gay-friendly and transgender-friendly nightclub in the world, Twilo would have been at the head of the class," said Peter Sullivan, an attorney for the club's owners.


"Transsexual rights are worthy of protecting, but to expend energy against a nightclub that was a home for the transgendered community is counterproductive," he said.

Sullivan said the club owners knew Lepore and Munoz were transsexuals when they were hired.

"And they were fired based on a professional marketing judgment by the business, which wanted to take a different approach," he said.

Tom Shanahan, an attorney for the plaintiffs, said the issue was fundamentally about the women's right to work.

"Amanda and Sophia had worked there for years and had received raises right before they were fired," he said.






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Photos



Amanda Lepore, transsexual (Photo by Theo Wargo)
Jan 23, 2003

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At the time Lepore and Munoz were fired, club promoter Marc Berkley told *The Village Voice*: "If you're changing the kind of party you're doing ...and they're doing something that's totally heterosexual and they now want regular female dancers, why aren't they allowed to do that?"

Sullivan said Stuart Cromwell Inc. is in the process of being dissolved and has no assets. Shanahan said he would pursue the owners' other assets in an effort to reach a "fair settlement."

Reached at home Thursday, Munoz said she was looking as much for a public apology as she was compensation.

"I'd worked there for three years and they gave me two hours notice that I was being fired," Munoz said. "The club's manager didn't even call Amanda to tell her she was being fired. He asked me to tell her."

New York City revoked Twilo's cabaret license in May 2001, effectively putting it out of business.

Munoz and Lepore have since been employed by, respectively, the Manhattan nightclubs Spa and Splash.

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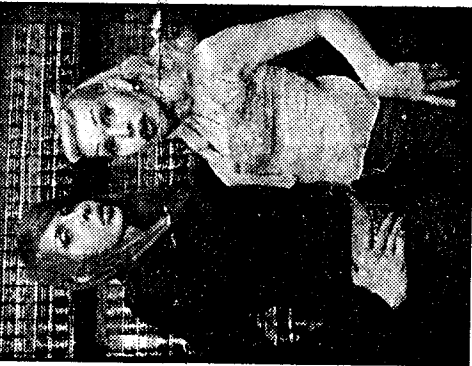
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NEW YORK POST, THURSDAY, MARCH 22, 2001 ★

Fired transsexual dancers out for justice



CANNED-GIRLS: Sophia LaMar (left) and Amanda Lepore are suing Twilio for sexual discrimination. Steven Hirsch

By DAREH GREGORIAN

Two transsexuals say they were given walking papers from their go-go dancing jobs at a trendy Chelsea club because the nightclub decided they wanted to hire "real girls."

"What, are we supposed to have a baby while go-go dancing or something? I mean, come on," said Amanda Lepore, one of the two post-operative transsexuals who say they were fired from Twilio because they used to be men.

Now she and Sophia LaMar — who gave their ages as "ageless" — have filed a \$100,000 discrimination lawsuit against the West 27th Street club, charging they were wrongfully terminated and suffered "emotional distress, humiliation ... and damage to reputation and career."

"They're world-class entertain-

EXCLUSIVE

ers, and they had never been reprimanded by their lawyer, Tom Shanahan. "This was just a case of out-and-out discrimination."

Lepore started working at the club in 1995, and LaMar started in 1997. As part of their duties, they would dance above the crowd on pedestals a few times a night while dressed in flashy and revealing outfits.

"We have a lot of followers," LaMar said.

But on Feb. 2 of last year, LaMar got a call from club manager Mike Bindra telling her she and Lepore were being fired because they wanted "real girls" or "biological girls."

"Then he said, 'No hard feelings ... Would you call Amanda

and tell her too?'" recalled LaMar, who, like Lepore, underwent a complete sex-change operation over a decade ago and is now an anatomical woman.

"It was very hurtful," LaMar said of the firing, adding she and Lepore got raises just three weeks before they were fired.

"It made me feel like a dog that's been given a lot of love to — and then gets given back to the shelter," she said.

Lepore said the drag for her was feeling discrimination from the generally tranny-friendly club industry.

"If you can't get acceptance in nightclub ... it's not like we worked for a conservative department store or anything," she said.

Twilio's lawyer, Peter Sullivan, called the suit "unfortunate" and said, "We're the good guys here."

He said he wasn't sure why the pair were fired, but he was "absolutely certain" it wasn't the result of any tranny-trashing.

"It's like having a gay person suing a gay bath house for discrimination," he said. "This is the place that's probably the most sensitive to the transsexual community in New York. This is not an establishment that discriminates against gays or transsexuals."

Lepore and LaMar, who've both worked as fashion models and are famed on the club circuit for their racy burlesque act, said their careers have bounced back since the firing. They now have regular gigs at Spa, Centro-Fly and Cheeah. But "we need to protect other transsexuals," Lepore said.

"If you let people walk all over you, they'll just keep doing it."

Transsexual Dancers Charge Twilo With Discrimination in Firing



Amanda Lepore and Sophia La Mar Munoz

Well liked, given raises, and then all of a sudden they're out.

photo: Christopher Sams in *Over-The-Counter*

By Paul Schindler

When Amanda Lepore and Sophia La Mar Munoz, two post-operative transsexual women, were fired from their jobs as dancers at the nightclub Twilo in February, 2000, they say they were told that the club was letting them go so they could be replaced by "real girls" and "biological girls."

Now, almost 14 months later, the incident appears as if it will turn into a protracted struggle between the world-famous Manhattan nightspot and advocates for transgendered rights and their allies.

The women have filed suit under the New York City human rights ordinance maintaining that their dismissal was an unlawful violation based on sexual or gender discrimination. For almost a year, the pair have had the advocacy support of the New York City Gay and Lesbian Anti-Violence Project (AVP), and in recent

weeks, they have also gained the vocal support of gender rights groups including the New York Association for Gender Rights Advocacy (NYAGRA) and of State Senator Tom Duane and City Councilmember Christine, out gay and lesbian Democrats who represent Chelsea.

For its part, Twilo maintains that it never implemented a policy to rid its staff of transsexuals and that Lepore and Munoz were fired for illegally displaying their breasts while dancing and for hanging out in the club's men's room.

Lepore worked at Twilo for a five year period beginning in 1995, and Munoz started dancing there about two years later. Their usual gig at the club was dancing on Friday nights, an evening that Twilo general manager Ted Oehmke says attracts a young, mostly straight crowd.

Lepore and Munoz both maintain that they were well liked by the club management and had received raises just weeks

before their dismissal. Asked about Twilo's contention that they were fired for bearing their breasts without authorization, Lepore responded, "They used to ask us to show our breasts and we did. Then they told us not to do it, and we did what they asked."

Oehmke, who was not yet working at the club at the time of the dismissals, says the women's show of skin caused problems for Twilo, which he said received police summonses for their behavior.

"They were showing too much of their post-operative success," Oehmke told *LGNY*.

Oehmke concedes he never spoke to Lepore or Munoz, but that "everyone here who knew them likes them... It was purely a business decision."

Michael Brinda, the Twilo manager responsible for the dismissals, was in Florida and not available for comment at press time. Brinda is the person that Lepore and Munoz maintain made the comments about "real" and "biological girls."

Lepore explained that after talking with friends in the wake of her dismissal, she came to the conclusion that Twilo's actions might have been illegal. With Munoz, she contacted AVP, which made an effort in the spring of 2000 to mediate a satisfactory resolution between the women and Twilo. Carl Locke, AVP's director of client services, says that the club never responded to the group's letter.

Lepore and Munoz moved forward with a lawsuit in New York State Supreme Court on March 5 of this year. Their attorney, Thomas D. Shanahan (who separately serves as general counsel to *LGNY*), argues, "It is well established that discrimination in employment against transsexuals is illegal." At a press conference on March 22, Shanahan acknowledged that transgender advocates such as NYAGRA are aiming to clarify that the city human rights ordinance covers transgendered individuals by adding the term "gender identity or expression" to the list

of protected classes. But, he says, at least two legal precedents clearly establish that Lepore and Munoz would be protected by the law's ban on sexual discrimination.

The lawsuit alleges that Lepore and Munoz have suffered emotional distress, humiliation, mental anguish, and loss of past and future earnings and reputation. The plaintiffs are seeking damages to be determined in discovery of not less than \$100,000.

AVP and NYAGRA will be joined by Metropolitan Gender Network, the Street Transgender Action Revolutionaries, and the Housing Works transgender advocacy group in a protest at Twilo, located at 542 W. 27th Street, at midnight on Saturday evening, April 7. For more details on the planned protest, call NYAGRA at 212.645.8111, ext. 174.

Commenting on the case, Pauline Park, a spokesperson for NYAGRA, said, "The explanation from the management for their dismissal that they wanted to replace them with "biological women" or "real girls" is a slap in the face to two very talented transgender women who were popular performers... I find it particularly disturbing that transgender discrimination like this is taking place in clubs such as Twilo that for years have profited from the underpaid labor of transgendered people."

In a letter to the owner of the building that Twilo occupies, Duane and Quinn stated that they believed the dismissals of Lepore and Munoz were illegal. The letter went on to enumerate other irregularities at the club discovered by city inspectors and mentioned a slashing outside the club in January, 2000, a drug overdose death of a man found unconscious in the club in July, 2000, and a security guard found hiding two unconscious patrons from paramedics last October.

Oehmke says that in each case of injury or death the club acted responsibly in responding to an emergency, and that when one security guard was found at fault he was fired.

Referring to Duane and Quinn's letter, Oehmke said, "One thing I don't understand is why Tom Duane, in the name of protecting one small portion of the community he represents, is targeting the one club that has been the most welcoming to that community. He's just hurting his own constituency."

Oehmke suggested that anyone with concerns about how the club treats transgendered patrons should show up any Saturday night.

Twilo moves for lawsuit dismissal

BY SARAH L. RASMUSSEN

Attorneys representing the Chelsea club Twilo are asking the state Supreme Court to dismiss a discrimination lawsuit that was filed against the club last month by two post-operative transsexual women who had been employed as dancers there.

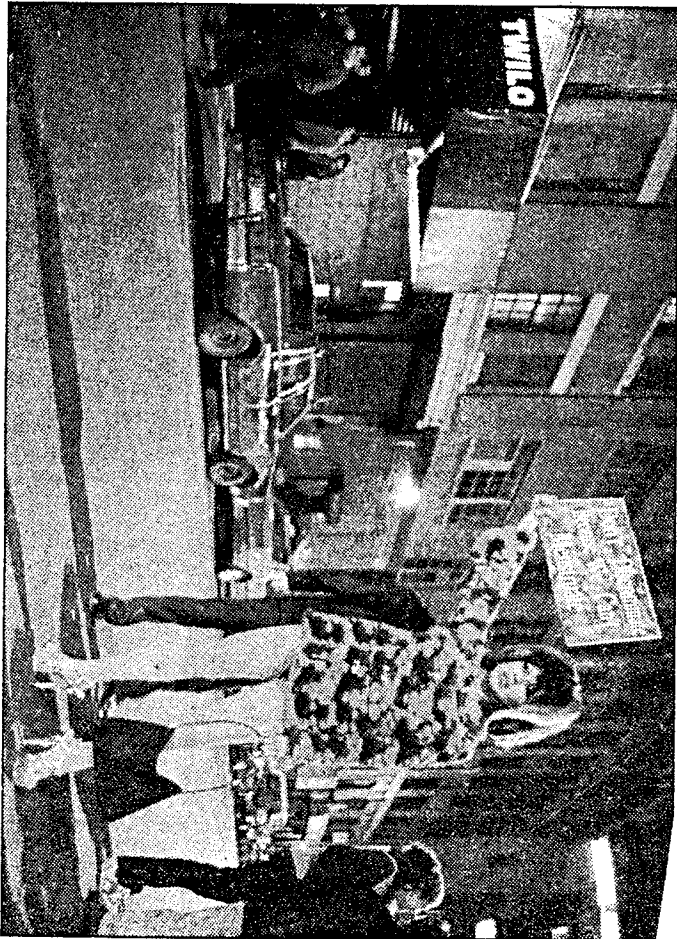
As the *Blade* reported last month, the plaintiffs filed a \$100,000 lawsuit March 5 against the club alleging employment discrimination. In their complaint, plaintiffs Amanda Lepore and Sophia "La Mar" Munoz allege they were fired from their dancing jobs because Twilo wanted to hire "real girls." The suit says the women were illegally discriminated against based on their "sex, gender and/or gender identity," in violation of the city's human rights law. The lawsuit names the club and Michael Bindra, who was the women's direct supervisor at the time of their termination, as defendants.

The defendants' response, filed March 27 by the firm of Sullivan, Chester & Gardner LLP, denies the plaintiffs' allegations. It also says the plaintiffs "are not part of a class protected by New York City Administrative Code and Charter Title 8," and says the women "were terminated due to improper conduct and/or poor work performance."

Munoz and Lepore maintain in their lawsuit that their job performance was "at all times satisfactory."

Meanwhile, last Saturday, dozens of transgender civil rights supporters gathered outside of Twilo to protest the women's termination from the club.

In an interview Tuesday with the *Blade*, an attorney for the defendants, Peter Sullivan, said the lawsuit has not tarnished Twilo's reputation. "Business has not been harmed at all," he said. "In fact, the notoriety may have helped."



Transgender activists and others took to the streets on April 7 to protest the firing of two Twilo dancers who have responded with a lawsuit against the club.

By Jake Price

Meanwhile, the plaintiffs' attorney, Thomas Shanahan, says, "In essence this case has become the Stonewall of this generation within the context of the transgender community. My clients represent a modern-day equivalent of Rosa Parks. And, we are strenuously moving forward to vindicate their civil rights."

8/22/03

new york Blade

Twilo told to pay for firings

By KEVIN SPENCE

NEW YORK—Two nightlife personalities, both post-operative transsexuals, were awarded nearly \$200,000 by Judge Tolub of New York State Supreme Court on Thursday, August 14. The ongoing legal battle has dogged both performers and the now-closed West 27th Street nightclub for the past three years.

"This is obviously a victory," said Pauline Park, co-chair of the New York Association for Gender Rights Advocacy. But Park, who also attended a protest, a press conference and a trial surrounding the controversy, added, "I don't see it as a precedent-setting case because the legal terms were limited."

On February 2, 2000, Michael Bindra fired Amanda Lepore and Sophia "Lamar" Munoz, after the owner allegedly said that both were "horrible looking" and "disgusting." Despite an affidavit signed by Bindra in which he stated their job performance "was at all times satisfactory or beyond satisfactory," two "real" or "biological girls" replaced Lepore and Munoz as dancers at the club.

"Everything was great. We were popular in the club, people liked us there," said Lepore.

Thomas D. Shanahan, the attorney representing Lepore and Munoz said, "finally, my clients are vindicated and the renegade club and its owners found guilty. This award clearly shows that transsexuals are entitled to the same civil rights as everyone else."

The verdict handed down from Tolub awarded Lepore and Munoz nearly \$100,000 each for back pay, compensatory and punitive damages.

"It doesn't really set a precedent because they settled," said Park. "I certainly do hope they can collect."

The club is closed and the corporation is without assets, and Shanahan said, "No judgment is enforceable," in what he described as a "paper judgment." The case, said Shanahan, has always been about principle. Despite this, he plans to pursue financial retribution.

He said that Twilo established two new entities. Global Twilo and Twilo Products, which markets goods and other merchandise with the



Sophie Munoz (left) and well-known performer Amanda Lepore won their longstanding civil suit against Twilo.

"Twilo" name, are receptacles for the former club's profits, he said.

Nightclubs in New York were among the last businesses some thought would discriminate gender variant individuals.

"I just think that's it's unfair," said Lepore. "Being in the nightclubs, I thought it was the last place. You're usually celebrated for being different. It was a shock that the very thing you were hired for, you were being fired for. You shouldn't be fired for who you are and just doing your job."

Lepore, who had worked at Twilo for five years before being fired, said she was hired away from Webster Hall in 1995. According to the Village Voice, Lepore said she was hired "to dress up, look freaky and flashy and over the top and to dance." Later, in 1997, Munoz was lured from Twilo's rival, The Tunnel, to dance with Lepore. Three weeks prior to being fired, both received a raise. Bindra, the direct supervisor of the dancers, said that club-owner Steven R. Pastore telephoned him "to get rid of them," by firing both Lepore and Munoz.

Then, about a year later, Munoz contacted the New York City Gay & Lesbian Anti-Violence Project after a friend's recommendation. "They took the case and wrote a letter to Twilo that we wanted an apology," said Lepore. The club did not respond.

"We went there first, they didn't pay attention because they have so many cases, but they were really helpful. They sent us to Tom," said Munoz of her attorney.

On March 5, 2001, they filed a lawsuit against the club charging they were illegally discriminated against based on their "sex, gender and/or gender identity," indicating their rights were violated under the city's human rights law ordinance. (The suit was also filed before New York City enacted job protection for gender-variant individuals in April 2002.)

About a month after the filing the lawsuit, the plaintiffs and other activists protested outside Twilo carrying signs that read, "Real men don't fight fake women," and "Don't discriminate because we can't menstruate."

After the protest and ensuing media attention, Twilo owners countered that Lepore and Lamar used drugs and were having sex in the men's bathroom. Twilo's club manager and director of promotion both stated in a signed affidavit, they had never observed partaking in any type of illegal behavior.

"It's disturbing to see the club and its lawyers using such allegations, because they burnish a stereotype against transsexual people, particularly transsexual women," said Park.

An attorney originally representing Twilo maintains that the club is "one of the most transsexual friendly businesses in New York. I think it's an unfortunate misuse of an opportunity to fight for transsexual rights," said Peter Sullivan of Sullivan, Chester and Gardner, a former representative of Twilo.

Shanahan is tenacious, saying, "We're subpoenaing accountants and owners. We want to know where the money went and what it was for." If necessary, they will take ownership of the name "Twilo," an "asset" to the corporation.

"It does not diminish the victory of the transsexual community," said Park, "by standing up to discrimination in one small discrimination case. But, it's an important signal to commercial clubs that employ transsexual women. That signal will be greatly enforced to the enactment of the law last April."

While Lepore and Munoz have yet to be compensated financially, they are assured that, at least legally, they won.

"People say God works in mysterious ways; so does homophobia. There are so many ways to hide homophobia," said Munoz. "It doesn't matter what we have in between our legs."