

SARAH DUNNE  
LEGAL DIRECTOR

ROSE SPIDELL  
NANCY TALNER  
STAFF ATTORNEYS

LINDSEY SOFFES  
FLOYD AND DELORES JONES  
FAMILY FELLOW



December 13, 2010

Michael O'Sullivan  
President and Chief Operating Officer  
Ross Stores, Inc.  
Corporate Office  
4440 Rosewood Drive  
Pleasanton, CA 94588

**Re: Unlawful Discrimination at Ross Dress for Less in  
Lynnwood, Washington**

AMERICAN CIVIL  
LIBERTIES UNION  
OF WASHINGTON  
FOUNDATION  
901 FIFTH AVENUE #630  
SEATTLE, WA 98164  
T/206.624.2184  
F/206.624.2190  
WWW.ACLU-WA.ORG

JESSE WING  
BOARD PRESIDENT

KATHLEEN TAYLOR  
EXECUTIVE DIRECTOR

Dear Mr. O'Sullivan:

We are writing to express concern about an incident of unlawful discrimination that occurred last month at the Ross Dress for Less ("Ross") store in Lynnwood, Washington.

As we understand it, on November 9, 2010, around 11:30am, ██████████ entered Ross' Lynnwood location. After browsing, Ms. ██████████ made her way to the store's dressing room area, followed store procedure (i.e., left her cart outside the dressing room area and obtained a card indicating the number of clothing items she wanted to take into the dressing room area), and began to try on the first of four outfits she had selected. While inside her dressing room, Ms. ██████████ was interrupted by a woman who identified herself as the store manager; the store manager banged on the door to Ms. ██████████'s dressing room, sternly and loudly stated that Ms. ██████████ needed to put on her "regular clothes," and repeatedly and expressly indicated that Ms. ██████████ needed to leave the dressing room area immediately. Ms. ██████████ acquiesced and, as she exited the dressing room area, heard the store manager comment to one of the many onlookers: "There's a situation going on right now, but it's almost over." Soon after this incident, Ms. ██████████ sent an email to Ross' online "customer service" center, describing what had transpired at Ross' Lynnwood, Washington, location. Ms. ██████████ received a response from Kerry Gonzales (the Manager of Customer Service Store Operations), which stated that the incident reported by Ms. ██████████ would be investigated, but has received no additional communication from Ross.

Ms. ██████████ identifies as a transgender woman and believes that she endured the afore-described treatment as a result of her gender expression or identity; we have learned no facts that suggest otherwise.

As you know, Washington State law forbids discrimination against transgender individuals in places of public accommodation. Under the Washington Law Against Discrimination, a retail store such as Ross cannot discriminate against any customer

December 13, 2010

Page 2

on the basis of that customer's gender identity or expression—meaning, that customer's having an actual or perceived gender identity, self-image, appearance, behavior or expression different from that customer's biological sex. RCW 49.60.040(26). Consequently, Ross was legally required to afford Ms. [REDACTED] "full enjoyment" of its Lynnwood store, which included the right to enter the store and not be treated as unwelcome, unaccepted, undesired, or unsolicited. RCW 49.60.040(14).

We would be very interested in learning what steps Ross plans to take to ensure that an incident similar to the one that befell Ms. [REDACTED] does not occur in the future. We look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "L. Soffes".

Lindsey Soffes

Floyd and Delores Jones Family Fellow