

Transgender woman files \$75,000 lawsuit claiming biased employee wouldn't rent to her



By **Aimee Green** | [The Oregonian/OregonLive](#)

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A 28-year-old who was born male but now is legally female has filed a \$75,000 lawsuit against U-Haul, saying an employee looked at her with contempt before refusing to rent a moving van to her.

Annah Kaye Smith had a reservation for a van at the U-Haul location at 704 N.E. Hogan Road in Gresham but was told when she arrived to pick it up that no vans were available, according to her lawsuit.

She was hastily ushered out the door by a U-Haul employee on Jan. 15, 2015, says the suit filed last week in Multnomah County Circuit Court.

Smith then spotted three parked vans -- just like the one she had reserved, the suit says. But by then, the employee told her that her reservation had been transferred to a Troutdale U-Haul and she'd have to go there to rent.

"It was a look of disgust," Smith told The Oregonian/Oregonlive on Thursday. "I sensed from his demeanor that he did not like what I was wearing or the way I looked. ... He was friendly to other customers."

Smith said the Troutdale location was closed when she arrived and she left empty-handed, forced to postpone plans to move a couch she was buying off of Craigslist. Smith's spouse rented a van elsewhere the following day.

"I wouldn't want that to happen to anyone again," Smith said. "All I really wanted was an apology from them, and I didn't get that, even in mediation. ... It just never came."

U-Haul media and public relations manager Jeff Lockridge declined comment Friday for this story, saying U-Haul doesn't talk about pending litigation.

But the company denied discrimination played any part in Smith's experience in a response to a complaint Smith filed last year with the Oregon Bureau of Labor and Industries.

In November, bureau investigator Andrea Damewood recommended that Smith's complaint be dismissed as unsupported by substantial evidence.

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"Firstly, (Smith) was not ultimately denied service; rather, she and her partner were able to obtain a van the next day," Damewood wrote.

Damewood also wrote that Smith didn't claim that the U-Haul employee said anything discriminatory to her. The investigator found that the case became too difficult to prove because Smith didn't provide a photograph of the parked vans or any other witnesses who saw available parked vans on the Gresham U-Haul lot that day.

At the same time, Damewood said U-Haul acknowledged that it did indeed have a van available at the Gresham site that day and that it had been reserved for Smith. The report doesn't explain why U-Haul failed to rent the van to Smith, but chalks up Smith's experience to "poor customer service."

Smith's Portland attorney, Beth Creighton, said she has a recording later that day of a customer service agent telling Smith and her spouse that there were actually three available vans at the Gresham location that day.

Creighton disagrees with the Bureau of Labor & Industries dismissal. It's not necessary for an employee to make an overt statement to discriminate, she said. The lawsuit states that U-Haul violated [ORS 659a.403](#), which bars discrimination in a place of "public accommodation" based on "race, color, religion, sex, sexual orientation, national origin, marital status or age if the individual is 18 years of age or older."

Smith said the experience has left her shaken. She feels anxious now going into stores and businesses.

"I'm like, 'Is this going to happen to me again?'" Smith said. "What do I do if this happens again?"

She worries about being out alone at night because she's aware of hate crimes against transgender people, she said. That was on her mind when -- under the direction of the Gresham U-Haul employee, she says -- she drove up to the Troutdale U-Haul, and saw it closed.

"It just freaked me out when I was pulling into that darkened, dimmed place," Smith said.

Thoughts raced through her mind, she said: "Why did you send me here? Does he have some friends or something?"

Read [a copy of the lawsuit](#), which was filed in Multnomah County Circuit Court.

Read [a copy of BOLI's dismissal memo](#).

-- Aimee Green

agreen@oregonian.com

503-294-5119

[o_aimee](#)

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