

# Press Releases

## O'Melveny Reaches Settlement in Landmark Discrimination Suit

October 5, 2009



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**LOS ANGELES, CA - October 5, 2009** -- O'Melveny & Myers and the Lambda Legal Defense and Education Fund have recently reached a settlement with the former physicians of a woman whose doctors denied her infertility treatment based on her sexual orientation.

The historic lawsuit began in 1999, when Benítez was referred for infertility care to North Coast Women's Care Medical Group, which had an exclusive contract with her insurance plan. After eleven months of preparatory treatments, including medication and unnecessary surgery, her doctors finally admitted they would not perform donor insemination for her because she is a lesbian. The doctors claimed a right to opt out of California's civil rights law because they hold fundamentalist Christian views and they object to treating a lesbian patient as they treat others. Benítez sued, and the case made its way to the California Supreme Court, which ruled last year that Benitez was entitled to be treated like other patients with her same health problem, and that constitutional protections for religious liberty do not excuse unlawful discrimination.

In a joint statement ending eight years of litigation, Guadalupe "Lupita" Benítez and her former doctors at North Coast Women's Care Medical Group said "the parties have reached a mutually satisfactory settlement of the litigation for an undisclosed sum of money. Guadalupe Benitez and her spouse Joanne Clark initiated the lawsuit because they felt that the defendants treated Ms. Benitez differently due to her sexual orientation. The defendants are sincerely sorry that Ms. Benitez and Ms. Clark have felt this way, and have never meant to treat Ms. Benitez with disrespect. Defendants want all of their patients, including those who are lesbian and gay, to feel welcome and accepted in their medical practice, and are committed to treating all of their patients with equal dignity and respect in the context of the highest quality of medical care."

"This settlement is a vital step in the way of progress for medical groups to comply with California's anti-discrimination laws and treat all patients equally, no matter the physicians' religious beliefs," said Robert Welsh, a partner in O'Melveny & Myers' Business Litigation practice.



Welsh led the O'Melveny team and was assisted by counsel Seph McNamara and former counsels Lee Fink and Marge Carroll. Jennifer C. Pizer led the Lambda Legal Defense team. The case name is *Benitez v. North Coast Women's Care Medical Group*.

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