

**AIDS Law Project of Pennsylvania
Wins Case for Client Who Was Wrongfully
Thrown Out of Personal Care Home
Because She Has HIV**

*Pennsylvania Human Relations Commission orders more than \$63,000 in
compensatory damages and civil penalties to woman illegally denied a place to live
because she has HIV.*

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Philadelphia, PA (Oct. 6, 2010) -- The **AIDS Law Project of Pennsylvania** has scored an important victory, winning more than \$63,000 in damages and penalties after a personal care home evicted a woman when she disclosed she has HIV.

The AIDS Law Project of Pennsylvania sued Canal Side Care Manor, LLC. in Walnutport (Northampton County) and owner Lakshmi Kademani after Kademani ordered the woman out of her facility, immediately after becoming aware of the resident's HIV status.

The complaint was dual-filed on behalf of the client, known only as 'G.D.' to protect her confidentiality, with the Pennsylvania Human Relations Commission (PHRC) and the U.S. Department of Housing and Urban Development (HUD), which enforce state and federal discrimination laws respectively.

The Commission agreed with the AIDS Law Project of Pennsylvania that the personal care home illegally discriminated against G.D. based on a disability -- her HIV status.

"You can't throw a person out on the street solely because she has HIV," said Ronda B. Goldfein, Esq., executive director of the AIDS Law Project of Pennsylvania. "If you're in the business of providing care, you have to learn how to provide care to everyone. The law requires it; public health relies upon it and common decency demands it."

The \$63,000 award significantly exceeds the amount the PHRC has awarded in housing decisions for the last five years, which average \$10,000-15,000, according to records.

"We were able to prove by direct evidence that Kademani's medically and scientifically unsupported fears of contracting HIV motivated her to demand that G.D. be removed from the personal care home," said Sarah Schalman-Bergen, *of counsel* to the AIDS Law Project of Pennsylvania and an associate at Berger & Montague, PC.

Testimony showed that Kademani called the client's healthcare provider to ask if the client should "use a drinking glass, eat off a plate, use utensils, and whether [her] clothes [could] be picked up with bare hands without fear of getting HIV," according to the opinion. Kademani was told that with the use of "universal precautions," such as wearing gloves and otherwise not coming into direct contact with bodily fluid, neither the staff nor the other residents would be at risk for contracting HIV. Despite these assurances, Kademani still demanded that G.D. leave the facility.

Kademani and her staff exhibited the same kind of discrimination against people with HIV that occurs all too frequently in assisted living facilities. A December 2006 study conducted by UCLA School of Law found that 46 percent of skilled nursing facilities reported that they did not accept individuals who are HIV positive (in violation of the law). See Brad Sears, The Williams Institute, UCLA School of Law, HIV Discrimination in Health Care Services in Los Angeles County: The Results of Three Testing Studies (Dec. 2006).

The Commission ordered Kademani and Canal Side to pay G.D. \$50,000 as compensation for “humiliation and embarrassment,” and tacked on 6% interest per year, starting from Jan. 2, 2008--when she was unjustly thrown out--until payment is full. So far, the interest brings the award to more than \$58,000.

The Commission also ordered Canal Side and Kademani to:

- stop all illegal discriminatory practices;
- pay the Commonwealth \$5,000 in civil penalties;
- establish non-discrimination policies specific to HIV and AIDS and train staff on these policies.

G.D.’s sister, Queen D. said on her behalf, “We’re all human and sometimes humans need help ... You can’t turn people away just because of who they are. Kademani and everyone there need to be accountable for their actions.”

The client was represented by Goldfein, Schalman-Bergen, and Earle Mack School of Law legal intern Kailee Farrell, now a law clerk to New Jersey Superior Court Judge Evan H.C. Crook.

Canal Side Care Manor and Lakshmi Kademani were represented by Stuart T. O’Neal, Esq. of McCumber, Daniels, Buntz, Hartig & Puig, P.A.

About the AIDS Law Project of Pennsylvania:

Founded in 1988, the AIDS Law Project of Pennsylvania is a non-profit, public interest law firm providing free legal assistance to people with HIV/AIDS and those affected by the epidemic. From its home office in Philadelphia, the AIDS Law Project also educates the public about AIDS-related legal issues and works at local, state and national levels to achieve fair laws and policies.

People with HIV and AIDS may need a lawyer as much as a doctor. All too often, society’s bigotry, bureaucracy and ignorance cause serious legal problems for people with HIV/AIDS. But most people with HIV/AIDS can’t afford a lawyer. For more than 20 years, the AIDS Law Project of Pennsylvania has been fighting for the rights of Pennsylvanians living with HIV/AIDS. We provide legal assistance with AIDS discrimination, access to healthcare, HIV confidentiality and privacy, wills, living wills, power of attorney, public benefits, including Social Security disability, Medicaid, Medicare, cash welfare, and food stamps, insurance coverage, housing, debt, and immigration. We also provide home and hospital visits.

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