

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) CASE NO.
)
 JOHN R. KOCH,)
)
 Defendant.)
 _____)

COMPLAINT AND REQUEST FOR JURY TRIAL

The United States of America alleges:

1. This action is brought by the United States to enforce the provisions of Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act), as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601, et seq.

2. This court has jurisdiction over this action under 28 U.S.C § 1331, 28 U.S.C. § 1345, and 42 U.S.C. § 3614(a).

3. Defendant John R. Koch is a resident of the State of Nebraska. Mr. Koch is the owner and/or manager of numerous rental properties in the Omaha, Nebraska area. Mr. Koch has owned and/or personally managed these rental properties at all times relevant to this case.

4. The rental properties owned and/or managed by the defendant are dwellings within the meaning of 42 U.S.C. § 3602(b).

5. The defendant has violated the Fair Housing Act, 42 U.S.C. §§ 3601, et seq., by discriminating against persons on the basis of sex in connection with the rental of dwellings.

6. Since at least 1996 through the present, the defendant has subjected numerous female tenants and prospective female tenants of the rental properties owned and/or managed by

defendant, and persons associated with such tenants and prospective tenants, to severe, pervasive, and unwelcome verbal and physical sexual advances. On numerous occasions, the defendant made unwelcome sexually suggestive and offensive comments to both the female tenants and prospective female tenants. The defendant also made physical advances towards tenants and prospective tenants, and persons associated with them, such as unwanted touching of their breasts, buttocks, and other parts of their bodies. The defendant also invaded the privacy of the female tenants by wrongfully entering their homes without prior notice or consent and, in some cases, vandalizing or stealing their personal possessions in retaliation for their rejection of his sexual advances. The defendant also invaded the privacy of the female tenants by constantly visiting the properties and calling them at all times of the day and night for no legitimate business reason.

7. The defendant has explicitly based the terms, conditions, and privileges of the women's tenancy at the properties owned and/or managed by defendant on the granting of sexual favors. For example, the defendant conditioned renting the property to prospective female tenants on the granting of sexual favors. The defendant also requested sexual favors from female tenants in exchange for forgiveness of rent, late rent charges, and security deposits. The defendant also wrongfully evicted and/or threatened to take steps to wrongfully evict female tenants who refused or objected to his sexual advances. The defendant also threatened and/or took other adverse action against female tenants, such as failing to make repairs and vandalizing their possessions, when they refused or objected to his sexual advances.

8. The defendant's pattern of sexual advances towards female tenants and prospective tenants has created a hostile environment for female tenants and their families who

are living in properties owned and/or managed by the defendant and prospective tenants of properties owned and/or managed by the defendant.

9. The conduct of the defendant described in paragraphs 6-8 constitutes:
 - a. A denial or making unavailable of housing because of sex, in violation of Section 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a);
 - b. Discrimination in the terms, conditions, or privileges of the rental of dwellings, or in the provision of services or facilities in connection therewith, because of sex, in violation of Section 804(b) of the Fair Housing Act, 42 U.S.C. § 3604(b);
 - c. The making of statements with respect to the rental of dwellings that indicate a preference, limitation, or discrimination based on sex, in violation of Section 804(c) of the Fair Housing Act, 42 U.S.C. § 3604(c);
and
 - d. Coercion, intimidation, threats, and interference with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed their rights under Section 804 of the Fair Housing Act, in violation of Section 818 of the Fair Housing Act, 42 U.S.C. § 3617.
10. The conduct of the defendant described above in paragraphs 6-8 constitutes:
 - a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601 et seq.; and
 - b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601 et seq., which denial raises an issue of general public

importance.

11. There are numerous persons, including past, current, and prospective tenants, who have been injured by, and have suffered damages as a result of, the defendant's conduct. These persons are aggrieved persons as defined in 42 U.S.C. § 3602(i).

12. The conduct of the defendant, as described herein, was intentional, willful, and/or taken in disregard for the rights of others.

WHEREFORE, the United States prays that the Court enter an ORDER that:

1. Declares that the defendant's discriminatory practices violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601 et seq.;

2. Enjoins the defendant, his agents, employees, and successors, and all other persons in active concert or participation with him from:

- a. Discriminating on the basis of sex against any person in any aspect of the rental of a dwelling;
- b. Interfering with or threatening to take any action against any person in the exercise or enjoyment of rights granted or protected by the Fair Housing Act, as amended; and
- c. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of the defendant's past unlawful practices to the position such victims would have been in but for the discriminatory conduct of the defendant;

3. Awards monetary damages to each identifiable victim of defendant's discriminatory housing practices pursuant to 42 U.S.C. § 3614(d)(1)(B); and

4. Assesses a civil penalty against the defendant in order to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d)(1)(C) and 28 C.F.R. § 85.3(b)(3).

The United States further prays for such additional relief as the interests of justice may require.

The United States of America requests jury trial in Omaha, Nebraska, and further requests that the case be calendared accordingly.

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