

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
GAMBONE BROTHERS DEVELOPMENT )  
COMPANY; GAMBONE )  
CONSTRUCTION COMPANY; GAMBONE )  
BROTHERS ORGANIZATION, INC.; )  
ABRAM’S RUN APARTMENTS ASSOCIATES, )  
L.P.; FOX RIDGE APARTMENTS, L.P.; )  
LAKESIDE INN ACQUISITION, L.P., )  
LEWIS ROAD APARTMENTS, L.P.; )  
HENDERSON SQUARE APARTMENTS, L.P.; )  
HENDERSON SQUARE PHASE 2, L.P.; )  
JOSEPH A. ZADLO; CHAMBERS ASSOCIATES,)  
INC.; MIKE ROSEN ARCHITECTS, P.C., and )  
URWILER & WALTER, INC., )  
)  
Defendants. )  
\_\_\_\_\_)

Civil Action No.

**AMENDED COMPLAINT**

The United States of America alleges:

1. This action is brought by the United States to enforce the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §§ 3601-3619, and Title III of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12181-12189.

Jurisdiction and Venue

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. §§ 3614(a) and 12188(b)(1)(B).

3. Venue is proper because the claims alleged in this action arose in Montgomery County, Pennsylvania, in the Eastern District of Pennsylvania, and concern or otherwise relate to real property located therein.

## The Properties

4. Abram's Run Apartments is a residential apartment complex located at 115 Bill Smith Boulevard, in King of Prussia, Pennsylvania. Abram's Run Apartments consists of 12 two-story buildings containing 191 apartments, including 95 ground-floor units. There are no elevators. The public and common use areas include a rental office/model unit, parking areas, sidewalks, trash disposal enclosures, a mail box building, tennis courts, and a recreation center building.

5. Fox Ridge Apartments and Fox Ridge Lakeside Apartments are located at 1201 Four Maples Court, Limerick, Pennsylvania. Fox Ridge Apartments consists of five two-story buildings. Fox Ridge Lakeside Apartments consists of six two-story buildings. Each building has 16 units with eight units per story. There are no elevators. There are a total of 80 units at Fox Ridge, including 40 ground-floor units. There are a total of 95 units at Fox Ridge Lakeside, including 47 ground-floor units. In addition, the public use areas of the two complexes include the rental office/model unit, which is located in Fox Ridge Lakeside and the two complexes share, parking areas, sidewalks, trash disposal areas, a mail box building, and a recreation center building.

6. Lakeview Apartments is located at 107 Lakeview Drive, Royerstown, Pennsylvania. Lakeview consists of five two-story buildings. Each building has 16 units with eight units per story. There are no elevators. There are a total of 79 units at Lakeview, including 39 ground-floor units. In addition, the public use areas of the complex include the rental office/model unit, parking areas, sidewalks, trash disposal areas, tennis courts, a mail box building, and a recreation center building.

7. Henderson Square Apartments I and II are located at 406 Monroe Boulevard, King of

Prussia, Pennsylvania. Henderson Square Apartments I consists of eight two-story buildings. Henderson Square Apartments II consists of two two-story buildings. Each building has 16 units with eight units per story. There are no elevators. There are a total of 127 units at Henderson Square I, including 63 ground-floor units. There are a total of 32 units at Henderson Square II, including 16 ground-floor units. In addition, the public use areas of the two complexes include the rental office/model unit, which Henderson Square I and II share and which is located in Henderson Square I, parking areas, sidewalks, trash disposal areas, tennis courts, a mail box building, and a recreation center building.

8. The rental units in the apartment complexes described in paragraphs 4-7 (“subject properties”) are “dwellings” within the meaning of 42 U.S.C. § 3602(b).

9. The apartment complexes described in paragraphs 4-7 were designed and constructed for first occupancy after March 13, 1991. Their ground-floor units are “covered multifamily dwellings” within the meaning of 42 U.S.C. § 3604 (f)(7)(B). The subject properties are subject to the accessibility requirements of 42 U.S.C. § 3604(f)(3)(C).

10. The rental offices at the subject properties and their attendant public use areas were designed and constructed for first occupancy after January 26, 1993. These rental offices are public accommodations within the meaning of 42 U.S.C. § 12181(7) and are subject to the ADA’s accessibility requirements.

#### The Defendants

11. Defendant Gambone Brothers Development Company, a Pennsylvania corporation, is the developer for Abram’s Run Apartments, Fox Ridge Apartments, Fox Ridge Lakeside Apartments, Lakeview Apartments, and Henderson Square Apartments I and II. In addition,

Defendant Gambone Brothers Development Company was an owner of Abram's Run during the time that it was designed. In these capacities, Defendant Gambone Brothers Development Company designed and constructed the subject apartment complexes.

12. Defendant Gambone Construction Company, a Pennsylvania corporation, is the surviving corporation in a merger with Gambone Brothers Construction Company. Gambone Construction Company is one of the builders of Abram's Run Apartments and, in that capacity, designed and/or constructed the complex.

13. Defendant Gambone Brothers Organization, Inc., a Pennsylvania corporation, is one of the builders of Abram's Run Apartments and, in that capacity, designed and/or constructed the complex.

14. Defendant Abram's Run Apartments Associates, L.P., a Pennsylvania limited partnership, is the owner and developer for Abram's Run Apartments and, in those capacities, designed and constructed the complex.

15. Defendant Fox Ridge Apartments, L.P., a Pennsylvania limited partnership, is the owner and developer for Fox Ridge Apartments and, in those capacities, designed and constructed the complex.

16. Defendant Lakeside Inn Acquisition, L.P., a Pennsylvania limited partnership, is the owner and developer for Fox Ridge Lakeside Apartments and, in those capacities, designed and constructed the complex.

17. Defendant Lewis Road Apartments, L.P., a Pennsylvania limited partnership, is the owner and developer for Lakeview Apartments and, in those capacities, designed and constructed the complex.

18. Defendants Henderson Square Apartments, L.P., and Henderson Square Phase 2, L.P., Pennsylvania limited partnerships, are the owners and developers for Henderson Square Apartments I and II, respectively, and, in those capacities, designed and constructed the complexes.

19. Defendant Joseph A. Zadlo is a licensed architect with his principal place of business in Pennsylvania. Defendant Zadlo prepared the architectural drawings for Abram's Run Apartments and, in that capacity, designed and/or constructed the complex.

20. Defendant Chambers Associates, Inc., a Pennsylvania corporation, designed the engineering plans for Abram's Run Apartments, Lakeview Apartments, and Henderson Square I and II and, in that capacity, designed and/or constructed these complexes.

21. Defendant Mike Rosen AIA Architects, P.C., is a firm of licensed architects with its principal place of business in Pennsylvania. Defendant Mike Rosen AIA Architects, P.C. prepared the architectural drawings for Fox Ridge Lakeside, Lakeview and Henderson Square I and II and, in that capacity, designed and/or constructed these complexes.

22. Defendant Urwiler & Walter, Inc., a Pennsylvania corporation, designed the engineering plans for Fox Ridge Apartments and Fox Ridge Lakeside Apartments and, in that capacity, designed and/or constructed these complexes.

#### Fair Housing Claims

23. Plaintiff re-alleges and herein incorporates by reference the allegations set forth in paragraphs 1-22, above.

24. Defendants violated 42 U.S.C. § 3604(f)(3)(C) by failing to design and construct Abram's Run Apartments, Fox Ridge Apartments, Fox Ridge Lakeside Apartments, Lakeview

Apartments, and Henderson Square Apartments I and II in such a manner that: (a) the public use and common use portions of the dwellings are readily accessible to and usable by persons with disabilities; (b) all doors designed to allow passage into and within the ground-floor units are sufficiently wide to allow passage by handicapped persons in wheelchairs; (c) all premises within such ground-floor dwellings contain the following features of adaptive design: i) an accessible route into and through the dwelling; ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; iii) reinforcements in bathroom walls to allow later installation of grab bars; and iv) useable kitchens, such that an individual using a wheelchair can maneuver about the space.

25. Defendants, through the actions and conduct referred to in paragraphs 23-24, have:

- a. Discriminated in the rental or otherwise made unavailable or denied, dwellings to renters because of handicap, in violation of 42 U.S.C. § 3604(f)(1);
- b. Discriminated against persons in the terms, conditions or privileges of rental of a dwelling, or in the provision of services or facilities in connection with a dwelling, because of handicap, in violation of 42 U.S.C. § 3604(f)(2); and
- c. Failed to design and construct dwellings in compliance with the accessibility and adaptability features mandated by 42 U.S.C. § 3604(f)(3)(C).

26. The conduct of Defendants described above constitutes:

- a. A pattern or practice of resistance to the full enjoyment of rights granted

by the Fair Housing Act, 42 U.S.C. §§ 3601-19; or

- b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601-3619, which denial raises an issue of general public importance.

27. Persons who have been the victims of Defendants' discriminatory housing practices are aggrieved persons as defined in 42 U.S.C. § 3602(i) and may have suffered injuries as a result of Defendants' conduct described above.

28. Defendants' discriminatory actions and conduct described above were intentional, willful, and taken in disregard for the rights of others.

#### Americans with Disabilities Act Claims

29. Plaintiff re-alleges and herein incorporates by reference the allegations set forth in paragraphs 1-18 above.

30. Defendants Gambone Bros. Development Co., Gambone Construction Co., Gambone Bros. Organization, Inc., Abram's Run Apartments Associates, L.P., Fox Ridge Apartments, L.P., Lakeside Inn Acquisition, L.P., Lewis Road Apartments, L.P., Henderson Square Apartments, L.P., and Henderson Square Phase 2, L.P. have violated 42 U.S.C. § 12183(a)(1) by failing to design and construct the rental office at Abram's Run Apartments, Fox Ridge Apartments, Fox Ridge Lakeside Apartments, Lakeview Apartments, and Henderson Square Apartments I and II and their attendant public use areas such that they are readily accessible to and usable by individuals with disabilities, as required by 42 U.S.C. §12183(a)(1) and the Department of Justice's regulations implementing Title III of the ADA, 28 C.F.R. Part 36, including the Standards for Accessible Design, 28 C.F.R. Part 36, Appendix A ("the Standards").

31. The conduct of defendants Gambone Bros. Development Co., Gambone Construction Co., Gambone Bros. Organization, Inc., Abram's Run Apartments Associates, L.P., Fox Ridge Apartments, L.P., Lakeside Inn Acquisition, L.P., Lewis Road Apartments, L.P., Henderson Square Apartments, L.P., and Henderson Square Phase 2 described in paragraphs 29-30 constitutes:

- a. A pattern or practice of discrimination within the meaning of 42 U.S.C. § 12188(b)(1)(B)(i) and 28 C.F.R. § 36.503(a); and
- b. Unlawful discrimination that raises an issue of general public importance within the meaning of 42 U.S.C. § 12188(b)(1)(B)(ii) and 28 C.F.R. § 36.503(b).

32. Upon information and belief, persons who have been the victims of Defendants' discriminatory housing practices are aggrieved persons as defined in 42 U.S.C. § 12188(b)(2)(B) and may have suffered injuries as a result of Defendants' conduct described above.

33. Defendants' discriminatory actions and conduct described above were intentional, willful, and taken in disregard for the rights of others.

#### Prayer for Relief

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

1. Declares that the policies and practices of Defendants, as alleged herein, violate the Fair Housing Act and that the policies and practices of defendants Gambone Bros. Development Co., Gambone Construction Co., Gambone Bros. Organization, Inc., Abram's Run Apartments Associates, L.P., Fox Ridge Apartments, L.P., Henderson Square Apartments, L.P., and



Henderson Square Phase 2 violate the ADA;

2. Declares that Defendants have engaged in a pattern or practice of discrimination in violation of the Fair Housing Act and have denied rights under the Fair Housing Act to a group of persons raising an issue of public importance, and that Defendants Gambone Bros.

Development Co., Gambone Construction Co., Gambone Bros. Organization, Inc., Abram's Run Apartments Associates, L.P., Fox Ridge Apartments, L.P., Lakeside Inn Acquisition, L.P., Lewis Road Apartments, L.P., Henderson Square Apartments, L.P., and Henderson Square Phase 2, L.P. have engaged in a pattern or practice of discrimination in violation of the ADA and have denied rights to a group of persons raising an issue of public importance;

3. Enjoins Defendants, their officers, employees, agents, successors, and all other persons in active concert or participation with any of them, from

- a. Failing or refusing to bring the ground-floor dwelling units and public use and common use areas at Abram's Run Apartments, Fox Ridge Apartments, Fox Ridge Lakeside Apartments, Lakeview Apartments, and Henderson Square Apartments I and II into compliance with 42 U.S.C. § 3604(f)(3)(C);
- b. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, persons harmed by Defendants' unlawful practices to the position they would have been in but for the discriminatory conduct; and
- c. Designing and/or constructing any covered multifamily dwellings in the future that do not contain the accessibility and adaptability features

required by 42 U.S.C. § 3604(f)(3)(C).

4. Enjoins Defendants Gambone Bros. Development Co., Gambone Construction Co., Gambone Bros. Organization, Inc., Abram's Run Apartments Associates, L.P., Fox Ridge Apartments, L.P., Lakeside Inn Acquisition, L.P., Lewis Road Apartments, L.P., Henderson Square Apartments, L.P., Henderson Square Phase 2, L.P., their officers, employees, agents, successors, and all other persons in active concert or participation with any of them, from

- a. Failing or refusing to bring the public accommodations at Abram's Run Apartments, Fox Ridge Apartments, Fox Ridge Lakeside Apartments, Lakeview Apartments, and Henderson Square Apartments I into compliance with 42 U.S.C. § 12183(a)(1), 28 C.F.R. §§ 36.401 and 36.406, and 28 C.F.R. Part 36, Appendix A;
- b. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, persons harmed by Defendants' unlawful practices to the position they would have been in but for the discriminatory conduct; and
- c. Designing and/or constructing any public accommodations or commercial facilities that are not readily accessible to and usable by individuals as required by 42 U.S.C. § 12183(a)(1), 28 C.F.R. §§ 36.401 and 36.406, and 28 C.F.R. Part 36, Appendix A; and

5. Awards appropriate monetary damages, pursuant to 42 U.S.C. § 3614(d)(1)(B) and 42 U.S.C. § 12188(b)(2)(B), to each person harmed by Defendants' discriminatory conduct and practices.

6. Assesses a civil penalty against Defendants in an amount authorized by 42 U.S.C. §§ 3614(d)(1)(C) and 12188(b)(2)(C) and 28 C.F.R. § 85.3(b)(3) in order to vindicate the public interest.

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

Alberto Gonzalez  
Attorney General

Patrick Meehan  
United States Attorney

---

Wan J. Kim  
Assistant Attorney General

Margaret L. Hutchinson  
Assistant United States Attorney  
United States Attorney's Office  
615 Chestnut St.  
Suite 1250  
Philadelphia, PA 19106

---

Steven H. Rosenbaum  
Chief

---

Keisha Dawn Bell, Deputy Chief  
Kathleen M. Pennington, Trial Attorney  
William Condon, Trial Attorney  
U.S. Department of Justice  
Civil Rights Division  
Housing and Civil Enforcement Section - NWB  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530  
Ph.: (202) 353-9759  
Fax: (202) 514-1116