

1 John R. Dunne
Assistant Attorney General
2 Brian F. Heffernan
Fernando M. Olguin
3 U.S. Department of Justice
Civil Rights Division
4 Housing and Civil
Enforcement Section
5 P.O. Box 65998
Washington, D.C. 20035-5998
6 (202) 514-8034

7 Lourdes G. Baird
United States Attorney
8 Stan Blumenfeld
Assistant United States Attorney
9 7516 Federal Building
300 N. Los Angeles Street
10 Los Angeles, CA 90012
(213) 894-2872
11 Attorneys for Plaintiff

12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15
16 UNITED STATES OF AMERICA,)
17 Plaintiff,) CIV. No. 91-6255-RMT (GHKx)
18 v.) CIV. No. 92-3015-RMT (GHKx)
19 PLAZA MOBILE ESTATES, a general)
partnership; JACK OLOF; EDWARD) FIRST AMENDED COMPLAINT in
20 TAILFORD; JACK JORDAN; JOSEPH) CIV. No. 92-3015-RMT (GHKx)
SHERMAN; VERNON DAVIS; BRUCE)
21 ROBINSON; MADGE ROBINSON,)
22 Defendants.)

23 The United States of America alleges:

24 1. This action is brought by the United States on its own
25 behalf and on behalf of Charlotte Suitor, pursuant to §§ 812(o)
26

1 and 814(a) of the Fair Housing Act, as amended, 42 U.S.C. §§
2 3612(o) and 3614(a).

3 2. This Court has jurisdiction over this action pursuant to
4 28 U.S.C. § 1345 and 42 U.S.C. §§ 3612(o) and 3614(a).

5 3. Defendant Plaza Mobile Estates is a general partnership
6 that conducts business in Santa Ana, California, in the Central
7 District of California. Defendant Plaza Mobile Estates owns a
8 mobile home park, Plaza Mobile Estates ("Park"), located in Santa
9 Ana, California, in which it leases lots for the placement of
10 mobile homes.

11 4. Defendants Vernon Davis, Jack Olof, Edward Tailford,
12 Joseph Sherman, and Jack Jordan are the general partners of
13 defendant Plaza Mobile Estates.

14 5. Defendants Bruce and Madge Robinson are resident managers
15 of Plaza Mobile Estates Park.

16 6. Lots in the Plaza Mobile Estates Park are dwellings
17 within the meaning of 42 U.S.C. § 3602(b).

18 COUNT I

19 7. Plaintiff realleges and herein incorporates by reference
20 the allegations set forth in the above paragraphs 1 through 6.

21 8. On June 15, 1989, Charlotte Suitor filed a housing dis-
22 crimination complaint with the United States Department of
23 Housing and Urban Development ("HUD"), pursuant to section 810(a)
24 of the Fair Housing Act ("Act"), as amended, 42 U.S.C. § 3610(a).
25 In her HUD complaint, Ms. Suitor alleged that on or about May 5,
26 1989, she was aggrieved by a discriminatory housing practice of

1 defendants, in that the defendants actively discouraged pro-
2 spective home buyers, Carl and Marilyn Johnson, from purchasing a
3 mobile home located in Plaza Mobile Estates Park and listed with
4 her brokerage service, because of their familial status, thereby
5 causing the cancellation of the Johnsons' plans to purchase such
6 mobile home and preventing Ms. Suitor from selling a mobile home
7 to a family with children.

8 9. Pursuant to the requirements of 42 U.S.C. §§ 3610(a) and
9 (b), the Secretary of Housing and Urban Development ("Secretary")
10 conducted an investigation of the complaint, attempted con-
11 ciliation without success, and prepared a final investigative
12 report. Based upon the information gathered in this inves-
13 tigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(1),
14 determined that reasonable cause exists to believe that dis-
15 criminatory practices have occurred.

16 10. On April 6, 1992, the Secretary issued a Determination
17 of Reasonable Cause and Charge of Discrimination, pursuant to 42
18 U.S.C. § 3610(g)(2)(A), with regard to Ms. Suitor's complaint,
19 charging that defendants engaged in discriminatory housing
20 practices in violation of the Fair Housing Act, as amended, 42
21 U.S.C. §§ 3601 et seq.

22 11. On April 21, 1992, defendants, through counsel, elected
23 to have these charges resolved in a federal civil action, pur-
24 suant to 42 U.S.C. § 3612(a).

25 12. By letter dated April 23, 1992, the Secretary, through
26 HUD's regional counsel, authorized the Attorney General to file

1 this action on behalf of Charlotte Suitor, pursuant to 42 U.S.C.
2 § 3612(o).

3 13. Defendants made statements intended to discourage the
4 Johnsons from purchasing a mobile home in the Plaza Mobile
5 Estates Park on the basis of familial status, published and
6 enforced rules and regulations that indicate a preference,
7 limitation and discrimination on the basis of familial status,
8 and interfered with the efforts of Ms. Suitor to aid the Johnsons
9 in the exercise or enjoyment of the rights granted by 42 U.S.C. §
10 3604.

11 14. In taking the actions described in Paragraph 13 above,
12 defendants have:

13 a. Discriminated against persons in the terms, con-
14 ditions and privileges of rental of a dwelling, and in the
15 provision of services and facilities in connection
16 therewith, because of familial status, in violation of 42
17 U.S.C. § 3604(b);

18 b. Made and published statements with respect to the
19 rental of a dwelling indicating a preference, limitation and
20 discrimination based on familial status, in violation of 42
21 U.S.C. § 3604(c); and

22 c. Interfered with the efforts of Ms. Suitor to aid
23 Carl and Marilyn Johnson in the exercise or enjoyment of the
24 rights granted by 42 U.S.C. § 3604, in violation of 42
25 U.S.C. § 3617.

26

1 15. The defendants' unlawful conduct has denied Ms. Suitor
2 the right to sell a home listed with her brokerage service to a
3 willing purchaser without discrimination and caused her other
4 damages in the form of economic loss and emotional distress.

5 16. The discriminatory actions of defendants were inten-
6 tional, willful, and taken in disregard for the rights of
7 Charlotte Suitor.

8 COUNT II

9 17. Plaintiff realleges and herein incorporates by reference
10 the allegations set forth in the above paragraphs 1 through 16.

11 18. Since the effective date of the 1988 amendments to the
12 Fair Housing Act making discrimination on the basis of familial
13 status unlawful, defendants have adopted and implemented policies
14 designed to preclude, limit and discourage families with children
15 from residing at the Plaza Mobile Estates complex. Pursuant to
16 this policy, defendants have published and enforced rules and
17 regulations governing occupancy in defendants' complex that
18 indicate a preference, limitation and discrimination on the basis
19 of familial status. Further, defendants' policy has subjected
20 all families with children who live in the complex to harassment
21 and disparate treatment on the basis of familial status.

22 19. Through the polices described in the preceding
23 paragraph, defendants have:

24 a. Discriminated against persons in the terms, con-
25 ditions and privileges of rental of a dwelling, and in the
26 provision of services and facilities in connection there-

1 with, because of familial status, in violation of 42 U.S.C.
2 § 3604(b); and

3 b. Made and published statements with respect to the
4 rental of a dwelling indicating a preference, limitation and
5 discrimination based on familial status, in violation of 42
6 U.S.C. § 3604(c).

7 20. The conduct of the defendants described above in
8 paragraphs 18 and 19 constitutes:

9 a. A pattern or practice of resistance to the full
10 enjoyment of the rights granted by the Fair Housing Act, as
11 amended, 42 U.S.C. §§3601 et seq.; and

12 b. A denial of rights to a group of persons, which
13 denial raises an issue of general public importance.

14 21. Victims of defendants' discriminatory practices are
15 aggrieved persons as defined in 42 U.S.C. § 3602(i). These
16 persons have suffered actual injury from the loss of their right
17 to equal opportunity in housing and have suffered other damages
18 in the form of economic loss and emotional distress.

19 22. The unlawful conduct of defendants was intentional,
20 willful, and taken in disregard for the rights of others.

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

23 1. Declares that the discriminatory housing practices
24 of defendants, as set forth above, violate the Fair Housing
25 Act, as amended, 42 U.S.C. §§ 3601-3619;

26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

2. Enjoins defendants, their agents, employees, and successors, and all other persons in active concert or participation with any of them, from discriminating on account of familial status against any person in any aspect of the lease or rental of a dwelling;

3. Awards damages in an amount that will fully compensate Charlotte Suitor for the injury occasioned by the denial of her right described above and for the economic loss and emotional distress caused by defendants' discriminatory conduct, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c);

4. Awards punitive damages to Charlotte Suitor pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c).

5. Awards appropriate monetary relief, including compensatory and punitive damages, to all other persons aggrieved by defendants' pattern and practice of discrimination, pursuant to 42 U.S.C. §3614(d)(1)(B); and

6. Assesses a civil penalty against defendants in an amount of money authorized by 42 U.S.C. §3614(d)(1)(C), in order to vindicate the public interest.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

WILLIAM P. BARR
Attorney General

John R. Dunne
Assistant Attorney General

Paul F. Hancock
Chief, Housing and Civil
Enforcement Section

Brian F. Heffernan
Fernando M. Olguin
Attorneys
Housing and Civil
Enforcement Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 65998
Washington, D.C. 20035-5998
(202) 514-8034