

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
27
28

FILED ENTERED
LODGED RECEIVED
★ MAY 01 2007 ★
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA
Plaintiff,
v.
JOHN E. AND SHIRLEY L. PRICE,
Defendants.

C 07-5218-KLS
COMPLAINT
JURY TRIAL DEMANDED

The United States of America alleges as follows:

Nature OF ACTION

1. This action is brought by the United States on behalf of William B. Price a.k.a. William B. Freeman Price (Freeman Price) to enforce the provisions of Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601, et seq., (the "Fair Housing Act").

JURISDICTION & VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3612(o). Venue is proper in this judicial district pursuant to 42 U.S.C. § 1391(b) and .

UNITED STATES
DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION,
HOUSING AND CIVIL
ENFORCEMENT SECTION
950 PENNSYLVANIA AVENUE
N.W.
NORTHWESTERN BUILDING, 7TH
FLOOR
WASHINGTON, D.C. 20530
(202) 353-9732

1 42 U.S.C. § 3612(o) as the Defendants are located in this judicial district and the events or omissions
2 giving rise to the claim occurred in this judicial district.

3 PARTIES

4 3. At all times relevant to this Complaint, Defendants John E. and Shirley L. Price owned
5 and operated Valley View Apartments (Valley View), a 24-unit apartment complex located at 2120 46th
6 Avenue, Longview, Washington. Defendants John and Shirley Price are residents of Kelso,
7 Washington.

8 4. The units at Valley View are "dwellings" within the meaning of 42 U.S.C. § 3602(b).

9 5. Mr. Freeman Price is handicapped or disabled within the meaning of the Fair Housing
10 Act, 42 U.S.C. § 3602(h). Mr. Freeman Price suffers from diabetic neuropathy, for which he has used a
11 cane starting intermittently in 2001. In 2004, his neuropathy worsened and he began using the cane
12 more frequently. Another result of the neuropathy is that he has an 18% oxygen-uptake deficit, for
13 which he has been using oxygen since 1992. The neuropathy substantially limits his ability to seat
14 himself, rise from a sitting position, and maintain his balance.

15 FACTUAL ALLEGATIONS

16 6. Mr. Freeman Price is currently a resident of Valley View and has resided nearly
17 continuously at Valley View since August 1985. Mr. Freeman Price moved into his present apartment
18 on or about January 16, 1993.

19 7. On or about May 6, 2004, Mr. Freeman Price telephoned Defendant John Price and told
20 him that he had been unable to access his car in the parking lot due to inadequate space to open his car
21 door. Mr. Freeman Price explained that, because of his disability, he needs to open his door fully to
22 enter and exit his car. Mr. Freeman Price told Defendant John Price that he needs to either park in two
23 spaces or have a handicap accessible parking space.

24 8. On or about May 24, 2004, Mr. Freeman Price parked his car across two spaces and
25 Defendant John Price demanded that Mr. Freeman Price move his car or face eviction.

26 9. On or about May 24, 2004, Mr. Freeman Price sent via certified mail a letter to the

27 UNITED STATES
28 DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION,
HOUSING AND CIVIL
ENFORCEMENT SECTION
950 PENNSYLVANIA AVENUE
N.W.
NORTHWESTERN BUILDING, 7TH
FLOOR
WASHINGTON, D.C. 20530
(202) 353-9732

1 Defendants informing them that he qualified as a disabled individual under the Fair Housing Act and
2 requesting that the Defendants provide him with two contiguous spaces until a handicapped-sized space
3 was available.

4 10. The Defendants refused Mr. Freeman Price's request in a June 1, 2004 letter.

5 11. On or about June 1, 2004, the Defendants changed their tenant rules in retaliation for Mr.
6 Freeman Price's complaints. The new rules mandated that each tenant could have one parking space if
7 they had one vehicle and two spaces if they had two vehicles, whereas the old rules were silent on the
8 number of parking spaces each tenant could use.

9 12. Mr. Freeman Price's request that the Prices permit him to park in two spaces until
10 they provided him a larger parking space constituted a request for reasonable accommodations in rules,
11 policies, practices, or services, as defined by 42 U.S.C. § 3604(f)(3)(B). Mr. Freeman Price's request
12 was both reasonable and necessary to afford Mr. Freeman Price an equal opportunity to use and enjoy a
13 dwelling.

14 13. On or about June 9, 2004, the Defendants posted and mailed a 20-day notice
15 terminating Mr. Freeman Price's tenancy, which did not state a cause for Mr. Freeman Price's eviction.

16 14. On or about July 2, 2004, the Defendants served Mr. Freeman Price with a Summons
17 and Complaint, which resulted in an eviction hearing.

18 15. At the September 3, 2004, eviction hearing, the judge denied the Defendants'
19 attempted eviction of Mr. Freeman Price on the grounds that it was retaliatory.

20 16. Defendants did not grant Mr. Freeman Price's reasonable accommodation request before
21 selling Valley View on or about January 31, 2005.

22 17. On or about April 13, 2005, Mr. Freeman Price filed a timely housing discrimination
23 complaint with the United States Department of Housing and Urban Development ("HUD"), alleging
24 that the Defendants had violated the Fair Housing Act by failing to make a reasonable accommodation
25 and by intimidating him.

26 18. Pursuant to the requirements of 42 U.S.C. §§ 3610(a) and (b), the Secretary of HUD

27 UNITED STATES
28 DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION,
HOUSING AND CIVIL
ENFORCEMENT SECTION
950 PENNSYLVANIA AVENUE
N.W.
NORTHWESTERN BUILDING, 7TH
FLOOR
WASHINGTON, D.C. 20530
(202) 353-9732

1 conducted and completed an investigation of the complaint, attempted conciliation without success, and
 2 prepared a final investigative report. Based on the information gathered in the investigation, the
 3 Secretary, pursuant to 42 U.S.C. § 3610(g)(1), determined that reasonable cause existed to believe that
 4 discriminatory housing practices had occurred. Accordingly, on or about March 26, 2007, the Secretary
 5 issued a Charge of Discrimination ("the Charge") pursuant to
 6 42 U.S.C. § 3610(g)(2)(A), charging the Defendants with engaging in discriminatory housing practices
 7 in violation of the Fair Housing Act.

8 19. On April 2, 2007, Mr. Freeman Price made a timely election to have the claims asserted
 9 in the Charge decided in a civil action pursuant to 42 U.S.C. § 3612(a).

10 20. On April 2, 2007, the Chief Administrative Law Judge issued a Notice of Election
 11 of Judicial Determination and terminated the administrative proceedings on Mr. Freeman Price's
 12 Complaint.

13 21. Following this Notice of Election, the Secretary of Housing and Urban Development
 14 authorized the Attorney General to commence a civil action, pursuant to 42 U.S.C. § 3612(o).

15 FAIR HOUSING ACT VIOLATIONS

16 22. The Defendants, through the actions referred to above, have:

- 17 a. Discriminated against Mr. Freeman Price in the terms, conditions, or privileges of
 18 rental of a dwelling, or in the provision of services or facilities in connection with
 19 such dwelling, because of handicap, in violation of
 20 42 U.S.C. § 3604(f)(2)(A);
- 21 b. Refused to make reasonable accommodations in rules, policies, practices, or
 22 services, which were necessary to afford Mr. Freeman Price an equal opportunity
 23 to use and enjoy a dwelling, in violation of
 24 42 U.S.C. § 3604(f)(3)(B); and
- 25 c. Coerced, intimidated, threatened or interfered with Mr. Freeman Price in the
 26 exercise or enjoyment of, or on account of his having exercised or enjoyed any

27 UNITED STATES
 DEPARTMENT OF JUSTICE
 CIVIL RIGHTS DIVISION,
 HOUSING AND CIVIL
 ENFORCEMENT SECTION
 950 PENNSYLVANIA AVENUE
 N.W.
 NORTHWESTERN BUILDING, 7TH
 FLOOR
 WASHINGTON, D.C. 20530
 (202) 353-9732

right granted or protected by the Fair Housing Act, in violation of

42 U.S.C. § 3617.

23. Freeman Price is an aggrieved person, as defined in 42 U.S.C. § 3602(i), and has suffered damages as a result of the Defendants' discriminatory conduct as described above.

24. The discriminatory actions of the Defendants were intentional, willful, and taken in disregard of Mr. Freeman Price's federally protected rights.

WHEREFORE, the United States of America prays for relief as follows:

1. A declaration that the conduct of Defendants as set forth above violates the Fair Housing Act, as amended, 42 U.S.C. §§ 3601, et seq.;

2. An injunction against the Defendants, their agents, employees, and successors, and all other persons in active concert or participation with any of them, from discriminating on the basis of disability in violation of the Fair Housing Act, as amended, 42 U.S.C. §§ 3601, et seq.;

3. An award of monetary damages to Freeman Price, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1); and

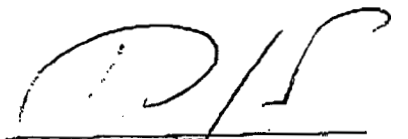
4. The United States further prays for such additional relief as the interests of justice may require.

UNITED STATES
DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION,
HOUSING AND CIVIL
ENFORCEMENT SECTION
950 PENNSYLVANIA AVENUE
N.W.
NORTHWESTERN BUILDING, 7TH
FLOOR
WASHINGTON, D.C. 20530
(202) 353-9732

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
27
28

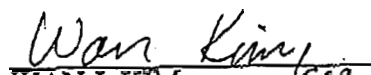
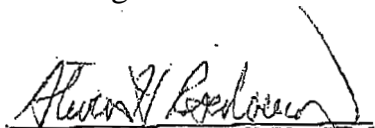

Dated: this 30 day of April, 2007

JEFFREY C. SULLIVAN
United States Attorney



BRIAN KIPNIS
Civil Chief
United States Attorney's Office
700 Stewart Street
suite 5220
Seattle, WA 98101-1271,
Phone: (206) 553-7970
Fax: (206) 553-4426

ALBERTO GONZALES
Attorney General


WAN J. KIM *gcb*
Assistant Attorney General
Civil Rights Division
STEVEN H. ROSENBAUM
Chief, Housing and Civil
Enforcement Section
Civil Rights Division
REBECCA B. BOND
Deputy Chief
ELLIOT D. FLADEN
Trial Attorney
Housing and Civil Enforcement Section
Civil Rights Division.
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Northwestern Building, 7th Floor
Washington, D.C. 20530
Phone: (202) 353-9732
Fax: (202) 514-1116