

1 GREGORY A. BROWER
United States Attorney
2 District of Nevada

3 ROBERT R. EDELMAN
Assistant United States Attorney
4 Nevada State Bar No. 8438
333 Las Vegas Boulevard South, Suite 5000
5 Las Vegas, Nevada 89101
Telephone: (702)388-6336
6 Facsimile: (702)388-6787
Email: Robert.Edelman@usdoj.gov

7 Attorneys for the United States of America.
8

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11
12 UNITED STATES OF AMERICA,)
13 Plaintiff,) Case No.
14 v.)
15 CASTLE MANAGEMENT & CONSULTING,)
16 LLC; and LAKESIDE VILLAGE)
HOMEOWNERS ASSOCIATION,)
17 Respondents.)
18

19 **PETITION TO ENFORCE UNITED STATES DEPARTMENT**
20 **OF HOUSING AND URBAN DEVELOPMENT SUBPOENA**

21 In support of its Petition, the United States of America, on behalf of the United States
22 Department of Housing and Urban Development (“HUD”), submits as follows:

23 1. This is a proceeding brought pursuant to the provisions of 42 U.S.C. § 3614(c) to
24 judicially enforce an HUD subpoena.

25 2. Charles E. Hauptman is the Regional Director for HUD’s Office of Fair Housing
26 and Equal Opportunity (“FHEO”) - Region IX, and is authorized to issue the instant HUD
27 subpoena (the “Subpoena”) pursuant to the authority contained in Section 811(a) of the Fair
28 Housing Act, 42 U.S.C. § 3611(a).

1 3. FHEO is conducting an investigation of Respondents, Castle Management &
2 Consulting, LLC, and Lakeside Village Homeowners Association (collectively the
3 “Respondents”), involving unfair housing practices, falsely publishing property as a designated
4 senior complex, and failing to meet the statutory requirements of housing for older persons as set
5 forth in Section 807(b)(2), 42 U.S.C. § 3607(b)(2). *See* Exhibit 1: Declaration of Charles E.
6 Hauptman ¶ 2.

7 4. On November 20, 2008, Charles E. Hauptman issued and caused to be served the
8 Subpoena to produce documents upon the Respondents. *See* Exhibit 2: Subpoena.

9 5. Castle Management & Consulting, LLC, was properly served with the Subpoena
10 on November 21, 2008. Exhibit 3: Affidavit of Service - Castle Management & Consulting,
11 LLC.

12 6. Lakeside Village Homeowners Association was properly served with the
13 Subpoena on November 21, 2008. Exhibit 4: Affidavit of Service - Lakeside Village
14 Homeowners Association.

15 7. The Respondents were served with the Subpoena at 8859 W. Flamingo Rd., Las
16 Vegas, Nevada, 89147, which is within the District of Nevada and the jurisdiction of this Court.
17 *See* Exhibits 3 and 4.

18 8. The Subpoena is properly enforced within the District of Nevada pursuant to 42
19 U.S.C. § 3614(c), which allows for the enforcement of the Subpoena within the judicial district
20 where the Respondents reside, were served, or transact business.

21 9. The date set for the Respondents’ response was in compliance with the
22 requirements of Fed. R. Civ. P. 45, as the date set for the response was eighteen (18) days from
23 the date of the summons. *See* Exhibit 2.

24 10. Respondents did not produce all the documents as required by the Subpoena. The
25 Respondents’ refusal to produce the requested documents continues to this date. *See* Exhibit 1 ¶
26 6.

27 11. The information sought by the Subpoena is not already in the possession of HUD.
28 *See* Exhibit 1 ¶ 7.

1 12. All administrative steps required by HUD for the issuance of the Subpoena were
2 taken. *See* Exhibit 1 ¶ 8.

3 13. It is necessary to obtain the response of the Respondents as sought by the
4 Subpoena in order to properly investigate potential unfair housing practices by the Respondents
5 connected with falsely publishing property as a designated senior complex and failing to meet the
6 statutory requirements of housing for older persons as set forth in Section 807(b)(2), 42 U.S.C. §
7 3607(b)(2). *See* Exhibit 1 ¶ 9.

8 WHEREFORE, Petitioner respectfully prays,

9 1. That the Court issue an order to show cause, directing Respondents to show cause,
10 if any, why they should not comply with and obey the aforementioned Subpoena and each and
11 every requirement thereof. A Proposed Order to Show Cause has been submitted with this
12 Petition as Exhibit 5.

13 2. That the Court enter an order directing Respondents to obey the aforementioned
14 Subpoena and each and every requirement thereof by ordering Respondents to produce the
15 documents as is required and called for by the terms of the Subpoena and the Order of this Court.

16 3. That the United States recover its costs in maintaining this action.

17 4. That the Court grant such other and further relief as is just and proper.

18 DATED this 28th day of April, 2009.

19 Respectfully submitted,

20 GREGORY A. BROWER
21 United States Attorney

22 /s/ Robert R. Edelman
23 ROBERT R. EDELMAN
24 Assistant United States Attorney
25
26
27
28