

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
) CIVIL NO. 2:08-cv-590
 v.)
)
 ARISTOCRAT TOWING, INC.,)
 B.C. ENTERPRISES, INC.)
 d/b/a ARISTOCRAT TOWING and)
 EARNEST A. COOPER, JR.,)
)
 Defendants.)
 _____)

AMENDED COMPLAINT

COMES NOW the Plaintiff, the United States of America (hereinafter, the “United States”), and alleges as follows:

1. This action is brought by the United States to enforce the provisions of the Servicemembers Civil Relief Act (hereinafter “SCRA”), 50 App. U.S.C. §§ 501-596.
2. This Court has jurisdiction over this action under 28 U.S.C. § 1331 and 28 U.S.C. § 1345.
3. Venue is proper in this judicial district under 28 U.S.C. § 1391(b) because the events giving rise to the United States’ claims occurred in the Eastern District of Virginia, and because the Defendants do business in the Eastern District of Virginia.
4. Until approximately June 4, 2008, B.C. Enterprises, Inc. d/b/a Aristocrat Towing operated Aristocrat Towing with its principal place of business at 6539 E. Virginia Beach Boulevard in Norfolk, Virginia. At all relevant times up to and including the present, B.C. Enterprises, Inc. has owned the property on which the automobile towing and storage business

operates at 6539 E. Virginia Beach Blvd, Norfolk, Virginia.

5. Since approximately June 4, 2008, Aristocrat Towing, Inc. has operated Aristocrat Towing with its principal place of business at 6539 E. Virginia Beach Boulevard in Norfolk, Virginia.

6. At all relevant times, Earnest A. Cooper, Jr. managed Aristocrat Towing with its principal place of business at 6539 E. Virginia Beach Boulevard in Norfolk, Virginia and was the Vice-President of B.C. Enterprises, Inc.

7. Navy Lieutenant Yahya Jaboori has been an active duty member of the Navy since March 7, 2003.

8. On or about March 28, 2007, Lt. Jaboori went to Iraq to begin a 179 day deployment.

9. Before his deployment to Iraq, Lt. Jaboori parked his black 1991 Acura, vehicle identification number JH4KA7660MC04329, with military parking decals and stickers at Centre Green Condominiums, where he owned and resided in a condominium.

10. On June 6, 2007, Defendants towed the car.

11. On approximately August 25, 2007, Defendants sold the vehicle at auction without obtaining a court order.

12. The conduct of Defendants described above constitutes the enforcement of a storage lien on the property or effects of a servicemember during a period of military service of the servicemember without a court order, in violation of Section 537 of the SCRA, 50 App. U.S.C. § 537.

13. Lt. Jaboori has been injured by, and has suffered damages as a result of,

Defendants' illegal conduct.

14. Defendants have enforced storage liens on the vehicles of other servicemembers without court orders from at least June 4, 2005 to at least August 23, 2008. Such aggrieved persons have suffered damages as a result of Defendants' conduct.

15. Defendants' conduct was intentional, willful, and taken in disregard for the rights of Lt. Jaboori and other servicemembers.

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

1. Declares that Defendants' conduct violated the SCRA;
2. Enjoins Defendants, their agents, employees, and successors, and all other persons in active concert or participation with Defendants, from:
 - a. enforcing a storage lien on any servicemember's property or effects during a period of military service or for 90 days thereafter without a court order in violation of Section 537 of the SCRA, 50 App. U.S.C. § 537;
 - b. failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, Lt. Jaboori and each other identifiable victim of Defendants' illegal conduct to the position they would have been in but for Defendants' illegal conduct; and
3. Awards appropriate monetary damages to Lt. Jaboori and each identifiable victim of Defendants' violation of the SCRA.

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

The United States requests a trial by jury.


Respectfully submitted,

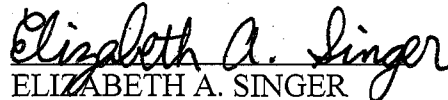
ERIC H. HOLDER, JR.
Attorney General

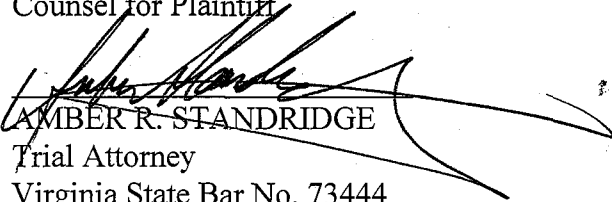
NEIL H. MacBRIDE
United States Attorney

LORETTA KING
Acting Assistant Attorney General
Civil Rights Division

STEVEN H. ROSENBAUM
Chief
Housing and Civil Enforcement Section


KEVIN J. MIKOLASHEK
Assistant United States Attorney
United States Attorney's Office
2100 Jamieson Avenue
Alexandria, Virginia 22314
Tel.: (703) 299-3809
Fax: (703) 299-3983
Email: Kevin.Mikolashek@usdoj.gov
Counsel for Plaintiff


ELIZABETH A. SINGER
Director, U.S. Attorneys' Fair Housing Program
Housing and Civil Enforcement Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W. - G St.
Washington, DC 20530
Tel: (202) 514-4713
Fax: (202) 514-1116
Email: Elizabeth.Singer@usdoj.gov
Counsel for Plaintiff


AMBER R. STANDRIDGE
Trial Attorney
Virginia State Bar No. 73444
Housing and Civil Enforcement Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.- G St.
Washington, DC 20530
Tel.: (202) 514-4713
Fax: (202) 514-1116
Email: Amber.Standridge@usdoj.gov
Counsel for Plaintiff