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WILLIAM T. WALSH, CLERK

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 HILLCREST ASSOCIATES; DAVID)
 CELLER; BEN OPATUT; SOLOMON)
 RIEDER; SANDOR TALAS; RICLEN)
 ASSOCIATES; EDITH RIEDER;)
 ROSE CELLER; LEE LENCH;)
 TRUST UNDER WILL OF SIMON LENCH;)
 JOEL OPATUT FAMILY TRUST;)
 MARY OPATUT; and MORRIS OPATUT)
 IRREVOCABLE TRUST,)
)
 Defendants.)

Civil Action No.
 97-5937 (AJL)

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, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601, *et seq.*

2. This Court has jurisdiction over this action under 28 U.S.C. § 1345 and 42 U.S.C. § 3614.

3. Hillcrest Village is an apartment complex located at 70-80 Sweet Briar Drive, Clark, New Jersey, in the District of New Jersey.

4. Defendants Hillcrest Associates and Riclen Associates are New Jersey General Partnerships that own Hillcrest Village. Defendants Solomon Rieder, Edith Rieder, David Celler, Rose Celler, Lee Lench, Ben Opatut, Joel Opatut Family Trust, Mary Opatut, and Morris Opatut Irrevocable Trust are the partners of Hillcrest Associates. Defendants Solomon Rieder, Edith Rieder, David Celler, Rose Celler, Lee Lench, Trust Under Will of Simon Lench, Joel Opatut Family Trust, Mary Opatut, and Morris Opatut Irrevocable Trust are the partners of Riclen Associates.

5. Defendant Sandor Talas is the rental agent of Hillcrest Village.

6. The apartments at Hillcrest Village are dwellings within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

7. The United States Department of Justice conducted an investigation to determine defendants' compliance with the Fair Housing Act. As part of its investigation, the Department of Justice, with the assistance of the Fair Housing Council of Northern New Jersey, conducted a series of tests to evaluate the defendants' compliance with the Fair Housing Act.

8. The investigation revealed that the defendants are engaged in housing practices that discriminate on the basis of race or color at Hillcrest Village Apartments, including:

a. Failing to provide to black persons information about apartment availabilities at Hillcrest Village Apartments that is as full and complete as the information

they provide about apartment availabilities to white persons;

b. Discouraging black persons from renting apartments while, at the same time, encouraging white persons to rent apartments;

c. Representing to black persons that apartments are not available for rent while, at the same time, representing to white persons that apartments are so available; and

d. Denying the availability of apartments to black persons while, at the same time, offering white persons available apartments.

9. The conduct of the defendants described in the previous numbered paragraph constitutes:

a. A refusal to rent, a refusal to negotiate for the rental of, or otherwise making unavailable or denying dwellings to persons because of race or color, in violation of 42 U.S.C. § 3604(a); and

b. A representation to persons because of race or color that dwellings are not available for rental when such dwellings are in fact so available, in violation of 42 U.S.C. § 3604(d).

10. The conduct of the 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, et seq.; and

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

11. Bona fide apartment seekers who have been the victims of the defendants' discriminatory housing practices would be aggrieved persons as defined in 42 U.S.C. § 3602(i), and may have been injured by the defendants' conduct described above.

12. The defendants' conduct described above was intentional, willful, and taken in disregard for the rights of others.

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

1. Declares that the defendants' policies and practices, as alleged herein, violate the Fair Housing Act;

2. Enjoins the defendants, their officers, employees, and agents, and all other persons in active concert or participation with any of them, from:

a. Discriminating against any person on the basis of race or color in any aspect of the rental of a dwelling;

b. Failing or refusing to notify the public that dwellings owned or operated by the defendants are available to all persons on a nondiscriminatory basis; and

c. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of the defendants' unlawful practices to the

position they would have been in but for the discriminatory conduct

3. Awards such damages as would fully compensate each person aggrieved by the defendants' discriminatory housing practices for injuries caused by the defendants' pattern or practice of discriminatory conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B);

4. Awards each person aggrieved by defendants' pattern or practice of discrimination punitive damages because of the intentional and willful nature of the defendants' conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B); and

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

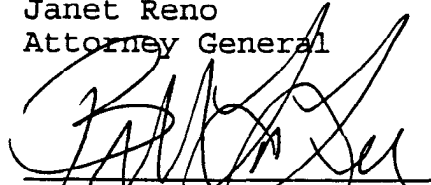
The United States further prays for such additional relief as the interests of justice may require.

Faith S. Hochberg
United States Attorney

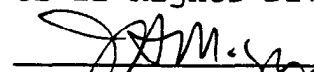
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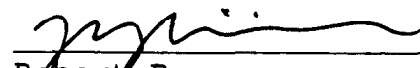
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