

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JAMES G. MITCHELL and LAND)
BARON ENTERPRISES, LLC,)
)
Defendants.)
_____)

CIVIL ACTION NO. 1:07-cv-00150-SJD

FIRST AMENDED COMPLAINT

The United States of America alleges:

1. This action is brought by the United States to enforce the provisions of Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act), as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 to 3619.
2. This court has jurisdiction over this action under 28 U.S.C. § 1331, 28 U.S.C. § 1345 and 42 U.S.C. § 3614(a).
3. Defendant James G. Mitchell ("James Mitchell") is a resident of Cincinnati, Ohio.
4. Defendant Land Baron Enterprises, LLC is a limited liability company incorporated under the laws of Ohio and has its principal place of business in the Southern District of Ohio.

5. During part or all of the period of time relevant to this action, Defendant James Mitchell has owned and/or managed numerous residential rental properties in the Cincinnati, Ohio area, including, but not limited to, the 56 properties listed in Attachment A ("the subject properties"). Some of these properties contain more than one rental unit.

6. During part or all of the period of time relevant to this action, Defendant Land Baron Enterprises, LLC has owned residential rental properties in the Cincinnati, Ohio area, including: 2712 North Bend Road, Cincinnati, Ohio, 45239; 2720 North Bend Road, Cincinnati, Ohio, 45239; 750 Gordon Smith Boulevard, Hamilton, Ohio, 45013; and 33 E. Broadway, Lebanon, Ohio, 45036.

7. During part or all of the period of time relevant to this action, Defendant James Mitchell was a member of, and provided property management services to, Defendant Land Baron Enterprises, LLC.

8. Venue is proper under 28 U.S.C. § 1391(b) because the actions giving rise to the United States' allegations occurred in the Southern District of Ohio, the subject properties are located in the Southern District of Ohio, and the Defendants reside and/or do business in the Southern District of Ohio.

9. The rental units at the subject properties are dwellings within the meaning of 42 U.S.C. § 3602(b).

10. Defendants have violated the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*, by discriminating against persons on the basis of sex in connection with the rental of the subject properties.

11. From at least 1998 through the present, Defendant James Mitchell has been subjecting actual and prospective female tenants of the subject properties to discrimination on the basis of sex, including severe, pervasive, and unwelcome sexual harassment. Such conduct has included, but is not limited to, unwanted verbal sexual advances; unwanted sexual touching; entering the apartment of female tenants without permission or notice; granting and denying tangible housing benefits based on sex; and taking adverse action against female tenants when they refused or objected to his sexual advances.

12. Defendant Land Baron Enterprises, LLC is liable for the above-described discriminatory conduct of its agent Defendant James Mitchell.

13. The conduct of Defendants described above constitutes:

- a. A denial of housing or making housing unavailable because of sex, in violation of Section 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a);
- b. Discrimination in the terms, conditions, or privileges of the rental of dwellings, or in the provision of services or facilities in connection therewith, because of sex, in violation of Section 804(b) of the Fair Housing Act, 42 U.S.C. § 3604(b);
- c. The making of statements with respect to the rental of dwellings that indicate a preference, limitation, or discrimination based on sex, in violation of Section 804(c) of the Fair Housing Act, 42 U.S.C. § 3604(c); and
- d. Coercion, intimidation, threats, or interference with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their

rights under Section 804 of the Fair Housing Act, in violation of Section 818 of the Fair Housing Act, 42 U.S.C. § 3617.

14. The conduct of 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.

15. Female tenants, prospective tenants, and persons associated with them have been injured by Defendants' discriminatory conduct. Such persons are aggrieved persons as defined in 42 U.S.C. § 3602(i), and have suffered damages as a result of Defendants' conduct.

16. Defendants conduct was malicious, intentional, willful, and/or taken in reckless disregard for the rights of others.

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

1. Declares that Defendants' discriminatory practices violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601 et seq.;
2. Enjoins Defendants, their agents, employees, and successors, and all other persons in active concert or participation with them from:
 - a. Discriminating on account of sex against any person in any aspect of the rental of a dwelling;

- b. Interfering with or threatening to take any action against any person in the exercise or enjoyment of rights granted or protected by the Fair Housing Act, as amended; and
 - c. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of Defendants' past unlawful practices to the position they would have been in but for the discriminatory conduct;
3. Awards monetary damages to each identifiable victim of Defendants' discriminatory housing practices for injuries caused by Defendants' discriminatory conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B); and
4. Assesses civil penalties against Defendants in order to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d)(1)(c).

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

Dated: Nov. 2, 2007

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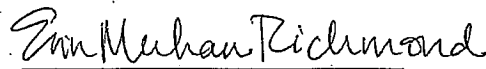
Respectfully submitted,
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Certificate of Service

I hereby certify that on November 2, 2007 I electronically filed the foregoing First Amended Complaint with the Clerk of Court using the ECF system which sent notification of such filing to the following:

Barry Alan Rudell, II

Cory Douglas Thompson

James Herbert Ledman

s/ Erin Meehan Richmond
ERIN MEEHAN RICHMOND
Trial Attorney
U.S. Department of Justice

Attachment A

1. 3641 West Eighth Street, Cincinnati, Ohio 45205
2. 3507 Boudinot Avenue, Cincinnati, Ohio 45251
3. 781 Clanora Drive, Cincinnati, Ohio 45205
4. 785 Clanora Drive, Cincinnati, Ohio 45205
5. 2333-2335 West Clifton Avenue, Cincinnati, Ohio 45219
6. 1660 Crest Hill Avenue, Cincinnati, Ohio 45237
7. 1668 Crest Hill Avenue, Cincinnati, Ohio 45237
8. 2358 Harrison Avenue, Unit #31, Cincinnati, Ohio 45240
9. 2894 Harrison Avenue, Cincinnati, Ohio 45211
10. 2898 Harrison Avenue, Cincinnati, Ohio 45211
11. 6782 Harrison Avenue, Unit #90, Cincinnati, Ohio 45247
12. 915 McPherson Avenue, Cincinnati, Ohio 45205
13. 917 McPherson Avenue, Cincinnati, Ohio 45205
14. 923 McPherson Avenue, Cincinnati, Ohio 45205
15. 932 McPherson Avenue, Cincinnati, Ohio 45205
16. 726 E. Mitchell Avenue, Cincinnati, Ohio 45229
17. 730 E. Mitchell Avenue, Cincinnati, Ohio 45229
18. 1910 Fairmount Avenue, Cincinnati, Ohio 45211
19. 2520 Flanigan Court, Cincinnati, Ohio 45239
20. 2524 Flanigan Court, Cincinnati, Ohio 45239
21. 2712 North Bend Road, Cincinnati, Ohio 45239
22. 2714 North Bend Road, Cincinnati, Ohio 45239
23. 2716 North Bend Road, Cincinnati, Ohio 45239
24. 2718 North Bend Road, Cincinnati, Ohio 45239
25. 2720 North Bend Road, Cincinnati, Ohio 45239
26. 2722 North Bend Road, Cincinnati, Ohio 45239
27. 4525 Roth Avenue, Cincinnati, Ohio 45238
28. 7811 Stillwell Road, Cincinnati, Ohio 45237
29. 7821 Stillwell Road, Cincinnati, Ohio 45237
30. 7829 Stillwell Road, Cincinnati, Ohio 45237
31. 7837 Stillwell Road, Cincinnati, Ohio 45237
32. 7845 Stillwell Road, Cincinnati, Ohio 45237
33. 7851 Stillwell Road, Cincinnati, Ohio 45237
34. 2316 Victory Parkway, Cincinnati, Ohio 45206
35. 2320 Victory Parkway, Cincinnati, Ohio 45206
36. 1520 William Howard Taft Road, Cincinnati, Ohio 45206
37. 6050 Boymel Drive, Unit #1104, Fairfield, Ohio 45014
38. 3893 Mack Road, Unit #116, Fairfield, Ohio 45014
39. 13 Providence Drive, Unit #169, Fairfield, Ohio 45014
40. 13 Providence Drive, Unit #172, Fairfield, Ohio 45014
41. 13 Providence Drive, Unit #173, Fairfield, Ohio 45014

42. 750 Gordon Smith Boulevard, Hamilton, Ohio 45013
43. 836 Gordon Smith Boulevard, Unit #1, Hamilton, Ohio 45013
44. 836 Gordon Smith Boulevard, Unit #2, Hamilton, Ohio 45013
45. 1055 Saint Clair Avenue, Unit #38, Hamilton, Ohio 45015
46. 1057 Saint Clair Avenue, Unit #26, Hamilton, Ohio 45015
47. 7519 Hastings Pt, West Chester, Ohio 45069
48. 7535 Hastings Pt, West Chester, Ohio 45069
49. 7537 Hastings Pt, West Chester, Ohio 45069
50. 1260 Sliker, Cincinnati, Ohio 45205
51. 1265 Rosemont, Cincinnati, Ohio 45205
52. 2435 Mustang Drive, Unit #9, Cincinnati, Ohio
53. 836 Gordon Smith Boulevard, Unit #6, Hamilton, Ohio 45013
54. 15 E. Broadway, Lebanon, Ohio 45036
55. 33 E. Broadway, Lebanon, Ohio 45036
56. 787 Clanora Drive, Cincinnati, Ohio 45205