

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

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UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:06-cv-104
	)	Edgar/Lee
FOUNTAINBLEAU APARTMENTS L.P.;	)	
CLARK W. TAYLOR, INC.; CLARK W.	)	
TAYLOR; JANE MCELROY; CWT	)	
MANAGMENT, INC.; AND ELIZABETH	)	
FOSTER,	)	
	)	
Defendants.	)	

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**FIRST 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. §§ 1331 and 1345 and 42 U.S.C. § 3614.
3. Venue is proper under 28 U.S.C. § 1391(b), because the events giving rise to this action occurred in the Eastern District of Tennessee.
4. Fountainbleau Apartments is located at 950 Spring Creek Road, East Ridge, Tennessee 37412.

5. Defendant Fountainbleau Apartments L.P. is a Tennessee limited partnership that does business in East Ridge, Tennessee.
6. Defendant Clark W. Taylor, Inc. is a Louisiana-based corporation that does business in East Ridge, Tennessee.
7. Defendant CWT Management, Inc. is a Louisiana-based corporation that does business in East Ridge, Tennessee.
8. Defendant Clark W. Taylor (“Mr. Taylor”), with a trust he created for his family, are the only stockholders of Clark W. Taylor, Inc. Mr. Taylor is the president and sole stockholder of CWT Management, Inc. Mr. Taylor is personally responsible for establishing rental policies and procedures at Fountainbleau Apartments.
9. Clark W. Taylor, Inc. and Clark W. Taylor are the only partners of Fountainbleau Apartments L.P.
10. Defendant Fountainbleau Apartments L.P. and Clark W. Taylor, Inc. own Fountainbleau Apartments.
11. CWT Management Inc. and Fountainbleau Apartments L.P. managed Fountainbleau Apartments at all times relevant to this complaint.
12. Defendant Jane McElroy (“Ms. McElroy”) is the sole employee of CWT Management, Inc. At all times relevant to this complaint, Ms. McElroy was the property manager of Fountainbleau Apartments and other Tennessee properties. Ms. McElroy’s employment responsibilities included establishing and implementing policies and procedures at the Fountainbleau Apartments and supervising Fountainbleau Apartments’ resident manager, Elizabeth Foster.

13. At all times relevant to this complaint, Defendant Elizabeth Foster (“Ms. Foster”) was the resident manager at Fountainbleau Apartments. Her employment responsibilities included the rental of dwellings at the Fountainbleau Apartments.
14. The Fountainbleau Apartments are dwellings within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).
15. The United States Department of Justice conducted a series of tests to evaluate the Defendants’ compliance with the Fair Housing Act. The testing undertaken by the United States revealed that the Defendants are engaged in housing practices that discriminate on the basis of familial status at Fountainbleau Apartments, including:
  - a. Denying, or refusing to negotiate for the rental of, or otherwise making unavailable a dwelling because of familial status;
  - b. Discouraging persons with children from renting dwellings owned and managed by the Defendants;
  - c. Restricting or attempting to restrict the choices of available dwellings by steering persons with children to another apartment complex; and
  - d. Making or causing to be made statements with respect to the rental of a dwelling that indicate any preference, limitation, or discrimination based on familial status, or an intention to make such preference, limitation, or discrimination.
16. 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 familial

status, in violation of 42 U.S.C. § 3604(a);

- b. Statements with respect to the rental of a dwelling that indicate a preference, limitation, or discrimination based on familial status, in violation of 42 U.S.C. §3604(c).

17. 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.; or
- 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.

18. Upon information and belief, persons who have been the victims of discriminatory housing practices by the Defendants are aggrieved persons as defined in 42 U.S.C. § 3602(i), and have suffered injuries as a result of the Defendants' conduct described above.

19. 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 familial status 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 monetary damages to each person injured by the Defendants' conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B); and
  4. Assesses a civil penalty against the Defendants in the amount authorized by 42 U.S.C.


§ 3614(d)(1)(C), to vindicate the public interest.

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

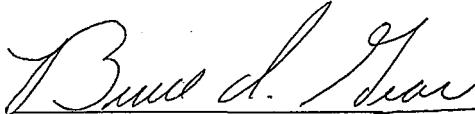
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