

1 11. Throughout the three-year renovation of The Townhouse, a sign outside The
2 Townhouse stated that The Townhouse was low-income apartment housing and listed a phone
3 number. Plaintiff SMITH, who is African-American, was interested in renting an apartment at The
4 Townhouse. He called the phone number on the sign numerous times during a two-year time span.
5 The phone number was never a working number. On or about June 1998, Plaintiff SMITH located
6 the developer through the bank that financed the renovation. Plaintiff SMITH located the
7 management company, Defendant ABCD. Plaintiff SMITH spoke with Defendant JONES, the
8 owner of ABCD, who informed Plaintiff SMITH that four thousand people were already on the
9 waiting list for The Townhouse. Plaintiff SMITH asked how so many people were on the waiting
10 list when the phone number on The Townhouse sign was inactive. Defendant JONES did not answer
11 Plaintiff SMITH' question and instead referred him to his assistant Defendant ADAMS, the acting
12 supervisor.

13 12. Plaintiff SMITH called Defendant ADAMS on her pager number. She returned his
14 call and also informed him that four thousand people were already on the waiting list. Plaintiff
15 SMITH asked Defendant ADAMS how four thousand people got on the waiting list when there was
16 no working telephone number for people to contact the property. Defendant ADAMS did not answer
17 Plaintiff SMITH' question. Instead, she informed Plaintiff SMITH that she would place him on the
18 list and notify him when Defendant ABCD began accepting applications. Plaintiff SMITH asked
19 her to send him a confirmation letter to that effect and gave his address information. After waiting
20 a week for the promised letter, Plaintiff SMITH telephoned Defendant ADAMS and inquired into
21 the status of the confirmation letter. Defendant ADAMS explained she was busy. Plaintiff SMITH
22 received the confirmation letter three weeks later. The confirmation letter stated that ABCD was not
23 giving out applications at that time due to construction delays but that a leasing office would be
24 opened in the near future at the site. In the letter, Defendant ADAMS again assured Plaintiff SMITH
25 that he would be placed upon the waiting list and would be notified by mail as soon as ABCD had
26 available applications.

27 13. On or about March 1999, Plaintiff SMITH drove by The Townhouse and noticed that
28 The Townhouse was now occupied. Plaintiff SMITH never received an application as promised by

1 Defendant ADAMS. Plaintiff SMITH stopped at the leasing office but the manager was not
2 available as it was Saturday. Plaintiff SMITH telephoned the leasing office that same day and left
3 a message on the answering machine. No one returned Plaintiff SMITH' phone call. Plaintiff
4 SMITH returned to the leasing office the next Monday and personally spoke with Defendant LEE,
5 the manager of The Townhouse. When asked why Plaintiff SMITH was not notified and allowed
6 to complete an application, Defendant JOHNSON told him that the building was completely full and
7 that there were no vacancies. Defendant JOHNSON then told Plaintiff SMITH that there were four
8 thousand people on the waiting list. Defendant JOHNSON told Plaintiff SMITH that she personally
9 handed out flyers the summer before in order to solicit prospective tenants. Plaintiff SMITH asked
10 Defendant JOHNSON why it was necessary to solicit clients if there were four thousand people on
11 the waiting list. Defendant JOHNSON had no answer.

12 14. Plaintiff SMITH then attempted to contact Defendant JONES. No one would return
13 his call. Finally, after Plaintiff SMITH left a total of four phone messages for Defendant JONES,
14 an unknown person from ABCD called to say The Townhouse was full and that she was sorry.
15 Plaintiff SMITH asked for an explanation as to why he was never notified or even given an
16 opportunity to apply. The unidentified woman stated she would find out and return his call. No one
17 has returned Plaintiff SMITH phone calls despite his repeated attempts to receive an explanation.

18 15. Plaintiff SMITH is African-American. Upon information and belief, of the 140
19 apartment units at The Townhouse, none are rented to African-Americans. Upon further information
20 and belief, approximately ten of the apartment units are rented to Latinos and approximately 130
21 apartment units are rented to Koreans and Korean-Americans. Defendant JOHNSON, who is also
22 Korean-American, solicited only Koreans and Korean-Americans in the summer of 1998 by
23 distributing fliers printed solely in Korean.

24 **FIRST CAUSE OF ACTION**

25 PLAINTIFF, JOHN SMITH, FOR A FIRST CAUSE OF ACTION AGAINST
26 DEFENDANTS FOR HOUSING DISCRIMINATION IN VIOLATION OF THE FAIR HOUSING
27 ACT, 42 U.S.C. §3604, ALLEGES:
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1 16. Plaintiffs repeats and realleges the allegations set forth in Paragraphs 1 through 15
2 as though said Paragraphs were set forth in full in this cause of action.

3 17. Plaintiff SMITH is an African-American who sought to rent an apartment at The
4 Townhouse. Although the Defendants refused to allow Plaintiff SMITH to complete an application,
5 he was qualified to obtain low-income housing at The Townhouse.

6 18. At all times relevant to this Complaint, Defendants, individually and collectively,
7 discriminated against Plaintiff SMITH, based upon his race, by refusing to negotiate the rental of
8 or to rent an apartment at The Townhouse to Plaintiff SMITH after his bona fide offer and request
9 to complete an application. Such discrimination violates section 3604(a) of the Fair Housing Act,
10 42 U.S.C. §3604(a).

11 19. At all times relevant to this Complaint, Defendants, individually and
12 collectively, discriminated against Plaintiff SMITH, based upon his race, by representing to Plaintiff
13 SMITH in the summer of 1998 that the apartments at The Townhouse were not ready for inspection
14 or rental and that he could not fill out an application for rental when such apartments were in fact
15 so available. Such discrimination violates section 3604(d) of the Fair Housing Act, 42 U.S.C.
§3604(d).

16 20. At all times relevant to this Complaint, Defendants, individually and collectively,
17 discriminated against Plaintiff SMITH and other African-Americans by printing and distributing
18 fliers indicating a preference for Koreans and Korean-Americans. The only solicitation for renters
19 that was distributed by the Korean-American management of The Townhouse were exclusively
20 printed in Korean. Such marketing discriminates against all non-Korean speaking people, such as
21 Plaintiff SMITH and almost all African-Americans. Such marketing violates section 3604(c) of the
22 Fair Housing Act, 42 U.S.C. §3604(c).

23 21. As a result of Defendant's illegal discrimination, Plaintiff SMITH has suffered
24 economic losses by being excluded from low-income housing available at The Townhouse; such
25 low-income housing is great demand in the California housing market.

26 22. As a further result of Defendants' illegal discrimination, Plaintiff has suffered a loss
27 of self esteem, humiliation, emotional distress, and mental anguish.

28

1 speaking individuals of Korean ancestry. Such discrimination violates the Civil Rights Act of 1866,
2 42 U.S.C. §1982.

3 36. As a result of Defendant's illegal discrimination, Plaintiff SMITH has suffered
4 economic losses by being excluded from low-income housing, which is in great demand in the
5 California housing market, available at The Townhouse.

6 37. As a further result of Defendants' illegal discrimination, Plaintiff has suffered a loss
7 of self esteem, humiliation, emotional distress, and mental anguish.

8 38. Defendants engaged in these discriminatory practices with malice or with reckless
9 indifference to the federally protected rights of Plaintiff SMITH. Plaintiff SMITH is therefore
10 entitled to an award of punitive damages in an amount sufficient to punish Defendants or to deter
11 Defendants and other companies from like conduct in the future.

12 39. Plaintiff SMITH is entitled to recover from defendants reasonable attorneys' fees and
13 costs, as provided by 42 U.S.C. §1988.

14 **FOURTH CAUSE OF ACTION**

15 PLAINTIFF, JOHN SMITH, FOR A FOURTH CAUSE OF ACTION AGAINST
16 DEFENDANTS FOR HOUSING DISCRIMINATION IN VIOLATION OF TITLE VI OF THE
17 CIVIL RIGHTS ACT OF 1964, 42 U.S.C. §2000d, ALLEGES:

18 40. Plaintiffs repeats and realleges the allegations set forth in Paragraphs 1 through 39
19 as though said Paragraphs were set forth in full in this cause of action.

20 41. Plaintiff SMITH is an African-American who sought to rent an apartment at The
21 Townhouse. Although the Defendants refused to allow Plaintiff SMITH to complete an application,
22 he was qualified to obtain low-income housing at The Townhouse.

23 42. At all times relevant to this Complaint, Defendants, individually and collectively,
24 discriminated against Plaintiff SMITH, based upon his race, by falsely representing the
25 unavailability of apartments at The Townhouse, by refusing to allow him to complete an application,
26 by refusing to rent an apartment to him, and by excluding him from marketing that was only directed
27 at individuals of Korean ancestry that could speak Korean. Plaintiff SMITH filed a complaint with
28 the California Department of Fair Housing on April 20, 1999. Such discrimination, denying Plaintiff

1 SMITH benefits of and the opportunity to participate in a federally-assisted housing program
2 providing low-income housing at The Townhouse, violates Title VI of the Civil Rights Act of 1964,
3 42 U.S.C. §2000d.

4 43. As a result of Defendant's illegal discrimination, Plaintiff SMITH has suffered
5 economic losses by being denied an opportunity to participate in a federally-funded program
6 providing low-income housing, which is in great demand in the California housing market, available
7 at The Townhouse.

8 44. As a further result of Defendants' illegal discrimination, Plaintiff has suffered a loss
9 of self esteem, humiliation, emotional distress, and mental anguish.

10 45. Defendants engaged in these discriminatory practices with malice or with reckless
11 indifference to the federally protected rights of Plaintiff SMITH. Plaintiff SMITH is therefore
12 entitled to an award of punitive damages in an amount sufficient to punish Defendants or to deter
13 Defendants and other companies from like conduct in the future.

14 46. Plaintiff SMITH is entitled to recover from defendants reasonable attorneys' fees and
15 costs, as provided by 42 U.S.C. §1988.

16 **FIFTH CAUSE OF ACTION**

17 PLAINTIFF, JOHN SMITH, FOR A FIFTH CAUSE OF ACTION AGAINST
18 DEFENDANTS FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS.

19 47. Plaintiffs repeats and realleges the allegations set forth in Paragraphs 1 through 46
20 as though said Paragraphs were set forth in full in this cause of action.

21 48. At all times relevant to this Complaint, Defendants, individually and collectively,
22 acted outrageously in refusing to accept Plaintiff SMITH' application or to rent him an apartment
23 at The Townhouse on the basis of his race. This conduct was outrageous because the Defendants
24 abused their position in managing a federally-funded low-income apartment complex, by
25 discriminating against Plaintiff SMITH, thus damaging his economic interests in obtaining low-
26 income housing. Their conduct was also outrageous because they acted intentionally and
27 unreasonably with the recognition that their acts in denying Plaintiff SMITH housing was likely to
28 result in illness through mental distress.

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- c. That Plaintiff SMITH be awarded compensatory damages;
- d. That Plaintiff SMITH be awarded punitive damages;
- e. That Plaintiff SMITH be awarded their attorneys’ fees and costs incurred in prosecuting this action; and
- f. That Plaintiff SMITH be awarded such additional and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff SMITH hereby request a trial by jury on all counts of his Complaint.

DATED: November xx, 19xx

Respectfully submitted,
