

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
DOUGLAS E. PAULEY, GENERAL PARTNER;) Civil Action No. 2:13-32564
TYLER HEIGHTS LIMITED PARTNERSHIP;)
TRACE RIDGE LIMITED PARTNERSHIP;)
BARBARA HEIGHTS LIMITED)
PARTNERSHIP; DARA HEIGHTS)
LIMITED PARTNERSHIP; SPRUCE)
COVE LIMITED PARTNERSHIP;)
QUARRY GLENN LIMITED PARTNERSHIP;)
PAULI HEIGHTS LIMITED PARTNERSHIP;)
PLATEAU OAKS LIMITED PARTNERSHIP;)
JENNA LANDING LIMITED PARTNERSHIP;)
DYLAN HEIGHTS LIMITED PARTNERSHIP;)
PERKINS PARKE LIMITED PARTNERSHIP;)
VANMETER HEIGHTS LIMITED)
PARTNERSHIP; DEER FOREST LIMITED)
PARTNERSHIP; LYNNELLE LANDING)
LIMITED PARTNERSHIP; CRANBERRY)
COVE LIMITED PARTNERSHIP; MILL)
CREEK LANDING LIMITED PARTNERSHIP;)
HOPE LANDING LIMITED PARTNERSHIP;)
UPPER FALLS LANDING LIMITED)
PARTNERSHIP; FORT SPRINGS LIMITED)
PARTNERSHIP; PLEASANT HEIGHTS)
LIMITED PARTNERSHIP; UNION PLACE)
LIMITED PARTNERSHIP; BROOK)
VILLAGE LIMITED PARTNERSHIP; ELLE)
BELLA VILLA LIMITED PARTNERSHIP;)
GARRETT MILLS LIMITED PARTNERSHIP;)
HUDSON PLACE LIMITED PARTNERSHIP;)
MILTON PLACE LIMITED PARTNERSHIP;)
VIRGINIA WAY LIMITED PARTNERSHIP;)
WILSHERE LANDING LIMITED)
PARTNERSHIP; SUE TERRACE II LIMITED)
PARTNERSHIP; and FAYETTE MANOR)
LIMITED PARTNERSHIP,)
Defendants.)
_____)

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 (the “Fair Housing Act” or “FHA”), 42 U.S.C. §§ 3601 – 3619, and Title III of the Americans with Disabilities Act of 1990 (the “ADA”), 42 U.S.C. §§ 12181 – 12189.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. §§ 3614(a) and 12188(b)(1)(B).

3. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the United States’ allegations occurred in the Southern District of West Virginia, the subject properties are located in this District, and the Defendants either reside or do business in this District.

SUBJECT PROPERTIES

4. As more fully described below, the Defendants identified in Paragraphs 37 – 67 (the “FHA Defendants”) designed and constructed the multifamily housing developments located in West Virginia described in Paragraph 5 – 34 (the “FHA Subject Properties”) containing 1,226 or more total units, 748 or more of which are FHA-covered units, in violation of the Fair Housing Act, 42 U.S.C. § 3604(f)(3)(C), and the Defendants identified in Paragraphs 37 – 66 (the “ADA Defendants”) designed and constructed the places of public accommodation, including but not limited to the leasing offices and public bathrooms, at the multifamily housing developments described in Paragraphs 5 – 33 (the “ADA Subject Properties”) in violation of the Americans with Disabilities Act, 42 U.S.C. § 12183(a)(1). The principal violations at these properties

include, but are not limited to, a lack of accessible routes to many covered units and public and common use areas due to the absence of curb cuts, vertical level changes, and steep running and cross slopes; a lack of accessible routes into and through the dwelling units due to high thresholds leading into each dwelling unit; adaptive design violations in the bathrooms and kitchens of covered units; and design violations in the leasing offices and public bathrooms.

5. Brook Village Apartments is located at 248 Northridge Drive, Lewisburg, WV. It is an apartment rental property with a single, three-level elevator building. It has 32 units. It has a leasing office and public bathroom. It was constructed for first occupancy in 2011. Brook Village Apartments was developed using Low-Income Housing Tax Credits awarded in 2009. This property was developed with loans from the United States Department of Agriculture under the Rural Housing Service Section 538 Guaranteed Housing Program (hereafter "the Section 538 Program").

6. Milton Place Apartments is located at 831 Pocono Place, Pointe Pleasant, WV. It is an apartment rental property with eight one-level, four-unit garden-style buildings. It has 32 total units, all of which are ground-level units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 2011. Milton Place Apartments was developed using Low-Income Housing Tax Credits.

7. Virginia Way Apartments is located at 725 East Avenue, Shinnston, WV. It is an apartment rental property with a single, three-level elevator building. It has 32 units. It has a leasing office and public bathroom. It was constructed for first occupancy in 2010. Virginia Way Apartments was developed using Low-Income Housing Tax Credits. Virginia Way Apartments was developed with loans from the Section 538 Program.

8. Wilshere Landing Apartments is located at 719 Northridge Drive, Lewisburg, WV. It is an apartment rental property with one three-story 24-unit non-elevator building with eight ground-level units, and one 16-unit building that is partially three-stories and partially two-stories, six of which are ground-level units. It has 40 total units, at least 14 of which are ground-level units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 2009. Wilshere Landing Apartments was developed using Low-Income Housing Tax Credits. This property was developed with loans from the Section 538 Program.

9. Hudson Place Apartments is located at 100 Hudson Place, Ripley, WV. It is an apartment rental property with one two-story non-elevator building with 12 units, six of which are ground-level units, and four two-story eight-unit non-elevator buildings with four ground-level units in each. It has 44 total units, 22 of which are ground-level units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 2009. Hudson Place Apartments was developed using Low-Income Housing Tax Credits. This property was developed with loans from the Section 538 Program.

10. Garrett Mills Apartments is located at 63 Garrett Mills Lane, Grafton, WV. It is an apartment rental property with two, two-story 16-unit non-elevator buildings with eight ground-level units in each building. It has 32 total units, 16 of which are ground-level units. The property was constructed for first occupancy in 2009. Garrett Mills Apartments was developed using Low-Income Housing Tax Credits. This property was developed with loans from the Section 538 Program.

11. Elle Bella Villa Apartments is located at 100 Everette Lane, Dunbar, WV. It is an apartment rental property with a single, three-level elevator building. It has 50 total units. It has a leasing office and public bathroom. It was constructed for first occupancy in 2008. Elle Bella

Villa Apartments was developed using Low-Income Housing Tax Credits. This property was developed with loans from the Section 538 Program.

12. Dara Heights Apartments is located at 214 Dara Heights Place, Princeton, WV. It is an apartment rental property with six, two-story eight-unit non-elevator buildings. It has 48 total units, 24 of which are ground-level units. It has a leasing office and public bathroom. It was constructed for first occupancy in 2008. Dara Heights Apartments was developed using Low Income Housing Tax Credits awarded in 2006. This property was developed with loans from the Section 538 Program.

13. Tyler Heights Apartments are located at 100 Tyler Ridge Road, Cross Lanes, WV. It is an apartment rental property with five, two-story eight unit non-elevator buildings. It has 40 total units, 20 of which are ground-level units. The property was constructed for first occupancy in 2007. Tyler Heights Apartments was developed using Low-Income Housing Tax Credits awarded in 2005. It has a leasing office and public bathroom. This property was developed with loans from the Section 538 Program.

14. Trace Ridge Apartments is located at 800 Loretta Lane, Charleston, WV. It is an apartment rental property with a single, three-level elevator building. It has 48 units. It has a leasing office and public bathroom. It was constructed for first occupancy in 2007. Trace Ridge Apartments was developed using Low-Income Housing Tax Credits awarded in 2005. This property was developed with loans from the Section 538 Program.

15. Barbara Heights Apartments is located at 803 Barbara Heights Drive, Shinnston, WV. It is an apartment rental property with six, two-story eight unit non-elevator buildings. It has 48 total units, 24 of which are ground-level units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 2007. Barbara Heights

Apartments was developed using Low-Income Housing Tax Credits awarded in 2005. This property was developed with loans from the Section 538 Program.

16. Spruce Cove Apartments is located at 410 Northridge Drive, Lewisburg, WV. It is an apartment rental property with seven, two-story eight-unit non-elevator buildings. It has 56 total units, 28 of which are ground-level units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 2006. Spruce Cove Apartments was developed using Low-Income Housing Tax Credits awarded in 2004. This property was developed with loans from the Section 538 Program.

17. Quarry Glenn Apartments is located at 32 Quarry Glenn Drive, Weston, WV. It is an apartment rental property with seven, two-story eight-unit non-elevator buildings. It has 56 total units, 28 of which are ground-level units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 2006. Quarry Glenn Apartments was developed using Low-Income Housing Tax Credits awarded in 2004. This property was developed with loans from the Section 538 Program.

18. Pauli Heights Apartments is located at 230 Pauli Heights Place, Bluefield, WV. It is an apartment rental property with seven, two-story eight-unit non-elevator buildings. It has 56 total units, 28 of which are ground-level units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 2005. Pauli Heights Apartments was developed using Low-Income Housing Tax Credits awarded in 2003. This property was developed with loans from the Section 538 Program.

19. Plateau Oaks Apartments is located at 100 Plateau Oaks Drive, Oak Hill, WV. It is an apartment rental property with four, two-story eight-unit non-elevator buildings. It has 32 total units, 16 of which are ground-level units. It has a leasing office and public bathroom. The

property was constructed for first occupancy in 2004. Plateau Oaks Apartments was developed using Low-Income Housing Tax Credits awarded in 2002. This property was developed with loans from the Section 538 Program.

20. Jenna Landing Apartments is located at 100 Jenna Way, Sissonville, WV. It is an apartment rental property with six, two-story eight-unit non-elevator buildings. It has 48 total units, 24 of which are ground-level units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 2004. Jenna Landing Apartments was developed using Low-Income Housing Tax Credits awarded in 2002. This property was developed with loans from the Section 538 Program.

21. Dylan Heights Apartments is located at 210 Dylan Heights Drive, Summersville, WV. It is an apartment rental property with six, two-story eight-unit non-elevator buildings. It has 48 total units, 24 of which are ground-level units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 2004. Dylan Heights Apartments was developed using Low-Income Housing Tax Credits awarded in 2003. This property was developed with loans from the Section 538 Program.

22. Perkins Parke Apartments is located at 100 Drexel Place, Cross Lanes, WV. It is an apartment rental property with seven, two-story eight-unit non-elevator buildings. It has 56 total units, 28 of which are ground-level units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 2003. Perkins Parke Apartments was developed using Low-Income Housing Tax Credits awarded in 2002. This property was developed with loans from the Section 538 Program.

23. Van Meter Heights Apartments is located at 100 Jerome Van Meter Drive, Beckley, WV. It is an apartment rental property with five, two-story eight-unit non-elevator buildings. It

has 40 total units, 20 of which are ground-level units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 2003. Van Meter Heights Apartments was developed using Low-Income Housing Tax Credits awarded in 2002. This property was developed with loans from the Section 538 Program.

24. Deer Forest Apartments is located at 380 Enterprise Drive, Gassaway, WV. It is an apartment rental property with four, two-story eight-unit non-elevator buildings. It has 32 total units, 16 of which are ground-level units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 2003. Deer Forest Apartments was developed using Low-Income Housing Tax Credits awarded in 2002. This property was developed with loans from the Section 538 Program.

25. Lynnelle Landing Apartments is located at 100 Loretta Lane, South Charleston, WV. It is an apartment rental property with seven, two-story eight-unit non-elevator buildings. It has 56 total units, 28 of which are ground-level units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 2002. Lynnelle Landing Apartments was developed using Low-Income Housing Tax Credits awarded in 2001. This property was developed with loans from the Section 538 Program.

26. Cranberry Cove Apartments is located at 500 McCulloch Drive, Beckley, WV. It is an apartment rental property with two, two-story eight-unit non-elevator buildings, and one two-story four-unit non-elevator building. It has 28 total units, 14 of which are ground-level units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 2002. Cranberry Cove Apartments was developed using Low-Income Housing Tax Credits awarded in 2000. The property was developed with loans from the Rural Rental Housing Loans

Section 515 Program administered by the United States Department of Agriculture (hereafter “the FmHA (RHS) Section 515 Program”).

27. Mill Creek Landing Apartments is located at 1 Wise Acres Drive, Charleston, WV. It is an apartment rental property with six, two-story eight-unit non-elevator buildings. It has 48 total units, 24 of which are ground-level units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 2001. Mill Creek Landing Apartments was developed using Low-Income Housing Tax Credits awarded in 1999. This property was developed with loans from the Section 538 Program.

28. Hope Landing Apartments is located at 104 Brown Street, Mount Hope, WV. It is an apartment rental property with a single two-story 22-unit elevator building. It has a total of 22 units. It has a leasing office and a public bathroom. The property was constructed for first occupancy in 2000. Hope Landing Apartments was developed using Low-Income Housing Tax Credits awarded in 1999. This property was developed with loans from the FmHA (RHS) Section 515 Program.

29. Upper Falls Landing Apartments is located at 1300 3rd Avenue West, Montgomery, WV. It is an apartment rental property with a single two-story 24-unit elevator building. It has a total of 24 units. It has a leasing office and a public bathroom. The property was constructed for first occupancy in 1999. Upper Falls Landing Apartments was developed using Low-Income Housing Tax Credits awarded in 1998. This property was developed with loans from the FmHA (RHS) Section 515 Program.

30. Fort Springs Apartments is located at Davis Stuart Road, Lewisburg, WV. It is an apartment rental property with four, two-story eight-unit non-elevator buildings and one two-story four-unit non-elevator building. It has 36 total units, 18 of which are ground-level units. It

has a leasing office and public bathroom. The property was constructed for first occupancy in 1997. Fort Springs Apartments was developed using Low-Income Housing Tax Credits awarded in 1996. This property was developed with loans from the Section 538 Program.

31. Pleasant Heights Apartments is located at 717 Riverview Drive, Belmont, WV. It is an apartment rental property with five two-story eight-unit non-elevator buildings. It has 40 total units, 20 of which are ground-level units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 1995. Pleasant Heights Apartments was developed using Low-Income Housing Tax Credits awarded in 1994. This property was developed with loans from the FmHA (RHS) Section 515 Program.

32. Union Place Apartments is located at Route 219 and South Street, Union, WV. It is an apartment rental property with four six-unit buildings, 14 units of which are ground-level units. It has 24 total units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 1995. Union Place Apartments was developed using Low-Income Housing Tax Credits awarded in 1994. This property was developed with loans from the FmHA (RHS) Section 515 Program.

33. Hill Manor Apartments is located at Rr. 3, Fayetteville, WV. It is an apartment rental property with three one-story eight-unit non-elevator buildings, and one one-story four-unit non-elevator building. It has 28 total units, all of which are ground-level units. It has a leasing office and public bathroom. The property was constructed for first occupancy in 1994. Hill Manor Apartments was developed using Low-Income Housing Tax Credits awarded in 1993. This property was developed with loans from the Section 538 Program.

34. Sue Terrace Apartments is located 100 Sue Terrace Drive, Milton, WV. It is an apartment rental property with five two-story eight-unit non-elevator buildings. It has 40 total

units, 20 of which are ground-level units. The property was constructed for first occupancy in 1992. Sue Terrace Apartments was developed using Low-Income Housing Tax Credits awarded in 1992. This property was developed with loans from the Section 538 Program.

35. Lina Landing Apartments is an apartment rental property planned for development with a single three-story elevator building with a total of 32 planned units in Princeton, WV. Lina Landing Limited Partnership is the owner/developer of Lina Landing Apartments. Lina Landing Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 20311. Douglas E. Pauley is the General Partner of Lina Landing Limited Partnership. Lina Landing Apartments is being developed using Low-Income Housing Tax Credits awarded in 2011.

36. Zachary Gardens Apartments is a property planned for development with 32 units that was awarded Low Income Housing Tax Credits for new construction in 2011. It is a property with an address at Knollwood Road, Charleston, WV. Zachary Gardens Limited Partnership is the owner/developer of Zachary Gardens Apartments. Zachary Gardens Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 20311. Douglas E. Pauley is the General Partner of Zachary Gardens Limited Partnership.

DEFENDANTS

37. Defendant Douglas E. Pauley is the General Partner of the limited partnerships that owned/developed the Subject Properties described in Paragraphs 5 - 36, and as the General Partner of these limited partnerships, he was and is involved in the design and construction of the Subject Properties. His principal office is at 2010 Quarrier Street, Charleston, WV 25311.

38. Defendant Brook Village Limited Partnership is the owner/developer of Brook Village Apartments, and it was involved in the design and construction of Brook Village Apartments. Brook Village Limited Partnership is a for-profit domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Brook Village Limited Partnership.

39. Defendant Milton Place Limited Partnership is the owner and developer of Milton Place Apartments, and it was involved in the design and construction of Milton Place Apartments. Milton Place Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Milton Place Limited Partnership.

40. Defendant Virginia Way Limited Partnership is the owner/developer of Virginia Way Apartments, and it was involved in the design and construction of Virginia Way Apartments. Virginia Way Limited Partnership a for-profit domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Virginia Way Limited Partnership.

41. Defendant Wilshere Landing Limited Partnership is the owner and developer of Wilshere Landing Apartments, and it was involved in the design and construction of Wilshere Landing Apartments. Wilshere Landing Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Wilshere Landing Limited Partnership.

42. Defendant Hudson Place Limited Partnership is the owner and developer of Hudson Place Apartments, and it was involved in the design and construction of Hudson Place Apartments. Hudson Place Limited Partnership is a for-profit, domestic West Virginia limited

partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Hudson Place Limited Partnership.

43. Defendant Garrett Mills Limited Partnership is the owner and developer of Garrett Mills Apartments, and it was involved in the design and construction of Garrett Mills Apartments. Garrett Mills Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Garrett Mills Limited Partnership.

44. Defendant Elle Bella Villa Limited Partnership is the owner/developer of Elle Bella Villa Apartments, and it was involved in the design and construction of Elle Bella Villa Apartments. Elle Bella Villa Limited Partnership is a for-profit domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner Elle Bella Villa Limited Partnership.

45. Defendant Dara Heights Limited Partnership is the owner/developer of Dara Heights Apartments, and it was involved in the design and construction of Dara Heights Apartments. Dara Heights Limited Partnership is a for-profit domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Dara Heights Limited Partnership.

46. Defendant Tyler Heights Limited Partnership is the owner/developer of Tyler Heights Apartments, and it was involved in the design and construction of Tyler Heights Apartments. Tyler Heights Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Tyler Heights Limited Partnership.

47. Defendant Trace Ridge Limited Partnership is the owner/developer of Trace Ridge Apartments, and it was involved in the design and construction of Trace Ridge Apartments. Trace Ridge Limited Partnership is a for-profit domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Trace Ridge Limited Partnership.

48. Defendant Barbara Heights Limited Partnership is the owner/developer of Barbara Heights Apartments, and it was involved in the design and construction of Barbara Heights Limited Partnership. Barbara Heights Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Barbara Heights Limited Partnership.

49. Defendant Spruce Cove Limited Partnership is the owner/developer of Spruce Cove Apartments, and it was involved in the design and construction of Spruce Cove Apartments. Spruce Cove Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Spruce Cove Limited Partnership.

50. Defendant Quarry Glenn Limited Partnership is the owner/developer of Quarry Glenn Apartments, and it was involved in the design and construction of Quarry Glenn Apartments. Quarry Glenn Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Quarry Glenn Limited Partnership.

51. Defendant Pauli Heights Limited Partnership is the owner and developer of Pauli Heights Apartments, and it was involved in the design and construction of Pauli Heights Apartments. Pauli Heights Limited Partnership is a for-profit, domestic West Virginia limited

partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Pauli Heights Limited Partnership.

52. Defendant Plateau Oaks Limited Partnership is the owner and developer of Plateau Oaks Apartments, and it was involved in the design and construction of Plateau Oaks Apartments. Plateau Oaks Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Plateau Oaks Limited Partnership.

53. Defendant Jenna Landing Limited Partnership is the owner/developer of Jenna Landing Apartments, and it was involved in the design and construction of Jenna Landing Apartments. Jenna Landing Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Jenna Landing Limited Partnership.

54. Defendant Dylan Heights Limited Partnership is the owner/developer of Dylan Heights Apartments, and it was involved in the design and construction of Dylan Heights Apartments. Dylan Heights Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Dylan Heights Limited Partnership.

55. Defendant Perkins Parke Limited Partnership is the owner/developer of Perkins Parke Apartments, and it was involved in the design and construction of Perkins Parke Apartments. Perkins Parke Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Perkins Parke Limited Partnership.

56. Defendant Vannmeter Heights Limited Partnership is the owner/developer of Van Meter Heights Apartments, and it was involved in the design and construction of Van Meter Heights Apartments. Vannmeter Heights Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Vannmeter Heights Limited Partnership.

57. Defendant Deer Forest Limited Partnership is the owner/developer of Deer Forest Apartments, and it was involved in the design and construction of Deer Forest Apartments. Deer Forest Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Deer Forest Limited Partnership.

58. Defendant Lynnelle Landing Limited Partnership is the owner/developer of Lynnelle Landing Apartments, and it was involved in the design and construction of Lynnelle Landing Apartments. Lynnelle Landing Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Lynnelle Landing Limited Partnership.

59. Defendant Cranberry Cove Limited Partnership is the owner/developer of Cranberry Cove Apartments, and it was involved in the design and construction of Cranberry Cove Apartments. Cranberry Cove Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Cranberry Cove Limited Partnership.

60. Defendant Mill Creek Landing Limited Partnership is the owner/developer of Mill Creek Landing Apartments, and it was involved in the design and construction of Mill Creek Landing Apartments. Mill Creek Landing Limited Partnership is a for-profit, domestic West

Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Mill Creek Landing Limited Partnership.

61. Defendant Hope Landing Limited Partnership is the owner/developer of Hope Landing Apartments, and it was involved in the design and construction of Hope Landing Apartments. Hope Landing Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Hope Landing Limited Partnership.

62. Defendant Upper Falls Landing Limited Partnership is the owner/developer of Upper Falls Landing Apartments, and it was involved in the design and construction of Upper Falls Landing Apartments. Upper Falls Landing Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Upper Falls Landing Limited Partnership.

63. Defendant Fort Springs Limited Partnership is the owner/developer of Fort Springs Apartments, and it was involved in the design and construction of Fort Springs Apartments. Fort Springs Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Fort Springs Limited Partnership.

64. Defendant Pleasant Heights Limited Partnership is the owner/developer of Pleasant Heights Apartment, and it was involved in the design and construction of Pleasant Heights Apartments. Pleasant Heights Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Pleasant Heights Limited Partnership.

65. Defendant Union Place Limited Partnership is the owner/developer of Union Place Apartments, and it was involved in the design and construction of Union Place Apartments. Union Place Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Union Place Limited Partnership.

66. Defendant Fayette Hills II Limited Partnership is the owner/developer of Hill Manor Apartments, and it was involved in the design and construction of Hill Manor Apartments. Fayette Hills II Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Fayette Hills II Limited Partnership.

67. Defendant Sue Terrace II Limited Partnership is the owner/developer of Sue Terrace Apartments, and it was involved in the design and construction of Sue Terrace Apartments. Sue Terrace II Limited Partnership is a for-profit, domestic West Virginia limited partnership with its principal office at 2010 Quarrier Street, Charleston, WV 25311. Douglas E. Pauley is the General Partner of Sue Terrace II Limited Partnership.

FACTUAL ALLEGATIONS

I. Fair Housing Act Factual Allegations

68. The FHA Subject Properties described in Paragraphs 5 – 34 were designed and constructed for first occupancy after March 13, 1991.

69. Each of the FHA Subject Properties contains “dwellings” as defined by 42 U.S.C. § 3602(b).

70. Each of the FHA Subject Properties contains “covered multifamily dwellings” within the meaning of 42 U.S.C. § 3604(f)(7).

71. The covered multifamily dwellings at the FHA Subject Properties are subject to the requirements of 42 U.S.C. § 3604(f).

72. The covered multifamily dwellings at the FHA Subject Properties are not designed and constructed in a manner that complies with the requirements of 42 U.S.C. § 3604 (f)(3)(C), including the following requirements:

- a. the public use and common use portions of the dwellings therein are readily accessible to and usable by handicapped persons; and/or
- b. all premises within such dwellings contain accessible routes into and through the dwelling; and/or
- c. all premises within such dwellings contain the following features of adaptive design:
 - (I) accessible routes into and through the dwellings;
 - (II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; and/or
 - (III) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

73. The inaccessible features at Brook Village Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, running slopes on ramps exceeding 8.33%, and wall mounted sconces in hallways that reduce head height on routes to less than 80" above the finished floor. It also has locations where there are inaccessible parking spaces. Brook Village Apartments lacks some usable doors because some units have

primary entry doors with an abrupt level change greater than 1/4". In some units, thermostat controls and light switches are not mounted at an accessible height of 48" or less above the finished floor. Brook Village Apartments lacks usable bathrooms in some units. In some units, the center of the lavatory was mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space. The doors to the manager's office and to the residents' laundry room are not usable because they have abrupt level changes greater than 1/4". The door from the residents' kitchen to the exterior common area is not usable because it has an abrupt level change greater than 1/4". The designated emergency exit at the South end of the building is not usable because it has an abrupt level change greater than 1/4". Some residents' mailboxes are mounted above the accessible height of 54" from the finished floor for a side approach. The interior doors to the residents' community rooms and to the laundry room are not usable because the force to open the doors is greater than 5 lbs.

74. The inaccessible features at Milton Place Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, excessive slopes that include cross slopes exceeding 2%, and running slopes on ramps exceeding 8.33%. It also has locations where there are inaccessible parking spaces. In some units, thermostat controls are not mounted at an accessible height of 48" or less above the finished floor. Entry doors to the units have knob hardware that requires pinching and twisting to operate, and the doors to some units are not usable because they have an abrupt level change greater than 1/4". In some units, the center of the stovetop is less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The doors to the manager's office and to the resident laundry room are not usable because they have an abrupt level change greater than 1/4". The doors to the

residents' laundry room and community room are not usable because they lack the required 18" maneuvering space at the latch side for a pull-side approach. The rent drop box at the manager's office is mounted at an inaccessible height for a front approach of more than 48" above the finished floor, and some residents' mailboxes are mounted at an inaccessible height for a side approach of more than 54" above the ground. The door to the residents' laundry room is not usable because the force to open the doors is greater than 8.5 lbs for an exterior door.

75. The inaccessible features at Virginia Way Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, wall mounted sconces and display shelves in hallways that reduce head height on routes to less than 80" above the finished floor. Mailboxes are mounted in inaccessible locations for a side reach at a height of more than 54" above the finished floor. In some units, the center of the lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space. The door to the bathroom in the manager's office is not usable because it lacks the required 18" clear maneuvering space at the latch side for the pull-side approach. Some residents' mailboxes are mounted above the accessible height of 54" above the finished floor for a side approach. The doors to the residents' game room, chapel, laundry room, and community room are not usable because the force to open the doors is greater than 5 lbs.

76. The inaccessible features at Wilshire Landing Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, running slopes exceeding 5% without ramp features, running slopes on ramps exceeding 8.33%, and

unprotected undersides of stairs and wall-mounted porch lights that reduce the head height on routes to less than 80" above the finished floor. Wilshere Landing Apartments lacks usable doors because some units have primary entry doors with an abrupt level change greater than 1/4". Primary entry doors have knob hardware that requires pinching and twisting to operate. Some units have thermostat controls and light switches not mounted at an accessible height of 48" or less above the finished floor. Wilshere Landing Apartments lacks usable bathrooms in some units. In some units, the center of the lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space. Wilshere Landing Apartments lacks usable kitchens in some units. In some units, the center of the stovetop is mounted less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The doors to the manager's office, the resident laundry rooms, and the resident community room are not usable because they have an abrupt level change greater than 1/4". The door to the residents' laundry room is not usable because it lacks the required 18" clear maneuvering space at the latch side for a pull-side approach.

77. The inaccessible features at Hudson Place Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, running slopes on ramps exceeding 8.33%, and unprotected undersides of stairs and wall mounted porch lights that reduce the head height on routes to less than 80" above the finished floor. Hudson Place Apartments lacks usable bathrooms in some units. In some units, the center of lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space, and there is insufficient 30" x 48" clear floor space provided at the bathtub.

Hudson Place Apartments lacks usable kitchens in some units. In some units, required 30" x 48" clear floor space is not provided centered on the refrigerator for a forward or side approach. The door to the residents' laundry room is not usable because it lacks the required 18" clear maneuvering space at the latch side for the pull-side approach, and it requires more than 8.5 lbs. to open for an exterior door. The doors to the manager's office and the residents' community room are not usable because they have abrupt level changes greater than 1/4". Some residents' mailboxes are mounted above the accessible height of 54" above the ground for a side approach. The door to the manager's office is not usable because it requires more than 8.5 lbs. to open for an exterior door. The common faucet hardware in the residents' laundry room requires pinching and twisting of the wrist to operate.

78. The inaccessible features at Garrett Mills Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", and excessive slopes that include cross slopes exceeding 2%. Some units have thermostat controls and light switches not mounted at an accessible height of 48" or less above the finished floor. Garrett Mills Landing Apartments lacks usable bathrooms in some units. In some units, the center lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space, and in some units, required 30" x 48" clear floor space at the toilet and bathtub is not provided. Garrett Mills Apartments lacks usable kitchens in some units. In some units, required 30" x 48" clear floor space is not provided centered on the refrigerator for a forward or side approach. The door to the resident community room is not usable because it has an abrupt level change greater than 1/4". Rent drop boxes at the manager's office are mounted at an inaccessible height for a forward approach of more than 48" above the

finished floor, and some residents' mailboxes are mounted above the accessible height of 54" above the ground for a side approach. The doors to the manager's office and residents' community room are not usable because the force to open the doors is greater than 8.5 lbs. for an exterior door.

79. The inaccessible features at Elle Bella Villa Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, excessive slopes that include cross slopes exceeding 2%, running slopes exceeding 5% without ramp features, ramps with slopes exceeding 8.33%, and wall mounted hallway lights that reduce the head height on routes to less than 80" above the finished floor. Primary entry doors to units are not usable because they have abrupt level changes greater than 1/4". Some units have thermostat controls and light switches not mounted at an accessible height of 48" or less above the finished floor. Elle Bella Villa Apartments lacks usable bathrooms in some units. In some units, the center of the lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space, and in some units, there is insufficient 30" x 48" clear floor space beyond the in-swing of the door. The door to the resident community room is not usable because it has an abrupt level change greater than 1/4". Mailboxes are mounted at an inaccessible height for a forward approach of more than 48" above the finished floor.

80. The inaccessible features at Dara Heights Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, running slopes exceeding 5% without ramp features, ramps with slopes exceeding 8.33%, and the unprotected

undersides of stairs and mounted porch lights that reduce the head height on routes to less than 80" above the finished floor. Primary entry doors to units are not usable because they have abrupt level changes greater than 1/4", and they contain knob hardware that requires pinching and twisting of the wrist to operate. Dara Heights Apartments has units with thermostat controls not mounted at an accessible height of 48" or less above the finished floor. Dara Heights Apartments lacks usable bathrooms in some units. In some units, the center of the lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space. Dara Heights Apartments lacks usable kitchens. In some units, required 30" x 48" clear floor space is not provided centered on the refrigerator for a forward or side approach. The doors to the manager's office, the residents' community room, and the residents' laundry room are not usable because they have abrupt level changes greater than 1/4". The residents' laundry room has knob hardware that requires pinching and twisting of the wrist to operate. The door to the residents' laundry room is not usable because it lacks the required 18" clear maneuvering space at the latch side for a pull-side approach. The rent drop-box at the manager's office is mounted above the accessible height of 54" above the ground for a side approach.

81. The inaccessible features at Tyler Heights Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, running slopes exceeding 5% without ramp features, ramps with slopes exceeding 8.33%, and the unprotected undersides of stairs and mounted porch lights that reduce the head height on routes to less than 80" above the finished floor. Primary entry doors to units are not usable because they have abrupt level changes greater than 1/4", and primary entry doors have knob hardware that requires

pinching and twisting of the wrist to operate. Tyler Heights Apartments has thermostat controls in inaccessible locations at a height of more than 48" above the finished floor. Tyler Heights Apartments lacks usable bathrooms. In some units, the center of the lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space, and in some units, there is insufficient 30" x 48" clear floor space beyond the in-swing of the door. Tyler Heights Apartments lacks usable kitchens. In some units, the center of the stovetop is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The door to the residents' laundry room is not usable because it has an abrupt level change greater than 1/4", and lacks the required clear maneuvering space of 18" at the latch side for a pull-side approach.

82. The inaccessible features at Trace Ridge Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, ramps with slopes exceeding 8.33%, and wall-mounted hallway lights that reduce the head height on routes to less than 80" above the finished floor. Primary entry doors to some units are not usable because they have abrupt level changes greater than 1/4". Some units have thermostat controls not mounted at an accessible height of 48" or less above the finished floor. Trace Ridge Apartments lacks usable bathrooms in some units. In some units, the center of the lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space, and in some units, there is insufficient 30" x 48" clear floor space beyond the in-swing of the door. The intercom, mailboxes, and the outgoing mail slot are mounted at an inaccessible height for a forward approach of more than 48" above the finished floor. The residents' kitchen has

countertops that are mounted higher than the accessible height of 34", and the thermostats in the residents' kitchen, community room, laundry room, chapel, and fitness center are mounted above the accessible height of 54" or less above the finished floor for a side approach. Designated emergency exit doors are not usable because they have abrupt level changes greater than 1/4". The door to the kitchen and the building exit door to the exterior garden are not usable because they lack the required 18" clear maneuvering space at the latch side for a pull-side approach.

83. The inaccessible features at Barbara Heights Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, cross slopes exceeding 5% without ramp features, ramps with slopes exceeding 8.33%, and the unprotected undersides of stairs and mounted porch lights that reduce the head height on routes to less than 80" above the finished floor. Primary entry doors to some units are not usable because they have abrupt level changes greater than 1/4", and primary entry doors have knob hardware that requires pinching and twisting of the wrist to operate. Some units have thermostat controls not mounted at an accessible height of 48" or less above the finished floor. Barbara Heights Apartments lacks usable bathrooms in some units. In some units, the center of lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space. It lacks usable kitchens. In some units, required 30" x 48" clear floor space is not provided centered on the refrigerator for a forward or side approach. The rent drop-off box at the manager's office is mounted at an inaccessible height for a forward approach of more than 48" above the finished floor. The door to the residents' community room is unusable because it has an abrupt level change greater than 1/4". The doors to the residents' community room and

laundry room are not accessible because they lack the required 18" clear maneuvering space at the latch side for a pull-side approach. The door to the laundry room is not usable because the force to open the door is greater than 8.5 lbs. for an exterior door.

84. The inaccessible features at Spruce Cove Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, *inter alia*, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, running slopes exceeding 5% without ramp features, ramps with slopes exceeding 8.33%, and the unprotected undersides of stairs and mounted porch lights that reduce the head height on routes to less than 80" above the finished floor. Primary entry doors to some units are not usable because they have abrupt level changes greater than 1/4", and some primary entry doors have knob hardware that requires pinching and twisting of the wrist to operate. Some units have thermostat controls and light switches are not mounted at an accessible height of 48" or less above the finished floor. Spruce Cove lacks usable bathrooms in some units. In some units, the center of the lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space, and in some units, there is insufficient 30" x 48" clear floor space beyond the in-swing of the door. Spruce Cove lacks usable kitchens in some units. In some units, the center of the stovetop is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The doors to the residents' community room and laundry are not usable because they lack the required 18" clear maneuvering space at the latch side for a pull-side approach, and the door to the laundry room has an abrupt level change greater than 1/4". The door to the manager's office is not usable because it lacks the required 18" clear

maneuvering space at the latch side for a pull-side approach, and the required 12" clear maneuvering space at the latch side for a push-side approach.

85. The inaccessible features at Quarry Glenn Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, running slopes exceeding 5% without ramp features, and ramps with slopes exceeding 8.33%, the unprotected undersides of stairs and mounted porch lights that reduce the head height on routes to less than 80" above the finished floor. Some units have thermostat controls and light switches not mounted at an accessible height of 48" or less above the finished floor. Quarry Glenn Apartments lacks usable bathrooms in some units. In some units, the center of the lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space, and in some units, the required 30" x 48" clear floor space is not provided beyond the in-swing of the door. Quarry Glenn Apartments lacks usable kitchens in some units. In some units, the center of the stovetop is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space.

86. The inaccessible features at Pauli Heights Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, ramps with slopes exceeding 8.33%, and the unprotected undersides of stairs and mounted porch lights that reduce the head height on routes to less than 80" above the finished floor. Primary entry doors to some units have knob hardware that requires pinching or twisting of the wrist to operate. Some units

have thermostat controls and light switches not mounted at an accessible height of 48" or less above the finished floor. Pauli Heights Apartments lacks usable bathrooms in some units. In some units, the center of the lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space, and in some units, there is insufficient 30" x 48" clear floor space beyond the in-swing of the door. Pauli Heights Apartments lacks usable kitchens in some units. In some units, the center of the stovetop is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The door to the residents' community room is not usable because it lacks the required 18" clear maneuvering space at the latch side for a pull-side approach. The door for the residents' laundry room is not usable because it has knob hardware that requires pinching and twisting of the wrist to operate. The doors to the manager's office and to the residents' laundry room are not usable because the force to open the doors is greater than 8.5 lbs. for an exterior door.

87. The inaccessible features at Plateau Oaks Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, excessive running slopes exceeding 5% without ramp features, ramps with slopes exceeding 8.33%, and the unprotected undersides of stairs and mounted porch lights that reduce the head height on routes to less than 80" above the finished floor. Primary entry doors to some units are not usable because they have abrupt level changes greater than 1/4", and some primary entry doors have knob hardware that requires pinching and twisting of the wrist to operate. Some units have thermostat controls and light switches not mounted at an accessible height of 48" or less above the finished floor.

Plateau Oaks Apartments lacks usable bathrooms in some units. In some units, the center of the lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space, and in some units, there is insufficient 30" x 48" clear floor space beyond the in-swing of the door. Plateau Oaks Apartments lacks usable kitchens in some units. In some units, the center of the stovetop is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The doors to the manager's office and to the residents' community room are not usable because they lack the required 18" clear maneuvering space at the latch side for a pull-side approach, and the door to the laundry room has knob hardware that requires pinching and twisting of the wrist to operate.

88. The inaccessible features at Jenna Landing Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, excessive running slopes exceeding 5% without ramp features, ramps with slopes exceeding 8.33%, and the unprotected undersides of stairs and mounted porch lights that reduce the head height on routes to less than 80" above the finished floor. Primary entry doors to some units are not usable because they have abrupt level changes greater than 1/4", and some primary entry doors have knob hardware that requires pinching and twisting of the wrist to operate. Some units have thermostat controls and light switches not mounted at an accessible height of 48" or less above the finished floor. Jenna Landing Apartments lacks usable bathrooms in some units. In some units, the center of the lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space, and in some units, there is insufficient 30" x 48" clear floor space at the bathtub. Jenna Landing Apartments lacks usable kitchens in some

units. In some units, the center of the stovetop is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The doors to the manager's office, the residents' laundry room, and the residents' community room are not usable because the force to open the doors is greater than 8.5 lbs. for an exterior door.

89. The inaccessible features at Dylan Heights Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, excessive slopes that include cross slopes exceeding 2%, ramps with slopes exceeding 8.33%, and the unprotected undersides of stairs and mounted porch lights that reduce the head height on routes to less than 80" above the finished floor. Some units have thermostat controls and light switches not mounted at an accessible height of 48" or less above the finished floor. Dylan Heights Apartments lacks usable bathrooms in some units. In some units, the center of the lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space, and in some units, there is insufficient 30" x 48" clear floor space beyond the in-swing of the door. Dylan Heights Apartments lacks usable kitchens in some units. In some units, the center of the stovetop is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The doors to the residents' laundry room and to the residents' community room have knob hardware that requires pinching and twisting of the wrist to operate.

90. The inaccessible features at Perkins Parke Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, excessive running

slopes exceeding 5% without ramp features, ramps with slopes exceeding 8.33%, and the unprotected undersides of stairs and mounted porch lights that reduce the head height on routes to less than 80" above the finished floor. Some units have thermostat controls and light switches not mounted at an accessible height of 48" or less above the finished floor. Perkins Parke Apartments lacks usable bathrooms in some units. In some units, the center of the lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space, and in some units, there is insufficient 30" x 48" clear floor space beyond the in-swing of the door. Perkins Parke Apartments lacks usable kitchens in some units. In some units, the center of the stovetop is located less than the required 24" from an adjacent sidewall eliminating the required 30" x 48" centered clear floor space. The door to the residents' laundry room is not usable because it lacks the required 12" clear maneuvering space at the latch side for a push-side approach, and the door to the residents' community room is not usable because it has an abrupt level change greater than 1/4".

91. The inaccessible features at Van Meter Heights Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, running slopes exceeding 5% without ramp features, ramps with slopes exceeding 8.33%, and the unprotected undersides of stairs and mounted porch lights that reduce the head height on routes to less than 80" above the finished floor. Some primary entry doors have knob hardware that requires pinching or twisting of the wrist to operate. Some units have thermostat controls and light switches not mounted at an accessible height of 48" or less above the finished floor. Van Meter Heights Apartments lacks usable bathrooms in some units. In some units, the center of the

lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space, and in some units, there is insufficient 30" x 48" clear floor space beyond the in-swing of the door. Van Meter Heights Apartments lacks usable kitchens in some units. In some units, the center of the stovetop is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The doors to the manager's office, the residents' community room, and the residents' laundry room are not usable because they lack the required 18" clear maneuvering space at the latch side for a pull-side approach.

92. The inaccessible features at Deer Forest Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, running slopes exceeding 5% without ramp features, ramps with slopes exceeding 8.33%, and the unprotected undersides of stairs and mounted porch lights that reduce the head height on routes to less than 80" above the finished floor. Primary entry doors to some units are not usable they have knob hardware that requires pinching and twisting of the wrist to operate. Some units have thermostat controls and light switches not mounted at an accessible height of 48" or less above the finished floor. Deer Forest Apartments lacks usable bathrooms in some units. In some units, the center of the lavatory is mounted less than the required 24" from a sidewall eliminating the required 30" x 48" centered clear floor space, and in some units, there is insufficient 30" x 48" clear floor space beyond the in-swing of the door. In some units, there is insufficient 30" x 48" clear floor space at the toilet. Deer Forest Apartments lacks usable kitchens in some units. In some units, the center of the stovetop is located less than the required 24" from an adjacent cabinet eliminating

the required 30" x 48" centered clear floor space. The door to the manager's office is not usable because it lacks the required 18" clear maneuvering space at the latch side for a pull-side approach.

93. The inaccessible features at Lynnelle Landing Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, running slopes exceeding 5% without ramp features, ramps with slopes exceeding 8.33%, and the unprotected undersides of stairs and mounted porch lights that reduce the head height on routes to less than 80" above the finished floor. Primary entry doors to some units are not usable because they have abrupt level changes greater than 1/4", and some primary entry doors have knob hardware that requires pinching and twisting of the wrist to operate. Some units have thermostat controls and light switches not mounted at an accessible height of 48" or less above the finished floor. Lynnelle Landing Apartments lacks usable kitchens in some units. In some units, the center of the stovetop is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The door to the manager's office is not usable because it lacks the required 18" clear maneuvering space at the latch side for a pull-side approach, and has an abrupt level change greater than 1/4". The door to the residents' laundry room is not usable because it lacks the required 18" clear maneuvering space at the latch side for a pull-side approach, has an abrupt level change greater than 1/4", and has knob hardware that requires pinching and twisting of the wrist to operate.

94. The inaccessible features at Cranberry Cove Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival

points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, running slopes exceeding 5% without ramp features, and ramps with slopes exceeding 8.33%. Primary entry doors to some units are not usable because they have knob hardware that requires pinching and twisting of the wrist to operate. Some units have thermostat controls not mounted at an accessible height of 48" or less above the finished floor. Cranberry Cove Apartments lacks usable kitchens in some units. In some units, the center of the stovetop is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The door to the manager's office is not usable because it lacks the required 18" clear maneuvering space at the latch side for a pull-side approach, lacks the required 12" clear maneuvering space at the latch side for a push-side approach, has an abrupt level change greater than 1/4", and has knob hardware that requires pinching and twisting of the wrist to operate. The door to the residents' laundry room is not usable because it lacks the required 18" clear maneuvering space at the latch side for a pull-side approach, and lacks the 12" clear maneuvering space at the latch side for a push-side approach. Some residents' mailboxes are mounted at an inaccessible height of 54" or more above the ground for a side approach.

95. The inaccessible features at Mill Creek Landing Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, ramps with slopes exceeding 8.33%, and the unprotected undersides of stairs and mounted porch lights that reduce the head height on routes to less than 80" above the finished floor. Primary entry doors to some units are not usable because they have abrupt level changes greater than 1/4", and they have knob

hardware that requires pinching and twisting of the wrist to operate. Some units have thermostat controls not mounted at an accessible height of 48" or less above the finished floor. Mill Creek Landing lacks usable kitchens in some units. In some units, the center of the stovetop is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The doors to the residents' laundry room and to the residents' community room are not usable because they lack the required 18" clear maneuvering space at the latch side for a pull-side approach, and have abrupt level changes greater than 1/4". The door to the manager's office is not usable because it lacks the required 18" clear maneuvering space at the latch side for a pull-side approach, lacks the required 12" clear maneuvering space at the latch side for a push-side approach, and has an abrupt level change greater than 1/4".

96. The inaccessible features at Hope Landing Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, running slopes exceeding 5% without ramp features, and ramps with slopes exceeding 8.33%. Some units have thermostat controls and light switches not mounted at an accessible height of 48" or less above the finished floor. Hope Landing Apartments lacks usable kitchens in some units. In some units, the center of the sink is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The doors to the residents' laundry room and to the residents' storage closets are not usable because they lack the required 18" clear maneuvering space at the latch side for a pull-side approach, and the force required to open the doors is greater than 5 lbs. for an interior door. The main entrance to the building is not accessible because it has an abrupt level change greater than 1/4", and the doors to the main

entrance require force to open greater than 8.5 lbs. for exterior doors. Some residents' mailboxes are not accessible because they are mounted above the accessible height of 54" for a side approach. The door to the residents' community room is not usable because it has an abrupt level change greater than 1/4", lacks the required 18" clear maneuvering space at the latch side for a pull-side approach, and requires force to open the door greater than 8.5 lbs. for an exterior door. The door to the residents' kitchen is not usable because it lacks the required 18" clear maneuvering space at the pull side, and requires force to open the door greater than 5 lbs. for an interior door.

97. The inaccessible features at Upper Falls Landings Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, running slopes exceeding 5% without ramp features, and ramps with slopes exceeding 8.33%. Some units have thermostats and light switches not mounted at an accessible height of 48" or less above the finished floor. Upper Falls Landing Apartments lacks usable kitchens in some units. In some units, the center of the kitchen sink is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. Some residents' mailboxes are mounted above the accessible height for a side approach of 54" above the finished floor. The doors to the residents' laundry, residents' community room, and to the residents' storage spaces are not usable because they lack the required 18" clear maneuvering space at the latch side for a pull-side approach, and the force required to open the doors is greater than 5 lbs. for an interior door. The counter in the residents' kitchen is mounted not mounted at an accessible height of 34" or less above the finished floor. The main entry door the building is not usable because it

requires more than the required 8.5 lbs. to open the door for an exterior door, and the main egress door lacks the required 18" clear maneuvering space at the latch side for a pull-side approach.

98. The inaccessible features at Fort Springs Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, running slopes exceeding 5% without ramp features, and ramps with slopes exceeding 8.33%. Primary entry doors to some units are not usable because they have knob hardware that requires pinching and twisting of the wrist to operate. Some units have thermostat controls and light switches not mounted at an accessible height of 48" or less above the finished floor. Fort Springs Apartments lacks usable kitchens in some units. In some units, the center of the stovetop is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The doors to the manager's office and to the residents' laundry room are not usable because they lack the required 18" clear maneuvering space at the latch side for a pull-side approach.

99. The inaccessible features at Pleasant Heights Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, running slopes exceeding 5% without ramp features, and ramps with slopes exceeding 8.33%. Primary entry doors to some units are not usable because they have abrupt level changes greater than 1/4", and some primary entry doors have knob hardware that requires pinching and twisting of the wrist to operate. Some units have thermostat controls not mounted at an accessible height of 48" or less above the finished floor. Pleasant Heights Apartments lacks usable kitchens in some units. In

some units, the center of the stovetop is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The doors to the manager's office and to the residents' laundry room are not usable because they lack the required 18" clear maneuvering space at the latch side for a pull-side approach. Some residents' mailboxes are mounted above the accessible height for a side approach at 54" above the ground. The common sink in the residents' laundry room is inaccessible because the center of the sink is located less than the required 24" from the adjacent vending machine eliminating the required 30" x 48" centered clear floor space.

100. The inaccessible features at Union Place Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, running slopes exceeding 5% without ramp features, ramps with slopes exceeding 8.33%, and mounted porch lights that reduce the head height on routes to less than 80" above the finished floor. Primary entry doors to some units are not usable because they have knob hardware that requires pinching and twisting of the wrist to operate. Some units have thermostat controls not mounted at an accessible height of 48" or less above the finished floor. In some units, the center of the stovetop is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The doors to the manager's office and to the residents' laundry room are not usable because they lack the required 18" clear maneuvering space at the latch side for a pull-side approach. The door to the manager's office has knob hardware that requires pinching and twisting of the wrist to operate.

101. The inaccessible features at Hill Manor Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%, running slopes exceeding 5% without ramp features, and ramps with slopes exceeding 8.33%. Hill Manor Apartments lack usable kitchens in some units. In some units, the center of the stovetop is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The doors to the manager's office and to the residents' laundry room and to the residents' community room are not usable because they lack the required 18" clear maneuvering space at the latch side for a pull-side approach.

102. The inaccessible features at Sue Terrace Landing Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4", excessive slopes that include cross slopes exceeding 2%. Primary entry doors to some units are not usable because they have knob hardware that requires pinching and twisting of the wrist to operate. Some units have thermostat controls and light switches not mounted at an accessible height of 48" or less above the finished floor. Sue Terrace Apartments lacks usable kitchens in some units. In some units, the center of the stovetop is located less than the required 24" from an adjacent cabinet eliminating the required 30" x 48" centered clear floor space. The common counter in the residents' laundry room is mounted above the accessible height of 34" above the finished floor. Some residents' mailboxes are mounted above the accessible height for a side approach of 54" above the ground. The doors to the manager's office and to the residents' laundry room and to the residents' community room are not usable because they lack the

required 18" clear maneuvering space at the latch side for a pull-side approach. The door to the manager's office has knob hardware that requires pinching and twisting of the wrist to operate. The common counter in the residents' laundry room is mounted above the accessible height of 34" above the finished floor.

II. Americans with Disabilities Act Factual Allegations

103. The leasing offices, public bathrooms, and other public spaces at the ADA Subject Properties described in Paragraphs 5 – 33 are places of public accommodation within the meaning of Section 301(7)(E) of the Americans with Disabilities Act, 42 U.S.C. § 12181(7)(E).

104. The leasing offices, public bathrooms and other public spaces at the ADA Subject Properties were designed and constructed for first occupancy after January 26, 1993.

105. The leasing offices, public bathrooms, and other public spaces at the ADA Subject Properties are subject to the requirements of 42 U.S.C. §§ 12181 – 12183.

106. The leasing offices, public bathrooms, and other public spaces at the ADA Subject Properties are not, in part, designed and constructed so that they are readily accessible to and usable by individuals with disabilities, as required by Section 303(a)(1) of the ADA, 42 U.S.C. §12183(a)(1). These leasing offices fail to comply with the Department of Justice's regulations implementing Title III of the ADA, 28 C.F.R. Part 36, including the Standards for Accessible Design, 28 C.F.R. Part 36, Appendix A (the ADA Standards).

107. Examples of failure to comply with the ADA at the ADA Subject Properties include, but may not be limited to, the following: (a) leasing office and/or public bathroom not on an accessible pedestrian approach route due to, inter alia, lack of accessible parking spaces; excessive slopes and/or abrupt level changes; doors that lack the required 18" clear maneuvering space at the latch side for a pull-side approach; doors with abrupt level changes greater than 1/4";

doors with knob hardware that requires pinching and twisting of the wrist to operate; doors that require force of more than 5 lbs. to open for an interior door or 8.5 lbs. to open for an exterior door; and/or (b) public bathrooms with toilet paper dispensers mounted more than the accessible height of 19" above the finished floor; toilet paper dispensers mounted more than the accessible distance of 36" from the rear wall; toilets located less than or more than the accessible distance of 18" from the centerline of the toilet to the sidewall; sinks that lack required insulation on the piping; sinks that lack required 27" of knee space above the finished floor; and/or have mirrors mounted above the accessible height of 40" above the finished floor.

FAIR HOUSING ACT CLAIMS

108. The allegations in Paragraphs 1 – 107 are hereby incorporated by reference.

109. The FHA Defendants described in Paragraphs 37 – 67 have failed to design and construct the FHA Subject Properties in a manner required by 42 U.S.C. §§ 3604(f)(3).

110. The FHA Defendants may have designed and constructed other multifamily housing complexes for first occupancy after March 13, 1991, which are also subject to the Fair Housing Act's accessibility requirements.

111. The FHA Defendants' conduct described above violates 42 U.S.C. §§ 3604(f)(1), (f)(2), and (f)(3)(C).

112. The FHA Defendants' conduct 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 – 3619; or
- b. a denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601 – 3619, which raises an issue of general public importance.

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

114. The FHA Defendants' conduct described above was intentional, willful, and taken in disregard for the rights of others.

AMERICANS WITH DISABILITIES ACT CLAIMS

115. The allegations in Paragraphs 1 – 114 are hereby incorporated by reference.

116. The ADA Defendants described in Paragraphs 37 – 66 have failed to design and/or construct the leasing offices and other public use areas at the ADA Subject Properties in a manner required by 42 U.S.C. §12183(a)(1), 28 C.F.R. §§ 36.401 and 36.406, and 28 C.F.R. Part 36, Appendix A.

117. The ADA Defendants may have designed and constructed the leasing offices and other public use areas at other multifamily housing complexes that are subject to the Americans with Disabilities Act's accessibility requirements.

118. The ADA Defendants' conduct constitutes:

- a. a pattern or practice of discrimination within the meaning of 42 U.S.C. § 12188(b)(1)(B)(i) and 28 C.F.R. § 36.503(a); or
- b. unlawful discrimination that raises an issue of general public importance within the meaning of 42 U.S.C. § 12188(b)(1)(B)(ii) and 28 C.F.R. § 36.503(b).

119. Persons who may have been the victims of the ADA Defendants' discriminatory conduct are aggrieved persons as defined in 42 U.S.C. § 12188(b)(2)(B), and may have suffered injuries as a result of the conduct described above.

120. The ADA Defendants' conduct described above was intentional, willful, and taken in disregard for the rights of others.

PRAYER FOR RELIEF

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

- a. Declares that the Defendants' conduct as alleged herein violates the Fair Housing Act and the Americans with Disabilities Act; and
- b. Enjoins the Defendants, their officers, employees, agents, successors, and all other persons in active concert or participation with any of them, from:
 - i. Failing or refusing to bring the living units and public and common use areas in these and other covered multifamily dwellings designed and constructed by the Defendants into compliance with 42 U.S.C. § 3604(f)(3)(C);
 - ii. Failing or refusing to conduct a compliance survey at all covered multifamily dwellings designed and constructed by the Defendants to determine whether the retrofits ordered in paragraph (i), above, were made properly;
 - iii. Designing and constructing any covered multifamily dwellings in the future that do not comply with 42 U.S.C. § 3604(f)(3)(C);
 - iv. Failing or refusing to bring the public accommodations, including, but not limited to, the leasing offices, for these and other covered multifamily dwellings designed and constructed by Defendants into compliance with 42 U.S.C. § 12183(a)(1), 28 C.F.R. §§ 36.401 and 36.406, and 28 C.F.R. Part 36, Appendix A;

- v. Failing or refusing to conduct a compliance survey at all covered multifamily dwellings designed and constructed by Defendants to determine whether the retrofits ordered in paragraph (iv), above, were made properly;
 - vi. Designing and constructing any public accommodations for any covered multifamily dwelling in the future that do not comply with 42 U.S.C. § 12183(a)(1), 28 C.F.R. §§ 36.401 and 36.406, and 28 C.F.R. Part 36, Appendix A.
 - vii. 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; and
- c. Awards monetary damages to all persons harmed by the Defendants' discriminatory practices as alleged herein, pursuant to 42 U.S.C. §§ 3614(d)(1)(B) and 12188(b)(2)(B); and
- d. Assesses a civil penalty against Defendants Douglas E. Pauley; Brook Village Limited Partnership; Milton Place Limited Partnership; Virginia Way Limited Partnership; Wilshere Landing Limited Partnership; Hudson Place Limited Partnership; Garrett Mills Limited Partnership; Elle Bella Villa Limited Partnership; and Dara Heights Limited Partnership to vindicate the public interest pursuant to 42 U.S.C. §§ 3614(d)(1)(C) and 12188(b)(2)(C) and 28 C.F.R. § 85.3(b)(3).

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

Dated : December 18, 2013

Respectfully submitted,

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