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18 UNITED STATES DISTRICT COURT

19 CENTRAL DISTRICT OF CALIFORNIA

20 WESTERN DIVISION

21		)	
22	UNITED STATES OF AMERICA,	)	Case No: 2:23-cv-03615
23	Plaintiff,	)	
24	vs.	)	<b>COMPLAINT</b>
25		)	
26	ABRAHAM KESARY and	)	<i>Demand for Jury Trial</i>
27	M&F DEVELOPMENT, LLC,	)	
28	Defendants.	)	

1 The United States of America (the “United States”) alleges as follows:

2 1. The United States brings this action to enforce the provisions of Title  
3 VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. §§ 3601–3631 (the  
4 “Fair Housing Act”).

5 **JURISDICTION AND VENUE**

6 2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331  
7 and 1345 and 42 U.S.C. § 3614(a).

8 3. Venue is proper in this district under 28 U.S.C. § 1391(b) because the  
9 actions and omissions giving rise to the United States’ claims occurred in the  
10 Central District of California, and Defendants reside and do business in the Central  
11 District of California.

12 **PARTIES**

13 4. Plaintiff is the United States of America.

14 5. Defendant M&F Development, LLC (“M&F”) is a California  
15 domestic limited liability company with its principal place of business at 606 South  
16 Hill Street, Suite 701, Los Angeles, California 90014. At all times relevant to this  
17 complaint, M&F owned the rental property located at 445 South Western Avenue,  
18 Los Angeles, California 90020 (hereinafter “Subject Property”).

19 6. Defendant Abraham Kesary (“Kesary”) is a resident of Los Angeles,  
20 California. At all times relevant to this complaint, Kesary was the property  
21 manager at the Subject Property. In that capacity, Kesary acted as an agent with the  
22 consent of M&F. Kesary had actual and apparent authority to manage the Subject  
23 Property on behalf of M&F as the on-site manager of the Subject Property.

24 **FACTUAL BACKGROUND**

25 7. The Subject Property is a “[d]welling” within the meaning of the Fair  
26 Housing Act, 42 U.S.C. § 3602(b).

27 8. At all times relevant to this complaint, Kesary performed a full range  
28 of management duties relating to the Subject Property including, but not limited to,

1 showing dwellings to prospective tenants; accepting rental applications;  
2 establishing the terms of leases, rent rates, and security deposits; collecting rent;  
3 receiving maintenance requests; supervising maintenance crews for repairs; and  
4 communicating with tenants about late payments.

5 9. From at least 2012 until at least 2020, Kesary has subjected tenants of  
6 the Subject Property to discrimination on the basis of sex, including severe,  
7 pervasive, and unwelcome sexual harassment. Kesary's conduct has included, but  
8 is not limited to:

- 9 a. Offering to grant tangible housing benefits, such as waiving or  
10 reducing rent payments and late fees, to female tenants in  
11 exchange for sexual acts;
- 12 b. Subjecting female tenants to unwelcome sexual acts, including  
13 sexual touching and attempted penetration and kissing;
- 14 c. Subjecting female tenants to unwelcome touching and groping,  
15 including touching their breasts;
- 16 d. Making unwelcome sexual advances or unwelcome sexual  
17 comments, including invitations to engage in or provide sexual  
18 acts, to female tenants; and
- 19 e. Entering the homes of female tenants without their permission  
20 and with no apparent legitimate reason to do so.

21 10. For example, in 2019, Kesary took a female tenant to an empty rental  
22 unit where he forced her to engage in unwelcome sexual acts, including sucking on  
23 her nipples and attempting to penetrate her vagina with his penis. All of this  
24 conduct was unwelcome.

25 11. In another example, in 2012, Kesary took a female tenant out to  
26 dinner, pushed himself on top of her in the back seat of his vehicle, attempted to  
27 kiss her, removed her underwear and rubbed his penis on her vagina. He later took  
28

1 her to his apartment and took off her shirt and sucked on her nipples, after which  
2 he insisted on paying her \$100. All of this conduct was unwelcome.

3 12. In addition, at least in 2020, 2014, and 2012, Kesary has sought sexual  
4 acts from multiple female tenants in exchange for unpaid or late rent.

5 13. The experiences of the tenants described in paragraphs 8–11 were not  
6 the only instances of Kesary’s sexual harassment of female tenants. Rather, they  
7 were part of his pattern or practice of illegal sexual harassment of numerous female  
8 tenants from at least 2012 through at least 2020.

9 14. Kesary’s conduct described in this complaint caused female tenants  
10 and persons associated with them to suffer fear, anxiety, and emotional distress,  
11 and interfered with their ability to secure and maintain rental housing for  
12 themselves.

13 15. Kesary’s discriminatory conduct described above occurred while he  
14 was exercising his authority as an agent for M&F at the Subject Property. M&F is  
15 vicariously liable for Kesary’s conduct, regardless of whether it knew or should  
16 have known of it.

17 **CAUSE OF ACTION**

18 **(FAIR HOUSING ACT VIOLATIONS)**

19 16. The United States realleges and incorporates by reference herein the  
20 allegations contained in Paragraphs 1 through 15 as if set forth here in full.

21 17. By the conduct described in the foregoing paragraphs, Defendants  
22 have:

- 23 a. Refused to rent or negotiate for the rental of, or otherwise made  
24 unavailable or denied, dwellings to persons because of sex, in  
25 violation of 42 U.S.C. § 3604(a);  
26 b. Discriminated in the terms, conditions, or privileges of the  
27 rental of dwellings, or in the provision of services or facilities  
28

1 in connection therewith, because of sex, in violation of 42  
2 U.S.C. § 3604(b);

3 c. Made statements with respect to the rental of dwellings that  
4 indicate a preference, limitation, or discrimination based on sex,  
5 in violation of 42 U.S.C. § 3604(c); and

6 d. Coerced, intimidated, threatened, or interfered with persons in  
7 the exercise or enjoyment of, or on account of their having  
8 exercised or enjoyed, their rights granted or protected by the  
9 Fair Housing Act, in violation of 42 U.S.C. § 3617.

10 18. Under 42 U.S.C. § 3614(a), Defendants' conduct as described in the  
11 foregoing paragraphs constitutes:

12 e. A pattern or practice of resistance to the full enjoyment of the  
13 rights granted by the Fair Housing Act, and

14 f. A denial of rights granted by the Fair Housing Act to a group of  
15 persons, which denial raises an issue of general public  
16 importance.

17 19. Defendants' discriminatory conduct has harmed tenants and persons  
18 associated with them. These persons are "[aggrieved person[s]]" as defined in 42  
19 U.S.C. § 3602(i), and have suffered damages as a result of Defendants' conduct.

20 20. Defendants' conduct was intentional, willful, or taken in reckless  
21 disregard of the rights of others.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, the United States prays that the Court enter an Order that:

24 1. Declares that Defendants' conduct set forth above violates the Fair  
25 Housing Act;

26 2. Enjoins Defendants, their agents, employees, successors, and all other  
27 persons or entities in active concert or participation with them from:  
28

- a. Discriminating on the basis of sex, including engaging in sexual harassment, in any aspect of the sale or rental of a dwelling;
- b. Discriminating on the basis of sex in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection therewith;
- c. Making statements with respect to the sale or rental of a dwelling that indicate a preference, limitation, or discrimination based on sex;
- d. Coercing, intimidating, threatening, interfering with, or threatening to take any action against any person engaged in the exercise or enjoyment of, or on account of their having exercised or enjoyed, rights granted or protected by the Fair Housing Act;
- e. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, aggrieved persons affected by Defendants' past unlawful practices to the position they would have been in but for the discriminatory conduct; and
- f. Failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future;

3. Awards monetary damages to each person aggrieved by Defendants' conduct, under 42 U.S.C. § 3614(d)(1)(B);

4. Assesses civil penalties against Defendants in order to vindicate the public interest, under 42 U.S.C. § 3614(d)(1)(C); and

5. Awards such additional relief as the interests of justice may require.

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**DEMAND FOR JURY TRIAL**

The United States demands a trial by jury.

Dated: May 11, 2023

Respectfully submitted,

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