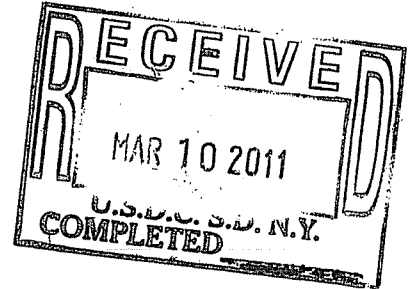


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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	COMPLAINT
	:	
-against-	:	<del>09</del> Civ. _____
	:	
PEARL RIVER GARDENS, LLC,	:	ECF Case
	:	
Defendant.	:	
-----	X	

Plaintiff United States of America (the "United States") alleges as follows:

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 (Fair Housing Act), 42 U.S.C. §§ 3601, *et seq.* As set forth in full below, the United States alleges that defendant, the owner of a residential apartment complex in Rockland County, New York ("Pearl River Apartments"), has unlawfully discriminated against persons on the basis of race and color, in violation of the Fair Housing Act.

### Jurisdiction and Venue

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3614(a). The Court may grant declaratory and other relief pursuant to 28 U.S.C. §§ 2201 and 2202.

3. Venue is proper because the claims alleged in this action arose in Rockland County, New York, in the Southern District of New York, and concern or otherwise relate to real property located therein.

### The Property

4. Upon information and belief, defendant Pearl River Gardens, LLC (“Pearl River”) owns and/or operates a residential apartment complex (“Pearl River Apartments”) located at 95-103 North Middletown Road in Pearl River, New York. Pearl River is incorporated under the laws of New York.

5. The rental units of Pearl River Apartments are “dwellings” within the meaning of 42 U.S.C. § 3602(b).

### Factual Allegations

6. Since at least March 2007, defendant has been engaged in racially discriminatory housing practices at Pearl River Apartments, including, but not necessarily limited to, the following:

a. Failing to inform African-American prospective tenants about available apartments, or telling such persons that certain apartments are not available, while telling similarly situated non-African-American persons about the availability of such apartments;

b. Telling African-American prospective tenants that the prices for rental apartments were higher than the prices quoted to similarly situated non-African-American persons; and

c. Failing to show African-American prospective tenants available apartments, or negotiate for the rental of such apartments, while at the same time showing similarly situated non-African-American persons available apartments and negotiating for the rental of such apartments.

#### Fair Housing Act Claims

7. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1-6, above.

8. The conduct of defendant described above constitutes:

a. A refusal to rent, a refusal to negotiate for the rental of, or otherwise making unavailable or denying dwellings to persons because of race or color, in violation of 42 U.S.C. § 3604(a);

b. Discrimination against persons in the terms, conditions or privileges of rental, or in the provision of services or facilities in connection therewith, because of race or color in violation of 42 U.S.C. § 3604(b); and

c. A representation to persons because of race or color that dwellings are not available for rental when such dwellings are in fact so available, in violation of 42 U.S.C. § 3604(d).

9. The conduct of defendant described above constitutes:

a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601-3619; or

b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601-3619, which denial raises an issue of general public importance.

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

11. The discriminatory actions of defendant were intentional, willful, and taken in disregard for the rights of the victims of this discrimination.

Request for Relief

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

1. Declares that defendant's discriminatory practices violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601 *et seq.*;

2. Pursuant to 42 U.S.C. § 3614(d)(1)(A), enjoins defendant, its agents, employees and successors, and all other persons in active concert or participation with them, from continuing to discriminate on the basis of race or color against any person in any aspect of the rental of dwellings, pursuant to 42 U.S.C. § 3614(d)(1)(A);

3. Awards monetary damages, pursuant to 42 U.S.C. §§ 3613(c)(1), and 3614(d)(1)(B), to all persons harmed by defendant's discriminatory practices;

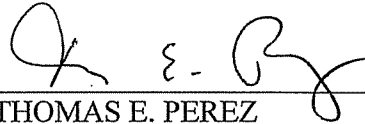
4. Assesses a civil penalty against defendant in an amount authorized by 42 U.S.C. § 3614(d)(1)(C), to vindicate the public interest; and

5. Grants such further relief as the interests of justice may require.

Dated                     , ~~2009~~

3/10/2011 D.F.

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