

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

<p>██████████</p> <p>Plaintiff,</p> <p>v.</p> <p>████████████████████ ██████████</p> <p>Defendants.</p>	<p>Court File No.: Judge:</p> <p><b>COMPLAINT AND DEMAND FOR JURY TRIAL</b></p>
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**INTRODUCTION**

In late 2013, Plaintiff ██████████ rented an apartment from Defendants ██████████ ██████████ and ██████████. After meeting ██████████ on January 1, 2014, ██████████ sent out a sexually suggestive text message indicating “I’M GOING TO TAP THAT ASS!!!!LOL.” The next day, ██████████ sent ██████████ a message: “It must be your birthday because I got you new shower doors.” He removed the frosted shower doors in ██████████ apartment bathroom and replaced them with transparent doors. ██████████ then secretly installed a video camera in ██████████ bathroom, with wires leading to an apartment below hers which ██████████ had reserved for his own use.

In taking these actions, ██████████ invaded ██████████ privacy and sexually harassed her, in violation of state and federal anti-discrimination law. By failing to supervise the property or to prevent ██████████ from sexually harassing ██████████, ██████████ also violated state and federal anti-discrimination law.

Through her counsel, the nonprofit organizations HOME Line and Gender Justice, [REDACTED] now brings this action to enforce her right as a tenant to be free from discrimination and sexual harassment within her own home.

### **PARTIES**

1. Plaintiff [REDACTED] (“[REDACTED]” or “Plaintiff”) is a female resident of Minneapolis, Minnesota.

2. Defendants [REDACTED] (“[REDACTED]”) and [REDACTED] (“[REDACTED]”) (collectively “Defendants”) currently reside in Annandale, Minnesota. At all relevant times, Defendants were the property owners and landlords at [REDACTED] Mounds View, Minnesota, where [REDACTED] leased an apartment.

### **JURISDICTION AND VENUE**

3. This court has jurisdiction under 42 U.S.C. § 3613 of the Fair Housing Act and 28 U.S.C. §§ 1331 and 1367.

4. Venue is proper in this jurisdiction under 28 U.S.C. § 1391 because the alleged discriminatory acts occurred in this district, the rental property at issue is in this district, and both Defendants are residents of the State in which the district is located.

### **STATUTORY BACKGROUND**

5. The Fair Housing Act of 1968, 42 U.S.C. § 3601 *et seq.*, provides, “It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.”

6. Section § 3604(b) of the Fair Housing Act specifically states that it “shall be unlawful to discriminate against any person in terms, conditions, or privileges in terms

of...rental of a dwelling, or in the provision of services or facilities in connection therewith because of...sex.”

7. Similarly, subdivision 1 of Minn. Stat. § 363A.09 (“The Unfair Discriminatory Practices Relating to Real Property Act”) states that it is an “unfair, discriminatory practice for an owner, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease any real property, or any agent... to discriminate against any person or group of persons because of...sex...in the terms, conditions or privileges of the sale, rental or lease of any real property or in the furnishing of facilities or services in connection therewith.”

8. Subdivision 13 of Minn. Stat. § 363A.03 defines discrimination because of sex to include sexual harassment.

9. Subdivision 43 of Minn. Stat. § 363A.03 defines sexual harassment to include “conduct...of a sexual nature when...submission to that conduct...is made a term or condition, either explicitly or implicitly, of obtaining...housing; or [when] that conduct...has the purpose or effect of substantially interfering with an individual’s...housing, or creating an intimidating, hostile, or offensive...housing environment.”

### **FACTUAL ALLEGATIONS**

10. At the end of 2013, [REDACTED] signed a lease to rent an apartment located at [REDACTED] Mounds View, Minnesota.

11. The lease identified the apartment’s owners as [REDACTED].

12. [REDACTED] signed the lease, and [REDACTED] wrote a check directly to [REDACTED] for rent.

13. The property is a four-plex apartment with two apartments upstairs and two apartments downstairs.

14. On or about January 1, 2014, [REDACTED] met the listing agent, Greenwell Realty, to view the apartment leased. At the time of the showing, the shower in [REDACTED] apartment had frosted shower doors.

15. On the same day [REDACTED] text-messaged an acquaintance, "OMG I JUST MET THE GIRL MOVING INTO APT UPSTAIRS SHE IS SO FINE!!! I'M GOING TO TAP THAT ASS!!!!!!LOL."

16. In the lease, [REDACTED] list their residential address as [REDACTED] [REDACTED] Annandale, MN.

17. Although [REDACTED] had another home, he regularly used the apartment located directly below [REDACTED] apartment.

18. On January 2, 2014, [REDACTED] moved into the property in Mounds View, Minnesota.

19. That same day, [REDACTED] text-messaged [REDACTED]: "It must be your birthday because I got you new shower doors."

20. [REDACTED] saw that [REDACTED] removed the frosted shower doors that were recently installed and replaced them with a different set of doors. The new shower doors were shorter than the frosted doors and transparent.

21. [REDACTED] mother asked [REDACTED] could start using the shower right away. [REDACTED] winked and replied the shower was ready for use.

22. During the next week, [REDACTED] came into [REDACTED] apartment to make repairs. He stated that the fan needed to be fixed.

23. [REDACTED] was suspicious because of [REDACTED] demeanor. She did not believe that there was a problem with the bathroom fan.

24. [REDACTED] checked the bathroom fan herself. When she removed the cover from the case she noticed a half-inch hole pointing directly at the shower.

25. [REDACTED] plugged the hole in her bathroom fan case with a ball of masking tape.

26. On or about January 18, 2014, a male guest visiting [REDACTED] peered into [REDACTED] window. When [REDACTED] and her guest noticed the man peeping in her window, the man smirked and entered the apartment used by [REDACTED], located directly below [REDACTED] apartment.

27. On or about January 18, 2014, [REDACTED] mentioned to [REDACTED] that he would be accessing the attic for a television antenna. [REDACTED] left and returned to her apartment to discover construction debris in her bathroom.

28. [REDACTED] looked to see if the masking tape was still covering the hole in the bathroom fan case. She noticed that the masking tape was gone. Upon further inspection, [REDACTED] discovered a camera lens installed in her bathroom fan case.

29. [REDACTED] immediately contacted the police.

30. Upon executing a search warrant, police found a camera in the attic with a wire leading into Defendant [REDACTED] apartment located directly below [REDACTED] apartment.

31. During the investigation, the police discovered sexual materials in the apartment used by [REDACTED]. These included nude photographs of [REDACTED]. Some photos showed [REDACTED] penis. Other photos or videos showed [REDACTED] engaged in sexual activity with different women. Additionally, police found used condoms, numerous sex toys, and electronic messages sent by [REDACTED] that referred to the [REDACTED] appearance.

32. The tenants who lived across the hall from [REDACTED] informed [REDACTED] and police investigators that [REDACTED] attempted to install a bathroom fan in their apartment as well. One of the tenants said that [REDACTED] had asked if he had seen the “new hot girl next door,” referring to [REDACTED].

33. [REDACTED] moved out of the apartment immediately.

34. Defendant [REDACTED] failed to supervise the property and did not prevent Defendant [REDACTED] from returning to the property after the police executed the search warrant.

### **FAIR HOUSING ACT VIOLATION**

#### ***Violation of the Fair Housing Act – 42 U.S.C. § 3601 et seq.***

35. Plaintiff incorporates by reference the proceeding paragraphs of the Complaint.

36. The property located at [REDACTED] Mounds View, Minnesota is a “dwelling” under 42 U.S.C. § 3602(b).

37. The actions of Defendant [REDACTED] [REDACTED] [REDACTED] including the installation of a secret camera in Plaintiff’s bathroom and sexual comments regarding the

Plaintiff's appearance were discriminatory actions based upon sex. These actions created a hostile environment in Plaintiff's home and substantially interfered with her use of the dwelling.

38. The actions of the Defendant [REDACTED] were intentional, willful, and in direct violation of Plaintiff's civil rights under federal law.

39. Defendant [REDACTED] [REDACTED] is directly or vicariously liable for the discriminatory actions of Defendant [REDACTED].

40. The actions of Defendants violated the Fair Housing Act, 42 U.S.C. § 3604(b).

41. Defendants' violation of the Fair Housing Act caused Plaintiff to suffer economic damages, as she was forced to move from her home, and caused her severe emotional harm.

## MINNESOTA HUMAN RIGHTS ACT

### *Violation of Minnesota Statute § 363A.09 Unfair Discriminatory Practices Relating to Real Property*

42. Plaintiff incorporates by reference the proceeding paragraphs of the Complaint.

43. The property located at [REDACTED] Mounds View, Minnesota is real property under Minnesota Statute § 363A.03, subd. 39.

44. The actions of Defendant [REDACTED] [REDACTED] [REDACTED] including the installation of a secret camera in Plaintiff's bathroom and sexual comments regarding the Plaintiff's appearance were discriminatory actions based upon sex. These actions created a hostile environment in Plaintiff's home and substantially interfered with her use of the property.

45. The actions of the Defendant [REDACTED] were intentional, willful, and in direct violation of Plaintiff's civil rights under state law.

46. Defendant [REDACTED] [REDACTED] is directly or vicariously liable for the discriminatory actions of Defendant [REDACTED].

47. The actions of Defendants violated the Minnesota Human Rights Act, Minnesota Statute 363A.09, subd. 2, as defined in Minnesota Statute 363A.03, subd. 13, 43.

48. Defendants' violation of the Minnesota Human Rights Act caused Plaintiff to suffer economic damages, as she was forced to move from her home, and caused her severe emotional harm.

## **INTRUSION UPON SECLUSION**

### ***Common Law – Privacy Claim***

49. Plaintiff incorporates by reference the proceeding paragraphs of the Complaint.

50. Defendant [REDACTED] [REDACTED] [REDACTED] intentionally entered Plaintiff's bathroom for the purpose of installing a secret camera and viewing or videotaping her in her shower. Defendant [REDACTED] removed the new frosted shower doors and replaced them with transparent doors. He created a hole in Plaintiff's fan case. Defendant [REDACTED] subsequently installed a camera in the fan case that pointed through the hole with a view of Plaintiff's shower.

51. Plaintiff did not give permission to Defendant [REDACTED] to install a camera in her bathroom. Defendant [REDACTED] installed this camera without Plaintiff's knowledge and consent.



52. In so doing, Defendant [REDACTED] intentionally intruded upon the solitude and seclusion of Plaintiff, disrupting her reasonable expectation of privacy within her own home in a highly offensive manner.

53. As a result, Plaintiff suffered damages in an amount to be determined at trial.

### **JURY DEMAND**

54. Plaintiff demands a jury trial on all claims for which a jury trial is available.

### **RELIEF REQUESTED**

Plaintiff respectfully requests that this Court enter judgment against the Defendants and award the following relief:

1. Declare that the Defendants' actions violate the Fair Housing Act, 42 U.S.C. § 3604(b).
2. Declare that the Defendants' actions violate the Minnesota Human Rights Act, Minnesota Statute 363A.09, subd. 2.
3. Enjoin and restrain Defendants, their agents, employees, successors, and all others acting in concert with them, from discriminating on the basis of sex through limiting the full use and privileges of the rental dwelling.
4. Order Defendants take such affirmative steps as may be necessary to restore, as nearly as practicable, Plaintiff to the position she would have been in but for their discriminatory conduct.

5. Order Defendants to take affirmative action to prevent the reoccurrence of the discriminatory conduct in the future and to eliminate, to the extent practicable, the effects of their unlawful practices.
6. Award punitive damages under the Fair Housing Act and the Minnesota Human Rights Act, compensatory damages, statutory damages, treble damages, and other appropriate relief.
7. Award pre-judgment and post-judgment interest on monetary relief.
8. Award the costs of bringing this suit, including reasonable attorney's fees and costs where allowed by law.
9. Award all other relief to which Plaintiff may be entitled which the Court deems just and equitable.

Dated: December 10, 2014

Respectfully Submitted,

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