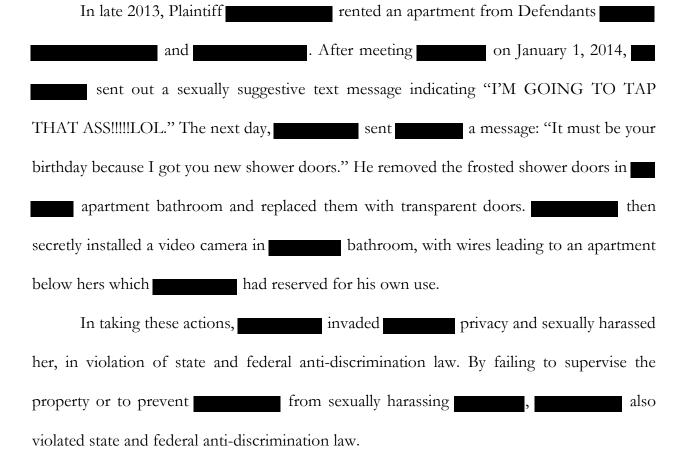
# UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

Plaintiff,	Court File No.: Judge:
V.	COMPLAINT AND DEMAND FOR JURY TRIAL
Defendants.	

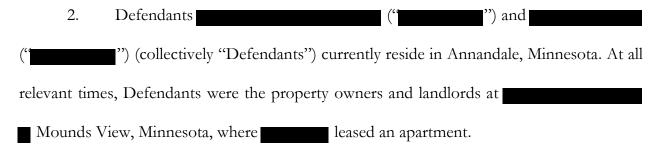
### INTRODUCTION



Through her counsel, the nonprofit organizations HOME Line and Gender Justice, 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	("	or or	"Plaintiff"	) is a	a female	resident	of
Minneapolis,	, Minnesota.							



### 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, signed a lease to rent an apartment
located at	Mounds View, Minnesota.
11.	The lease identified the apartment's owners as
12.	signed the lease, and wrote a check directly to
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, met the listing agent, Greenwell
Realty, to vi	ew the apartment leased. At the time of the showing, the shower in
apartment h	nad frosted shower doors.
15.	On the same day text-messaged an acquaintance, "OMG I JUST
MET THE	GIRL MOVING INTO APT UPSTAIRS SHE IS SO FINE!!! I'M GOING
TO TAP T	HAT ASS!!!!!LOL."
16.	In the lease, list their residential address as
	Annandale, MN.
17.	Although had another home, he regularly used the apartment
located dire	ctly below apartment.
18.	On January 2, 2014, moved into the property in Mounds View,
Minnesota.	
19.	That same day, text-messaged : "It must be your
birthday bed	cause I got you new shower doors."
20.	saw that removed the frosted shower doors that were
recently inst	talled and replaced them with a different set of doors. The new shower doors
were shorte	r than the frosted doors and transparent.
21.	mother asked could start using the
shower righ	t away. winked and replied the shower was ready for use.

	22.	During the next week, came into apartment to make
repairs	. He sta	ated that the fan needed to be fixed.
	23.	was suspicious because of demeanor. She did not
believe	that th	nere was a problem with the bathroom fan.
	24.	checked the bathroom fan herself. When she removed the cover
from t	he case	she noticed a half-inch hole pointing directly at the shower.
	25.	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 peered into
	wi	ndow. When and her guest noticed the man peeping in her window,
the ma	ın smirl	ked and entered the apartment used by , located directly below
	apartm	nent.
	27.	On or about January 18, 2014, mentioned to that he
would	be acce	essing the attic for a television antenna.
apartm	nent to	discover construction debris in her bathroom.
	28.	looked to see if the masking tape was still covering the hole in the
bathro	om fan	case. She noticed that the masking tape was gone. Upon further inspection,
	dis	covered a camera lens installed in her bathroom fan case.
	29.	immediately contacted the police.
	30.	Upon executing a search warrant, police found a camera in the attic with a
wire le	ading in	nto Defendant apartment located directly below
	ap	artment.

31.	During the inve	estigation, the police	e discovered sexual mate	erials in the
apartment uso	ed by	. These included r	nude photographs of	. Some
photos showe	ed	penis. Other photo	os or videos showed	engaged
in sexual activ	rity with differen	t women. Additiona	ally, police found used c	condoms, numerous
sex toys, and	electronic messa	ges sent by	that referred to the	e
appearance.				

- 32. The tenants who lived across the hall from informed and and police investigators that attempted to install a bathroom fan in their apartment as well. One of the tenants said that had asked if he had seen the "new hot girl next door," referring to
  - 33. moved out of the apartment immediately.
- 34. Defendant failed to supervise the property and did not prevent Defendant 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 Mounds View, Minnesota is a "dwelling" under 42 U.S.C. § 3602(b).
- 37. The actions of Defendant 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 were intentional, willful, and in direct violation of Plaintiff's civil rights under federal law.
- 39. Defendant is directly or vicariously liable for the discriminatory actions of Defendant.
  - 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 Mounds View, Minnesota is real property under Minnesota Statute § 363A.03, subd. 39.
- 44. The actions of Defendant 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 were intentional, willful, and in direct violation of Plaintiff's civil rights under state law.
- 46. Defendant is directly or vicariously liable for the discriminatory actions of Defendant .
- 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.
- bathroom for the purpose of installing a secret camera and viewing or videotaping her in her shower. Defendant removed the new frosted shower doors and replaced them with transparent doors. He created a hole in Plaintiff's fan case. Defendant 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 to install a camera in her bathroom. Defendant installed this camera without Plaintiff's knowledge and consent.

- 52. In so doing, Defendant 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).
- 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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By: Jessica Mikkelson Attorney No.0395536 **HOME Line** 3455 Bloomington Avenue Minneapolis, MN 55407 (612) 728-5770, ext. 110

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By: Jill Gaulding Attorney No.388751 Christy Hall Attorney No. 392627 **Gender Justice** 550 Rice Street Suite 105 Saint Paul, MN 55103 (651) 789-2090 Attorneys for Plaintiff