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Complaint, Barrett v. Downes, Docket No.
1:13-cv-03030 (Northern District of Illinois 2013)

Cristina Headley
John Marshall Law School

Allison Bethel
John Marshall Law School, 7bethel@jmls.edu

John Marshall Law School Fair Housing Legal Clinic

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANJINETTE BARRETT, individually,)	
and on behalf of ELIECE WILLIAMS)	
and ANTIGINEE BARRETT)	
)	
Plaintiff,)	
)	
v.)	
)	
IRENE DOWNES, JOSEPH D. GETTO, PARK)	
MANAGEMENT AND INVESTMENT, LTD.,)	
and SUNSET LAKE APARTMENTS L.L.C.,)	
)	
Defendants.)	

Case No. 13-cv-3030

Judge

JURY DEMAND

COMPLAINT

NOW COMES Plaintiffs, ANJINETTE BARRETT, individually and on behalf of ELIECE WILLIAMS and ANTIGINEE BARRETT, by and through their attorneys, Allison K. Bethel, Cristina Headley and the Senior Law Students of The John Marshall Law School Fair Housing Legal Clinic, and complain against Defendants, IRENE DOWNES, JOSEPH D. GETTO, PARK MANAGEMENT AND INVESTMENT, LTD., and SUNSET LAKE APARTMENTS L.L.C. as follows:

JURISDICTION AND VENUE

1. Plaintiffs, Anjinette Barrett, individually and on behalf of Eliece Williams and Antiginee Barrett, (“Ms. Barrett and her daughters”) bring these claims for unlawful discrimination under The Fair Housing Amendments Act (“the Act”), 42 U.S.C. §3601, *et seq.*

2. Federal jurisdiction is conferred on this Court under 28 U.S.C. §1331, 28 U.S.C. §1367, and 42 U.S.C. §3613.

3. Venue is proper in the Northern District of Illinois, Eastern Division, pursuant to 28 U.S.C. §1391 because the events on which the claim is based occurred in the Northern District of Illinois, the subject property is located in the Northern District of Illinois, Plaintiffs reside in the Northern District of Illinois, and the Defendants reside in and do business in the northern District of Illinois.

PARTIES

4. Ms. Barrett and her minor daughters, Elicee Williams and Antiginee Barrett, are African American females who reside in Cook County, IL.

5. Ms. Barrett and her daughters resided together as a family pursuant to the definition of “familial status” 42 U.S.C.A. §3602(k)(1).

6. Ms. Barrett and her daughters resided together in Sunset Lake Apartments at No. 1 Hickory Trace Drive, Building No. 23, Apartment No. 412, Justice, Cook County, Illinois (the “Premises”) at the time of the incidents complained of herein.

7. Defendant Irene Downes (“Defendant Downes”), is a Caucasian female who, on information and belief, at all relevant times herein, served as the property manager for Park Management and Investment, Ltd., and Sunset Lake Apartments, L.L.C.

8. Defendant Joseph D. Getto (“Defendant Getto”) is a Caucasian male who, on information and belief, at all relevant times herein, served as the manager and president of Park Management and Investment, Ltd and the owner, manager and president of Sunset Lake Apartments, L.L.C.

9. Defendant Park Management and Investment, Ltd. (“Defendant Park Management), on information and belief, at all relevant times herein, managed the apartment complex where the Premises are located.

10. Defendant Sunset Lake Apartments, L.L.C. (“Defendant Sunset Lake”) is a “person” within the meaning of 42 U.S.C.A sec 3602(d) of the Act and is subject to the provisions of the Act. It is the apartment complex where the events at issue occurred.

11. Defendant Downes, Defendant Getto, Defendant Park Management and Defendant Sunset Lake are collectively referred to as “Defendants.”

GENERAL FACTUAL ALLEGATIONS

12. At the time of the incidents alleged herein, Ms. Barrett resided with her two minor daughters, Eliece Williams, age 17, and Antiginee Barrett, age 10 in Sunset Lake Apartments.

13. At the time of the incidents alleged herein, Ms. Barrett’s daughters attended public school in the Indian Springs School District No. 109 (“District 109”).

14. Prior to August 13, 2009, District 109 had a long standing practice of using six school bus stops on the inner driveways of Sunset Lake Apartments’ property to transport public school students residing in the apartment complex.

15. Approximately 260 non-special education public school students lived at Sunset Lake Apartments and attended school in District 109 during the 2009-2010 school year.

16. On or about August 13, 2009, Defendant Downes, on behalf of Defendants Getto, Park Management and Sunset Lake, wrote to District 109 advising that District 109 buses would not be allowed to enter the inner driveways of Sunset Lake Apartments to pick up students.

Furthermore, the letter stated that District 109 buses would only be allowed to pick up and drop

off students at one bus stop outside the only entrance to Sunset Lake Apartments on West 83rd Street.

17. The location of the new bus stop required Ms. Barrett's daughters, and the other students, to traverse the grounds of the over 600-unit apartment complex and navigate a hazardous and dangerous area to reach the bus stop.

18. The new bus stop outside the entrance of Sunset Lake Apartments on West 83rd Street was not a safe location for students for several reasons, including but not limited to the fact that it required approximately 260 students to congregate at the entrance of the complex, the only area of ingress and egress to Sunset Lake Apartments. Further, the location is on an industrial thoroughfare with no sidewalk. Additionally, there is substantial vehicular traffic entering and exiting the complex and coming from nearby 88th Street, a busy, four-lane thoroughfare, and from the industrial park zone just north of West 83rd Street.

19. District 109 filed suit to obtain a restraining order against Defendants on August 24, 2009 to reinstate the old policy and allow the school buses to resume the 20 year practice of picking up students at the 6 separate bus stops on the property. A restraining order was entered and remains in place.

20. On or about August 14, 2009, the day after the change in the bus stop had been implemented, Ms. Barrett went to the management office and discussed her concerns about the bus stop with Defendant Downes.

21. On or about August 17, 2009, Ms. Barrett assisted with a petition drive seeking to obtain signatures from other affected families urging management to reinstate the previous bus stop policy. Over 130 people signed the petition.

22. Upon information and belief, Defendants and its employees observed Ms. Barrett engaging in activities regarding the petition.
23. Thereafter, on or about August 19, 2009, Defendants issued Plaintiff a notice of termination of tenancy for violation of the drug free addendum to their lease. The alleged violation was stated as repeatedly threatening to commit acts of violence against the property management staff.
24. Eviction proceedings were thereafter initiated. Barrett contested the action. Eventually, it was dismissed and Barrett moved out.
25. Thereafter, Barrett filed a complaint with the Department of Housing and Urban Development ("HUD") alleging housing discrimination based on familial status.
26. After an investigation, HUD found there was reasonable cause to believe discrimination against families with children had occurred.

COUNT I: Unlawful Altering the Terms and Conditions in a Real Estate Transaction on the Basis of Familial Status
42 U.S.C.A. §3604(b)

27. Ms. Barrett and her daughters restate and re-allege Paragraphs 1 through 26 of this complaint as though fully set forth herein.
28. Defendants knew that Ms. Barrett resided with her two minor daughters as a family pursuant to the definition of "familial status" under 42 U.S.C.A. §3602(k)(1) at the Premises at the time of the incidents complained of herein.
29. By refusing to allow the local school district school buses to continue to enter the inner driveways of Sunset Lakes Apartments and forcing the school children to wait for the school bus in an unsafe area, the Defendants discriminated against Ms. Barrett and her in violation of 42 U.S.C.A. §3604(b)

30. As a direct and proximate result of Defendant's discriminatory housing practices, Ms. Barrett and her daughters have suffered and continue to suffer irreparable harm for which there is no adequate remedy at law.

31. As a result of the Defendant's discriminatory actions, Ms. Barrett and her daughters are entitled to injunctive relief, compensatory damages, reasonable attorney's fees and costs, in amounts to be determined upon the trial of this matter pursuant to 42 U.S.C.A. §3604(b)

COUNT II: Unlawful Interference, Coercion, or Intimidation
42 U.S.C.A. §3617

32. Ms. Barrett and her daughters restate and re-allege Paragraphs 1 through 26 of this complaint as though fully set forth herein.

33. The Defendants retaliated against Ms. Barrett and her daughters in violation of 42 U.S.C.A. §3617 for opposing what she reasonably believed to be unlawful familial status discrimination by serving Ms. Barrett a notice of termination of tenancy, initiating eviction proceedings and other actions designed to harass, humiliate and embarrass Barrett because she complained of a discriminatory housing practice.

34. As a direct and proximate result of Defendants' discriminatory housing practices and unlawful retaliation, Ms. Barrett and her daughters have suffered and continue to suffer irreparable harm for which there is no adequate remedy at law.

35. As a direct and proximate result of Defendants' discriminatory housing practices and unlawful retaliation, Ms. Barrett and her daughters sustained substantial economic and non-economic damages.

36. As a result of the Defendants' discriminatory actions and unlawful retaliation, Ms. Barrett and her daughters are entitled to compensatory damages, reasonable attorney's fees and costs, in amounts to be determined upon the trial of this matter pursuant to 42 USC §3613(c)(1) and (2).

WHEREFORE, Ms. Barrett, individually and on behalf of Eliece Williams and Antiginee Barrett, respectfully requests that this Honorable Court provide the following relief:

- a. Declare that the Defendants unlawfully discriminated against the Plaintiffs in violation of the Act;
- b. Grant a preliminary and permanent injunction requiring Defendants to permanently reinstate the previous pick up policy for the school children.
- c. Award Plaintiffs such damages as would fully compensate them for their injuries caused by the Defendants' discriminatory housing practices;
- d. Award Plaintiffs costs, expenses and reasonable attorney's fees and such other and further relief as the Court deems just and proper in the circumstances.

Submitted by Plaintiffs ANJINETTE BARRETT, individually and on behalf of ELIECE WILLIAMS and ANTIGINEE BARRETT.

Respectfully Submitted,

/s/ Allison K. Bethel

/s/ Cristina Headley

By: _____

Allison K. Bethel, Esq.

Cristina Headley, Esq.

Allison K. Bethel, Esq.
Cristina Headley, Esq.
The John Marshall Law School
Fair Housing Legal Clinic
55 E. Jackson Blvd., Suite 1020
Chicago, IL 60604
T: 312-786-2267
F: 312-786-1047
7Bethel@jmls.edu
chadle@jmls.edu