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2000

Complaint, Robbins v. Chac Inc, Docket No.
1:00-cv-02037 (Northern District of Illinois, Apr
04, 2000)

F. Willis Caruso

John Marshall Law School, 6caruso@jmls.edu

John Marshall Law School Fair Housing Legal Clinic

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

IDA ROBBINS,)
)
Plaintiff,)
)
vs.)
)
CHAC, INC., an Illinois)
corporation, and CARL)
LYKE.)
)
Defendants.)

No.

00C

2037

U.S. DISTRICT COURT
EASTERN DIVISION

00 APR -4 PM 1:00

FILED-ED4

JUDGE GETTLEMAN

MAGISTRATE JUDGE ROSEMOND

COMPLAINT

Plaintiff, IDA ROBBINS, by her attorneys, F. Willis Caruso, Kirsten Mahlman, Bryan T. Butcher (Rule 711 Senior Law Student), THE JOHN MARSHALL LAW SCHOOL FAIR HOUSING LEGAL CLINIC, complains of the Defendants, CHAC, INC., an Illinois corporation (hereinafter "CHAC"), and CARL LYKE, the following:

APR 05 2000

JURISDICTION AND VENUE

1. This civil action arises under 42 U.S.C. section 3601 *et seq.*, sections 3604(a)(b)(c) and section 3617 of the Fair Housing Act of 1968 *as amended*, and common law Assault and Battery pursuant to this court's pendent jurisdiction under 28 U.S.C.A. Section 1367. Jurisdiction is further conferred upon this court under 28 U.S.C. Section 1343(a)(4); Section 1331; Section 3613(a); and 28 U.S.C. Section 2201.

2. Venue herein is proper under 42 U.S.C. Section 1319(b)(c), since all of the Defendants reside in this judicial district, and the events giving rise to the claims herein occurred within this judicial district.

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PARTIES

3. Plaintiff, Ida Robbins is a female resident of the City of Chicago, County of Cook, State of Illinois. In June of 1998, Plaintiff was a section 8 participant in the Defendant CHAC, Inc.'s housing assistance program.

4. The Defendant, CHAC, Inc., (hereinafter "CHAC"), is a local business entity incorporated under the laws of the State of Illinois. CHAC runs and administers a housing assistance program which the Plaintiff has participated in since June of 1998.

5. Defendant Carl Lyke, (hereinafter "Lyke") is a male resident of the City of Chicago, County of Cook, State of Illinois. In June of 1998, Lyke was an employee and agent of CHAC, whose duties and responsibilities included routine inspections of housing units of the participants in CHAC's housing assistance program.

FACTUAL BACKGROUND

6. On or about June 17, 1998, Plaintiff lived at 9929 S. Sangamon, in the City of Chicago, County of Cook, State of Illinois.

7. On or about the aforesaid date, CHAC operated a housing assistance program that included subsidizing rent and utilities for individuals who qualified for the program known as "Section 8."

8. On or about said date, Plaintiff was a Section 8 participant in CHAC's housing assistance program.

9. CHAC's program required an applicant to select a housing unit approved by one of CHAC's housing inspectors to insure that the home was safe and compliant with CHAC's rules and regulations.

10. On or about said date, Lyke was acting as an agent and employee of CHAC, and functioned as one of CHAC's Section 8 building inspectors.

11. On or about said date, Lyke was scheduled to go to the Plaintiff's residence and conduct an inspection of the apartment to ensure its compliance with CHAC's regulations.

12. The Plaintiff allowed Lyke into her residence and proceeded to take him to the upper level of her home to show him a problem with her bedroom window.

13. Once Lyke was inside Plaintiff's bedroom, Lyke made offensive and sexual comments about Plaintiff and her bed.

14. When Plaintiff went to show Lyke what was wrong with the bedroom window, Lyke reached out, and without Plaintiff's consent, grabbed Plaintiff's breast.

15. Plaintiff attempted to push Lyke away, and screamed at him when he attempted to touch her again while telling her "you like that."

16. After Plaintiff demanded Lyke leave the room, he touched Plaintiff's buttocks as she was leaving the bedroom.

17. After Plaintiff continued to demand that Lyke leave her home, he placed his hands on her head and stated, "let me pray for you."

18. After repeated attempts to instruct Lyke to leave her home, he refused to leave immediately, and did so only when he realized that Plaintiff's brother was watching him abuse his sister.

19. After Lyke left her home Plaintiff called the main office at CHAC, to report the abusive behavior of its employee, the Defendant Lyke.

20. During the phone call to CHAC, Plaintiff was told that her complaint against Lyke was not the first time that CHAC had complaints about Lyke's behavior, and Plaintiff

was further told to write a letter regarding the incident. Said letter is attached as "Exhibit A."

21. On June 10, 1999, Plaintiff filed a complaint with The Department of Housing and Urban Development against CHAC, alleging sexual harassment.

22. As a result of Lyke's actions with Plaintiff and other women participants in CHAC's section 8 program, CHAC terminated Lyke's employment.

COUNT I
SEXUAL HARASSMENT

1-22. Plaintiff adopts and realleges paragraphs 1-22 of this Complaint as though fully set forth herein.

23. On or about June 17, 1998, and presently, there was and is in effect, 42 U.S.C. §3601 *et seq.* (The Fair Housing Act), which prohibits, among other things, discrimination in housing on the basis of gender.

24. On June 17, 1998, the Defendant CHAC, had full supervisory authority and control over its agent and employee, the Defendant Lyke.

25. On said date, the Defendant CHAC, knew or should have known that its agent and employee, the Defendant Lyke, was engaging in a pattern and practice of sexual harassment of the Plaintiff and other women participating in the Defendant CHAC's section 8 program.

26. Defendant Lyke, while acting as agent of the Defendant CHAC, discriminated against the Plaintiff on the basis of her gender by "otherwise making unavailable or denying" her housing in violation of 42 U.S.C. §3604(a).

27. On said date, the Defendant Lyke, while acting as agent of CHAC, did intentionally and without Plaintiff's consent, make unwelcome sexual advances toward Plaintiff and discriminate against Plaintiff on the basis of her gender in the terms, conditions, privileges

and provision of services in housing, in violation of 42 U.S.C. §3604(b).

28. On or about said date, the Defendant Lyke, while acting as agent of CHAC, did intentionally and without Plaintiff's consent, make offensive sexual remarks toward Plaintiff and discriminate against Plaintiff on the basis of her gender by making discriminatory statements in housing, violating 42 U.S.C. §3604(c).

29. On or about said date, the Defendant Lyke, while acting as agent of CHAC, did intentionally and without Plaintiff's consent, touch and grab Plaintiff's breasts and buttocks, and discriminate against Plaintiff on the basis of her gender by coercing, threatening, intimidating and otherwise interfering with Plaintiff's enjoyment of her housing in violation of 42 U.S.C. §3617.

30. Defendant Lyke's unwelcome sexual harassment, and the Defendant CHAC's acquiescence of Lyke's behavior were so severe that it created a hostile living environment whereby Plaintiff became fearful for her safety and dignity in her present and future participation in CHAC's housing assistance program, causing Plaintiff to fear the loss her home.

31. As a direct consequence of the Defendants' sexual harassment of the Plaintiff, Plaintiff has suffered severe physical and emotional injury as well as serious aggravation to pre-existing injuries and illnesses, and will in the future continue to suffer said injuries directly attributable to the Defendants' actions and omissions.

WHEREFORE, Plaintiff Ida Robbins, prays that this court award all legal and equitable remedies, including and without limitation, actual and punitive damages against the Defendants, jointly and severally, attorneys fees and costs, and any further relief this court deems equitable, just and necessary.

COUNT II
ASSAULT

1-31. Plaintiff adopts and realleges paragraphs 1-31 of this complaint as though fully set forth herein.

32. On or about June 17, 1998, the Defendant Lyke, while acting as agent of the Defendant, CHAC, did intentionally and without Plaintiff's permission, place Plaintiff in reasonable apprehension of receiving imminent bodily harm by making unwelcome, offensive sexual remarks toward Plaintiff, and attempting to touch Plaintiff's body.

33. As a direct consequence of the Defendants' behavior Plaintiff has suffered severe physical and emotional injury as well as serious aggravation to pre-existing injuries and illnesses, and will in the future continue to suffer said injuries directly attributable to the Defendants' actions and omissions.

WHEREFORE, Plaintiff IDA ROBBINS, prays that this court award all legal and equitable remedies, including and without limitation, actual and punitive damages against the Defendants, jointly and severally, attorneys fees and costs, and any further relief this court deems equitable just and necessary.

COUNT III
BATTERY

1-33. Plaintiff adopts and realleges Counts 1-33 of this complaint as though fully set forth herein.

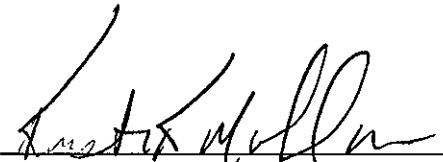
34. On or about June 17, 1998, the Defendant Lyke, while acting as agent of the Defendant CHAC, did intentionally and without Plaintiff's consent, made offensive bodily

contact of a sexual nature with the Plaintiff.

35. On or about June 17, 1998, the Defendant Lyke, while acting as agent of the Defendant CHAC, did intentionally and without Plaintiff's consent made offensive bodily contact with the Plaintiff by touching and grabbing Plaintiff's breast and buttocks.

36. As a direct consequence of the Defendants' behavior, Plaintiff has suffered severe physical and emotional injury as well as serious aggravation to pre-existing injuries and illnesses, and will in the future continue to suffer said injuries directly attributable to the Defendants' actions and omissions.

WHEREFORE, Plaintiff IDA ROBBINS, prays that this court award all legal and equitable remedies, including and without limitation, actual and punitive damages against the Defendants, jointly and severally, attorneys fees and costs, and any further relief this court deems equitable just and necessary.


One of Attorneys for Plaintiff

F. Willis Carauso
Kit Malhman
Bryan T. Butcher (Rule 711 Senior Law Student)
The John Marshall Law School
Fair Housing Legal Clinic
28 E. Jackson Blvd.
Suite 500
Chicago, Illinois 60604

EXHIBIT A

Mr. [unclear]
9929 S. Sangamon
Chgo 60643
773-7790569

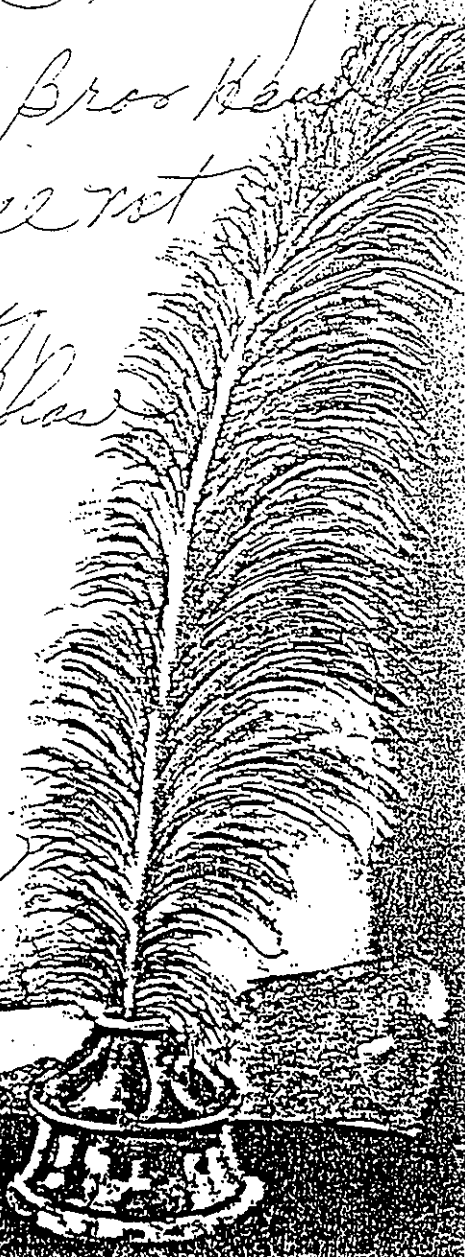
So, when, (it may seem) on June
17, 1998, Mr Carl Lyle, was here
in my home, you repeated, I am
complaining but my complaint, as Mr
Lyle were not performed at
all, my, — He came in, told
the nurse, to feel on my brain
my reply, to his doctor, because
his reply, you like that, my
reply well know, then, his
on, how nice the bed look,
oh, how nice the bed look,

the nurse told me June



He did not, pull his hat off,
then, I became very angry with him,
as being a lady, a real lady, I really
did not appreciate him touching me.
That is sexual harassment, he did not
wantee stop until he felt that my
pros was around, my pros heard
all, so my complaint, will not
stop here, I am still angry.
Why? would CHA work that
kind of people? "Suck"

Sincerely your
Lena Robbins
9929 So Songamon



JS 44
(Rev. 12/96)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Ida Robbins

JUDGE GETTLEMAN

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

Cook
MAGISTRATE JUDGE ROSEMOND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

John Marshall Law School Fair Housing Legal Clinic

28 E. Jackson Blvd, #500, Chicago IL 60604 (312) 786-2267

DEFENDANTS

*CHAC, Inc. and
Carl Lyke*

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

00C 2037

COOK COUNTY COURT
APR 1:05 PM '00

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input checked="" type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice Act <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input checked="" type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	
		LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	
			SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
			FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Thrd Party 26 USC 7609	

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

42 USC 3601 et seq. Discrimination in housing based upon plaintiff's gender

VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: YES NO

VIII. This case is not a refiling of a previously dismissed action.

is a refiling of case number _____, previously dismissed by Judge _____

DATE

4/4/00

SIGNATURE OF ATTORNEY OF RECORD

Kurtis R. Mollen

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

In the Matter of

Ida Robbins v.
CHAC, Inc., and Carl Lyke

00C 2037
Case Number:

U.S. DISTRICT COURT
00 APR -4 PM 11
FILED-ED4

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY FOR **JUDGE GETTELMAN**

Plaintiff (Ida Robbins) **MAGISTRATE JUDGE ROSEMOND**

<p align="center">(A)</p> <p>SIGNATURE <i>E. Willis Caruso</i> NAME E. Willis Caruso FIRM JMLS Fair Housing Legal Clinic STREET ADDRESS 28 E. Jackson Blvd., Suite 500 CITY/STATE/ZIP Chicago, IL 60604 TELEPHONE NUMBER 312-786-2267 IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) <i>00406252</i></p> <p>MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/></p>	<p align="center">(B)</p> <p>SIGNATURE <i>Kirsten Mahlman</i> NAME Kirsten Mahlman FIRM JMLS Fair Housing Legal Clinic STREET ADDRESS 28 E. Jackson Blvd., Suite 500 CITY/STATE/ZIP Chicago, IL 60604 TELEPHONE NUMBER 312-786-2267 IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6231099</p> <p>MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p>
<p align="center">(C)</p> <p>SIGNATURE NAME FIRM STREET ADDRESS CITY/STATE/ZIP TELEPHONE NUMBER IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)</p> <p>MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/> TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/> DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/></p>	<p align="center">(D)</p> <p>SIGNATURE NAME FIRM STREET ADDRESS CITY/STATE/ZIP TELEPHONE NUMBER IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)</p> <p>MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/> TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/> DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/></p>

PLEASE COMPLETE IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE.