

1 MERRICK GARLAND
 Attorney General
 2 KRISTEN CLARKE
 Assistant Attorney General for Civil Rights
 3 SAMEENA SHINA MAJEED
 Chief
 4 MEGAN K. WHYTE DE VASQUEZ
 Deputy Chief
 5 LAUREN M. MARKS
 Trial Attorney
 6 Housing and Civil Enforcement Section
 United States Department of Justice
 7 950 Pennsylvania Avenue NW--4CON
 Washington, DC 20530
 8 Tel: (202) 532-3876
 Email: Lauren.Marks@usdoj.gov
 9

10 E. MARTIN ESTRADA
 United States Attorney
 DAVID M. HARRIS
 Chief, Civil Division
 11 RICHARD M. PARK
 Chief, Civil Rights Section, Civil Division
 12 MARGARET M. CHEN (Cal. Bar. No. 288294)
 Assistant United States Attorney
 13 Federal Building, Suite 7516
 300 North Los Angeles Street
 14 Los Angeles, CA 90012
 15 Tel: (213) 894-3148
 E-mail: Margaret.Chen@usdoj.gov
 16

Attorneys for Plaintiff United States of America

18 UNITED STATES DISTRICT COURT

19 CENTRAL DISTRICT OF CALIFORNIA

20 WESTERN DIVISION

21)	
22	UNITED STATES OF AMERICA,)	Case No: 2:23-cv-03615
23	Plaintiff,)	
24	vs.)	COMPLAINT
25)	
26	ABRAHAM KESARY and)	<i>Demand for Jury Trial</i>
27	M&F DEVELOPMENT, LLC,)	
28	Defendants.)	

1 The United States of America (the “United States”) alleges as follows:

2 1. The United States brings this action to enforce the provisions of Title
3 VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. §§ 3601–3631 (the
4 “Fair Housing Act”).

5 **JURISDICTION AND VENUE**

6 2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331
7 and 1345 and 42 U.S.C. § 3614(a).

8 3. Venue is proper in this district under 28 U.S.C. § 1391(b) because the
9 actions and omissions giving rise to the United States’ claims occurred in the
10 Central District of California, and Defendants reside and do business in the Central
11 District of California.

12 **PARTIES**

13 4. Plaintiff is the United States of America.

14 5. Defendant M&F Development, LLC (“M&F”) is a California
15 domestic limited liability company with its principal place of business at 606 South
16 Hill Street, Suite 701, Los Angeles, California 90014. At all times relevant to this
17 complaint, M&F owned the rental property located at 445 South Western Avenue,
18 Los Angeles, California 90020 (hereinafter “Subject Property”).

19 6. Defendant Abraham Kesary (“Kesary”) is a resident of Los Angeles,
20 California. At all times relevant to this complaint, Kesary was the property
21 manager at the Subject Property. In that capacity, Kesary acted as an agent with the
22 consent of M&F. Kesary had actual and apparent authority to manage the Subject
23 Property on behalf of M&F as the on-site manager of the Subject Property.

24 **FACTUAL BACKGROUND**

25 7. The Subject Property is a “[d]welling” within the meaning of the Fair
26 Housing Act, 42 U.S.C. § 3602(b).

27 8. At all times relevant to this complaint, Kesary performed a full range
28 of management duties relating to the Subject Property including, but not limited to,

1 showing dwellings to prospective tenants; accepting rental applications;
2 establishing the terms of leases, rent rates, and security deposits; collecting rent;
3 receiving maintenance requests; supervising maintenance crews for repairs; and
4 communicating with tenants about late payments.

5 9. From at least 2012 until at least 2020, Kesary has subjected tenants of
6 the Subject Property to discrimination on the basis of sex, including severe,
7 pervasive, and unwelcome sexual harassment. Kesary's conduct has included, but
8 is not limited to:

- 9 a. Offering to grant tangible housing benefits, such as waiving or
10 reducing rent payments and late fees, to female tenants in
11 exchange for sexual acts;
- 12 b. Subjecting female tenants to unwelcome sexual acts, including
13 sexual touching and attempted penetration and kissing;
- 14 c. Subjecting female tenants to unwelcome touching and groping,
15 including touching their breasts;
- 16 d. Making unwelcome sexual advances or unwelcome sexual
17 comments, including invitations to engage in or provide sexual
18 acts, to female tenants; and
- 19 e. Entering the homes of female tenants without their permission
20 and with no apparent legitimate reason to do so.

21 10. For example, in 2019, Kesary took a female tenant to an empty rental
22 unit where he forced her to engage in unwelcome sexual acts, including sucking on
23 her nipples and attempting to penetrate her vagina with his penis. All of this
24 conduct was unwelcome.

25 11. In another example, in 2012, Kesary took a female tenant out to
26 dinner, pushed himself on top of her in the back seat of his vehicle, attempted to
27 kiss her, removed her underwear and rubbed his penis on her vagina. He later took
28

1 her to his apartment and took off her shirt and sucked on her nipples, after which
2 he insisted on paying her \$100. All of this conduct was unwelcome.

3 12. In addition, at least in 2020, 2014, and 2012, Kesary has sought sexual
4 acts from multiple female tenants in exchange for unpaid or late rent.

5 13. The experiences of the tenants described in paragraphs 8–11 were not
6 the only instances of Kesary’s sexual harassment of female tenants. Rather, they
7 were part of his pattern or practice of illegal sexual harassment of numerous female
8 tenants from at least 2012 through at least 2020.

9 14. Kesary’s conduct described in this complaint caused female tenants
10 and persons associated with them to suffer fear, anxiety, and emotional distress,
11 and interfered with their ability to secure and maintain rental housing for
12 themselves.

13 15. Kesary’s discriminatory conduct described above occurred while he
14 was exercising his authority as an agent for M&F at the Subject Property. M&F is
15 vicariously liable for Kesary’s conduct, regardless of whether it knew or should
16 have known of it.

17 **CAUSE OF ACTION**

18 **(FAIR HOUSING ACT VIOLATIONS)**

19 16. The United States realleges and incorporates by reference herein the
20 allegations contained in Paragraphs 1 through 15 as if set forth here in full.

21 17. By the conduct described in the foregoing paragraphs, Defendants
22 have:

- 23 a. Refused to rent or negotiate for the rental of, or otherwise made
24 unavailable or denied, dwellings to persons because of sex, in
25 violation of 42 U.S.C. § 3604(a);
- 26 b. Discriminated in the terms, conditions, or privileges of the
27 rental of dwellings, or in the provision of services or facilities
28

1 in connection therewith, because of sex, in violation of 42
2 U.S.C. § 3604(b);

3 c. Made statements with respect to the rental of dwellings that
4 indicate a preference, limitation, or discrimination based on sex,
5 in violation of 42 U.S.C. § 3604(c); and

6 d. Coerced, intimidated, threatened, or interfered with persons in
7 the exercise or enjoyment of, or on account of their having
8 exercised or enjoyed, their rights granted or protected by the
9 Fair Housing Act, in violation of 42 U.S.C. § 3617.

10 18. Under 42 U.S.C. § 3614(a), Defendants' conduct as described in the
11 foregoing paragraphs constitutes:

12 e. A pattern or practice of resistance to the full enjoyment of the
13 rights granted by the Fair Housing Act, and

14 f. A denial of rights granted by the Fair Housing Act to a group of
15 persons, which denial raises an issue of general public
16 importance.

17 19. Defendants' discriminatory conduct has harmed tenants and persons
18 associated with them. These persons are "[a]ggrieved person[s]" as defined in 42
19 U.S.C. § 3602(i), and have suffered damages as a result of Defendants' conduct.

20 20. Defendants' conduct was intentional, willful, or taken in reckless
21 disregard of the rights of others.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, the United States prays that the Court enter an Order that:

24 1. Declares that Defendants' conduct set forth above violates the Fair
25 Housing Act;

26 2. Enjoins Defendants, their agents, employees, successors, and all other
27 persons or entities in active concert or participation with them from:
28

- a. Discriminating on the basis of sex, including engaging in sexual harassment, in any aspect of the sale or rental of a dwelling;
- b. Discriminating on the basis of sex in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection therewith;
- c. Making statements with respect to the sale or rental of a dwelling that indicate a preference, limitation, or discrimination based on sex;
- d. Coercing, intimidating, threatening, interfering with, or threatening to take any action against any person engaged in the exercise or enjoyment of, or on account of their having exercised or enjoyed, rights granted or protected by the Fair Housing Act;
- e. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, aggrieved persons affected by Defendants' past unlawful practices to the position they would have been in but for the discriminatory conduct; and
- f. Failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future;

3. Awards monetary damages to each person aggrieved by Defendants' conduct, under 42 U.S.C. § 3614(d)(1)(B);

4. Assesses civil penalties against Defendants in order to vindicate the public interest, under 42 U.S.C. § 3614(d)(1)(C); and

5. Awards such additional relief as the interests of justice may require.

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DEMAND FOR JURY TRIAL

The United States demands a trial by jury.

Dated: May 11, 2023

Respectfully submitted,

MERRICK GARLAND
Attorney General

E. MARTIN ESTRADA
United States Attorney
Central District of California

KRISTEN CLARKE
Assistant Attorney General
Civil Rights Division

DAVID M. HARRIS
Assistant United States Attorney
Chief, Civil Division

SAMEENA SHINA MAJEED
Chief, Housing and Civil
Enforcement Section

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Assistant United States Attorney
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MEGAN K. WHYTE DE VASQUEZ
Deputy Chief, Housing and Civil
Enforcement Section

/s/ Margaret M. Chen
MARGARET M. CHEN
Assistant United States Attorney
Civil Rights Section, Civil Division

/s/ Lauren M. Marks
LAUREN M. MARKS
Trial Attorney
United States Department of Justice
Civil Rights Division
Housing and Civil Enforcement
Section

Attorneys for the United States