

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA,)
)
)
 Plaintiff,)
)
 v.)
)
 ALLAN RAPPUHN; GATEWAY)
 CONSTRUCTION CORPORATION;)
 GATEWAY PROPERTIES, LLC; AMERICUS)
 GARDEN APARTMENTS, LP;)
 AUTUMN RIDGE, LLC; BAILEY SPRINGS)
 APARTMENTS, LP; BLUE SPRINGS)
 APARTMENTS, LP; BRADBURY)
 APARTMENTS, LP; BRENTWOOD LANDING)
 APARTMENTS, LTD; BROOKSTONE)
 VILLAGE APARTMENTS, LTD;)
 CANEBREAK APARTMENTS, LP; CEDAR)
 GLADES APARTMENTS, LP; COTTAGE HILL)
 POINTE APARTMENTS, LTD; EAGLE POINTE)
 APARTMENTS, LTD; EVERGREEN VILLAGE)
 INVESTMENTS, LLLP; GLENCOE)
 TRACE, LP; HARBOR SQUARE)
 APARTMENTS, LTD; HEATHERWOOD)
 APARTMENTS, LTD; HERITAGE VISTA)
 APARTMENTS, LP; HERON LAKE)
 APARTMENTS, LP; HERON LAKE II)
 APARTMETNS, LP; HICKORY RUN)
 APARTMENTS, LTD; HIGHLAND PARK)
 SENIOR VILLAGE, LP; HUNTER POINTE)
 APARTMENTS, LTD; IVY POINTE)
 APARTMENTS, LTD; IVY POINTE II)
 APARTMENTS, LTD; KIRBY CREEK)
 APARTMENTS, LP; KIRKWOOD)
 TRAIL APARTMENTS, LP; LAKESHORE)
 CROSSING APARTMENTS, LTD; LENOX)
 STATION APARTMENTS, LTD; LIBERTY)

SQUARE APARTMENTS, LTD; MALLARD)
LAKE APARTMENTS, LP; MAPLE)
SQUARE APARTMENTS, LP; OAKLAND)
MILL APARTMENTS, LP; PALLADIAN)
APARTMENTS, LTD; FAIRHOPE)
RIDGE, LLC; JIBILEE RIDGE, LLC; PARK)
HILL APARTMENTS, LTD; PEBBLE)
CREEK APARTMENTS, LTD; PINEWOOD)
VILLAGE APARTMENTS, LP; POWELL)
PLACE APARTMENTS, LP; PRESTON)
PLACE APARTMENTS, LP; SHADOWOOD)
APARTMENTS, LTD; SHELLBROOKE)
POINTE APARTMENTS, LTD; SHEPPARD)
STATION APARTMENTS, LP; SKYLINE)
TRACE APARTMENTS, LP; STERLING)
OAKS APARTMENTS, LP; STONEY)
CREEK APARTMENTS, LP; STONY)
RIDGE APARTMENTS, LP; SULLIVAN)
VILLAGE APARTMENTS, LTD; THE PARK)
AT ROCKY RIDGE, LTD; TIMBERFALLS,)
LLLP; VALLEY RIDGE APARTMENTS, LP;)
THE VILLAGE AT WEDGEWOOD, LP;)
VILLAS ON FORSYTH, LP; WARING, LLLP;)
WARING II, LP; WESTFORK)
APARTMENTS, LTD; WINDCLIFF)
APARTMENTS, LLC; WOODLAWN TERRACE))
APARTMENTS, LP,)
)
Defendants.)
)

COMPLAINT

The United States of America alleges:

1. This action is brought by the United States to enforce the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (the “Fair Housing Act” or “FHA”), 42 U.S.C. §§ 3601

– 3619, and Title III of the Americans with Disabilities Act of 1990 (the “ADA”), 42 U.S.C. §§ 12181 – 12189.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. §§ 3614(a) and 12188(b)(1)(B).

3. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the United States’ allegations occurred in the Northern District of Alabama, a substantial number of the subject properties are located in this District, and a substantial number of Defendants either reside or do business in this District.

SUBJECT PROPERTIES

4. As more fully described below, the Defendants identified in paragraphs 76 – 138, below, (the “FHA Defendants”) designed and constructed, or are in the process of designing and constructing 71 or more multifamily housing developments located in Alabama, Georgia, North Carolina, and Tennessee and described in paragraphs 5 – 75, below, (the “FHA Subject Properties”) containing at least 4,000 units, of which at least 2,700 are units covered by the multifamily housing accessibility requirements of the FHA (the “FHA-covered units”). As described in paragraphs 139 – 180, below, the FHA Defendants have designed and constructed FHA Subject Properties in violation of the Fair Housing Act, 42

U.S.C. § 3604(f)(3)(C). The Defendants identified in paragraphs 76 – 103, 105 – 120, and 122-138, below, (the “ADA Defendants”) designed and constructed, or are in the process of designing and constructing, places of public accommodation, including, but not limited to the leasing offices and public bathrooms at 70 or more multifamily housing developments located in Alabama, Georgia, North Carolina, and Tennessee and described in paragraphs 5 – 35, 37 – 56, 58 – 75, below (the “ADA Subject Properties”). As described in paragraphs 144 – 150, 152, 154 – 182, below, the ADA Defendants have designed and constructed ADA Subject Properties in violation of the Americans with Disabilities Act, 42 U.S.C. § 12183(a)(1).

5. Alexander Terrace Apartments is located at 1155 Pickens Street, Moulton, AL. It is an apartment rental property with three two-level, eight-unit exterior-stairway buildings. Alexander Terrace is an Americus-Type property (see paragraph 6, below, for description of Americus-Type properties). It has 24 total units, 12 of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, kitchen, bathrooms, and laundry room; a playground; a mail center; and trash dumpster facilities. It was constructed for first occupancy in 1998. Alexander Trace Apartments was developed using Low-Income Housing Tax Credits and the United States

Department of Housing and Urban Development's HOME Investment Partnership Program ("HOME") funds.

6. Americus Garden Apartments is located at 730 South Martin Luther King Jr. Boulevard, Americus, GA. It is an apartment rental property with five two-level, eight-unit exterior-stairway buildings and one single-level, four-unit building. Other properties referenced in this Complaint have buildings with similar exterior and interior layouts as the Americus Garden Apartments buildings, and these other properties are referred to as "Americus-Type" properties.

Americus Garden Apartments has 44 total units, 24 of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, kitchen, bathrooms, and laundry room, a playground, a gazebo, trash dumpster facilities, and a mail center. It was constructed for first occupancy in 1998. Americus Garden Apartments was developed using Low-Income Housing Tax Credits and HOME funds.

7. Applegate Apartments is located at 162 Rose Drive, Florence, AL. It is an apartment rental property with five single-level, six-unit buildings, one single-level, five-unit building, and a community building with a manager's unit attached. Other properties referenced in this Complaint have buildings with similar exterior and interior layouts as the Applegate Apartment buildings, and these other properties are referred to as "Applegate-Type" properties. It has 36 total units, 35

of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, kitchen, bathrooms, and laundry room, a picnic pavilion, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 1994. Applegate Apartments was developed using Low-Income Housing Tax Credits and HOME funds.

8. Autumn Ridge Apartments is located at 300 Autumn Ridge Drive, Jacksonville, NC. It is an apartment rental property with eight single-level, six-unit buildings. Autumn Ridge Apartments is an Applegate-Type property. It has 48 total units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, computer room, kitchen, bathrooms, and laundry room, a gazebo, a community garden, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2002. Autumn Ridge was developed using HOME funds.

9. Bailey Springs Apartments is located at 940 Bailey Springs, Lincolnton, NC. It is an apartment rental property with four single-level, six-unit buildings, and one single-level four-unit building. Bailey Springs Apartments is an Applegate-Type property. It has 28 total units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, kitchen, bathrooms, and laundry room, a playground, a gazebo, a horseshoes pit, a shuffleboard court, a community garden, a walking trail, a mail center, and

trash dumpster facilities. It was constructed for first occupancy in 2005. Bailey Springs was developed using HOME funds.

10. Belle Isle Apartments is located at 18720 US Highway 90, Robertsdale, AL. It is an apartment rental property with two single-level, six-unit buildings, and four single-level four-unit buildings. Belle Isle Apartments is an Applegate-Type property. It has 28 total units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, kitchen, business office, bathrooms, and exercise room, a gazebo, a picnic area, a shuffleboard court, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2007. Belle Isle Apartments was developed using Low-Income Housing Tax Credits and HOME funds.

11. Blue Springs Apartments is located at 460 McDaniel Drive, Jacksonville, NC. It is an apartment rental property with five two-level, eight-unit breezeway-style buildings. Other properties referenced in this Complaint have buildings with similar exterior and interior layouts as the Blue Springs Apartments buildings, and they are referred to as “Blue-Type” properties. Blue Springs Apartments has 40 total units, 20 of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, business center, kitchen, bathrooms, and laundry room, a gazebo, a playground, a mail center, and

trash dumpster facilities. It was constructed for first occupancy in 2005. Blue Springs Apartments was developed using HOME funds.

12. Bradbury Apartments is located at 2901 Old Conover Startown Road, Newton, NC. It is an apartment rental property with five two-level, eight-unit breezeway-style buildings. Bradbury Apartments is a Blue-Type property. It has 40 total units, 20 of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, business office, kitchen, bathrooms, and laundry room, a gazebo, a playground, a picnic area, a horseshoes pit, a shuffleboard court, walking trails, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2006. Bradbury Apartments was developed using HOME funds.

13. Brentwood Landing Apartments is located at 597 Covered Bridge Parkway, Prattville, AL. It is an apartment rental property with ten two-level, eight-unit breezeway-style buildings. Brentwood Landing Apartments is a Blue-Type property. It has 80 total units, 40 of which are FHA-covered ground-level units. It has a clubhouse with a leasing office, clubroom, workroom, kitchen, laundry room, bathrooms, and pool, a playground, a gazebo, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2005. Brentwood Landing Apartments was developed Low-Income Housing Tax Credits and HOME funds.

14. Brentwood Landing II Apartments is located at 549 Covered Bridge Parkway, Prattville, AL. It is an apartment rental property with twelve two-level, eight-unit breezeway-style buildings. Brentwood Landing II Apartments is a Blue-Type property. It has 96 total units, 48 of which are FHA-covered ground-level units. It has a clubhouse with a leasing office, clubroom, exercise room, computer lab, kitchen, laundry room, bathrooms, and pool, a picnic area, a car wash, a gazebo, a playground, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2010. Brentwood Landing II Apartments was developed using Low-Income Housing Tax Credits.

15. Brookstone Village Apartments is located at 705 Gardner Drive SE, Jacksonville, AL. It is an apartment rental property with seven single-level, six-unit buildings and one single-level, four-unit building. Brookstone Village Apartments is an Applegate-Type property. It has 46 total units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, kitchen, computer center, bathrooms, and laundry room, a gazebo, a picnic area, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2009. Brookstone Village Apartments was developed using Low-Income Housing Tax Credits and HOME funds.

16. Canebreak Apartments is located at 4901 Amy Drive, Wilmington, NC. It is an apartment rental property with two single-level, six-unit buildings and five

single-level, four-unit buildings. Canebreak Apartments is an Applegate-Type property. It has 32 total units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, kitchen, computer lab, bathrooms, and laundry room, a gazebo, a horseshoes pit, a shuffleboard court, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2006. Canebreak Apartments was developed using HOME funds.

17. Cedar Glades Apartments is located at 500 Cedar Glade Circle, Shelbyville, TN. It is an apartment rental property under construction with two three-level, 20-unit breezeway-style buildings and one three-level, 24-unit breezeway-style building. Cedar Glades Apartments is a Blue-Type property. It has 64 total units, 24 of which are FHA-covered ground-level units. It has a clubhouse with a leasing office, clubroom, computer lab, workroom, kitchen, laundry room, bathrooms, and pool, a gazebo, a playground, a picnic area, a mail center, and trash dumpster facilities. Cedar Glades Apartments was developed using Low-Income Housing tax Credits.

18. Charleston Square Apartments (also known as Deer Run Apartments) is located at 150 West Pike Street, Troy, AL. It is an apartment rental property with five two-level, eight-unit buildings and one single-level, four-unit building. Charleston Square Apartments is an Americus-Type property. It has 44 total units,

24 of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, kitchen, bathrooms, and laundry room, a playground, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 1999. Charleston Square Apartments was developed using Low-Income Housing Tax Credits and HOME funds.

19. Cherry Ridge Independent Living Apartments is located at 1100 Jeff Germany Parkway, Birmingham, AL. It is an apartment rental property with one three-level, 30-unit elevator building and one three-level, 26-unit elevator building. Cherry Ridge Independent Living Apartments is a Hamilton-Type property (see paragraph 25, below, for description of Hamilton-Type properties). It has 56 total units, all of which are FHA-covered units. It has a community room, a kitchen, an office building with a leasing office, bathrooms, a gazebo, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2004. Cherry Ridge Independent Living Apartments was developed using Low-Income Housing Tax Credits and HOME funds.

20. Cottage Hill Pointe Apartments is located at 7959 Cottage Hill Road, Mobile, AL. It is an apartment rental property with thirteen three-level, 12-unit breezeway-style buildings. Cottage Hill Pointe Apartments is a Blue-Type property. It has 156 total units, 52 of which are FHA-covered ground-level units. It has a clubhouse with a leasing office, clubroom, exercise room,

conference/computer room, workroom, kitchen, laundry room, bathrooms, and pool, a gazebo, a playground, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2002. Cottage Hill Pointe Apartments was developed using Low-Income Housing Tax Credits.

21. Double Creek Apartments is located at 4704 Chisholm Road, Florence, AL. It is an apartment rental property with eight single-level, six-unit buildings. Double Creek Apartments is an Applegate-Type property. It has 48 total units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, kitchen, computer room, laundry room, and bathrooms, a gazebo, a community garden, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2001. Double Creek Apartments was developed using Low-Income Housing Tax Credits and HOME funds.

22. Eagle Pointe Apartments is located at 140 Royal Drive, Madison, AL. It is an apartment rental property with six two-level, eight-unit breezeway-style buildings. Other properties referenced in this Complaint have buildings with similar exterior and interior layouts as the Eagle Pointe Apartment buildings, and they are referred to as “Eagle-Type” properties. It has 48 total units, 24 of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, kitchen, computer room, laundry room, bathrooms, and

pool, a playground, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2001. Eagle Pointe Apartments was developed using Low-Income Housing Tax Credits.

23. Evergreen Village Apartments is located at 110 Evergreen Lane, Cedartown, GA. It is an apartment rental property with seven two-level, eight-unit exterior-stairway buildings. Evergreen Village is an Americus-Type property. It has 56 total units, 28 of which are FHA-covered ground-level units. It has a community building with a leasing office, social services room, community room, kitchen, bathrooms, and laundry room, a playground, a basketball court, a pavilion, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 1999. It was developed using HOME funds.

24. Glencoe Trace Apartments is located at 1624 Hallmark Drive, Griffin, GA. It is an apartment rental property with ten single-level, six-unit buildings, two single-level, four-unit buildings, and one single-level combined four-unit and community building. Other properties referenced in this Complaint have buildings with similar exterior and interior layouts as the Glencoe Pointe Apartment buildings, and they are referred to as “Glencoe-Type” properties. It has 74 total units, all of which are FHA-covered ground-level units. It has a community building area with a leasing office, community room, kitchen, bathroom, and laundry room, a shuffleboard court, a horseshoes pit, a gazebo, a mail center, and

trash dumpster facilities. It was constructed for first occupancy in 2000. Glencoe Trace Apartments was developed using Low-Income Housing Tax Credits and HOME funds.

25. Hamilton Place Apartments is located at 111 Todd Trail, Millbrook, AL. It is an apartment rental property with one two-level, 24-unit elevator building and one three-level, 32-unit elevator building. Other properties referenced in this Complaint have buildings with similar exterior and interior layouts as the Hamilton Place Apartment buildings, and they are referred to as “Hamilton-Type” properties. It has 56 total units, all of which are FHA-covered units. It has an office building with a leasing office and bathroom, community rooms, community kitchens and bathrooms, a gazebo, a picnic area, a mail center and trash dumpster facilities. It was constructed for first occupancy in 2007. Hamilton Place Apartments was developed using Low-Income Housing Tax Credits and HOME funds.

26. Harbor Square Apartments is located at 3201 Sumac Road SW, Decatur, AL. It is an apartment rental property with nine single-level, six-unit buildings. Harbor Square Apartments is an Applegate-Type property. It has 54 total units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, kitchen, social service office, bathrooms, and laundry room, a gazebo, a mail center, and trash dumpster facilities. It was

constructed for first occupancy in 1997. Harbor Square was developed using Low-Income Housing Tax Credits and HOME funds.

27. Heatherwood Apartments is located at 1621 Heatherwood Drive, Alexander City, AL. It is an apartment rental property with four two-level, eight-unit exterior-stairway buildings and one single-level four-unit building.

Heatherwood Apartments is an Americus-Type property. It has 36 total units, 20 of which are FHA-covered ground-level units. It has a community building with a leasing office, bathroom, and laundry room, a playground, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 1994. Heatherwood Apartments was developed using Low-Income Housing Tax Credits and HOME funds.

28. Heritage Vista Apartments is located at 3029 Heritage Place, Milledgeville, GA. It is an apartment rental property with eight two-level, eight-unit breezeway-style buildings. Heritage Vista Apartments is a Blue-Type property. It has 64 total units, 32 of which are FHA-covered ground-level units. It has a clubhouse with a leasing office, clubroom, kitchen, computer lab, workroom, bathrooms, laundry room, and pool, a gazebo, a playground, a picnic area, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2013. Heritage Vista Apartments was developed using Low-Income Housing Tax Credits and HOME funds.

29. Heron Lake Apartments is located at 1800 Eastwind Road, Valdosta, GA. It is an apartment rental property with 11 two-level, eight-unit breezeway-style buildings. Heron Lake Apartments is a Blue-Type property. It has 88 total units, 44 of which are FHA-covered ground-level units. It has a clubhouse with a leasing office, clubroom, exercise room, computer lab, workroom, kitchen, bathrooms, laundry room, and pool, a play court, a playground, a pavilion, a walking path, a mail center, and a trash dumpster facility. It was constructed for first occupancy in 2005. It was developed using Low-Income Housing Tax Credits and HOME funds.

30. Heron Lake II Apartments is located at 1800 Eastwind Road, Valdosta, GA. It is an apartment rental property with eight two-level, eight-unit breezeway-style buildings. Heron Lake II Apartments is a Blue-Type property. It has 64 total units, 32 of which are FHA-covered ground-level units. It has a community building with a leasing office, computer room, exercise room, kitchen, and bathrooms, a playground, a picnic pavilion, a volleyball court, a car wash, a picnic area, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2008. It was developed using Low-Income Housing Tax Credits and HOME funds.

31. Hickory Run Apartments is located at 720 Lynn Drive SE, Jacksonville, AL. It is an apartment rental property with two two-level, eight-unit exterior-

stairway buildings, three single-level, six-unit buildings, and two single-level, four-unit buildings. Hickory Run Apartments is a property with both Americus-Type and Applegate-Type buildings. It has 42 total units, 34 of which are FHA-covered ground-level units. It has a community building with a community room, social service room, kitchen, bathrooms, and laundry room, a playground, a gazebo, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 1997. It was developed using Low Income Housing Tax Credits and HOME funds.

32. Hickory Run II Apartments is located at 710 Lynn Drive SE, Jacksonville, AL. It is an apartment rental property with four two-level, eight-unit exterior-stairway buildings and two single-level, four-unit buildings. Hickory Run II Apartments is a property with both Americus-Type and Applegate-Type buildings. It has 40 total units, 24 of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, computer room, kitchen, bathrooms, and laundry room, a playground, a gazebo, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2001. It was developed using Low-Income Housing Tax Credits and HOME funds.

33. Highland Park Senior Village is located at 6785 Selman Drive, Douglasville, GA. It is an apartment rental property with two single-level, four-

unit buildings, one single-level, six-unit building, three two-level, 12-unit breezeway-style buildings, and one single-level, combined community and four-unit building. It has 50 total units, 36 of which are FHA-covered ground-level units. Highland Park is a property with Glencoe-Type units. It has a community room, community kitchen and bathrooms, and laundry room, a gazebo, a horseshoes pit, a shuffleboard court, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2000. It was developed using Low-Income Housing Tax Credits and HOME funds.

34. Hunter Pointe Apartments is located at 463 Alexander Avenue, Centreville, AL. It is an apartment rental property with three two-level, eight-unit exterior-stairway buildings. Hunter Pointe Apartments is an Americus-Type property. It has 24 total units, 12 of which are FHA-covered ground-level units. It has a community building with a leasing office, bathroom, and laundry room, a playground, a mail center, and a trash dumpster facility. It was constructed for first occupancy in 1996. It was developed using Low-Income Housing Tax Credits and HOME funds.

35. Ivy Pointe Apartments is located at 400 John Aldridge Drive, Tuscumbia, AL. It is an apartment rental property with four single-level, six-unit buildings and four two-level, eight-unit exterior-stairway buildings. Ivy Pointe Apartments is a property with both Americus-Type and Applegate-Type buildings.

It has 56 total units, 40 of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, social service room, kitchen, bathrooms, and laundry room, a playground, a pavilion, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 1997. It was developed using Low-Income Housing Tax Credits and HOME funds.

36. Ivy Pointe II Apartments is located at 400 John Aldridge Drive, Tuscumbia, AL. It is an apartment rental property with six two-level, eight-unit exterior-stairway buildings. Ivy Pointe II Apartments is an Americus-Type property. It has 48 total units, 24 of which are FHA-covered ground-level units. It has a playground, gazebo, and trash dumpster facilities. It was constructed for first occupancy in 2001. It was developed using Low-Income Housing Tax Credits and HOME funds.

37. Kirby Creek Apartments is located at 104 Joyner Road, Cairo, GA. It is an apartment rental property with seven two-level, eight-unit breezeway-style buildings. Kirby Creek Apartments is a Blue-Type property. It has 56 total units, 28 of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, kitchen, bathrooms, and laundry room, a play ground, a play court, a playing field, a pavilion, a picnic area, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2007. It was developed using Low-Income Housing Tax Credits and HOME funds.

38. Kirkwood Trail Apartments is located at 133 Cason Road, Cedartown, GA. It is an apartment rental property with eight single-level, six-unit buildings and one single-level, four-unit building. Kirkwood Trail Apartments is an Applegate-Type property. It has 52 total units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, kitchen, bathrooms, and laundry room, a gazebo, a horseshoes pit, a community garden, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2003. It was developed using Low-Income Housing Tax Credits and HOME funds.

39. Lakeshore Crossing Apartments is located at 6300 Rime Village Drive NW, Huntsville, AL. It is an apartment rental property with nine two-level, 16-unit breezeway-style buildings and two two-level, eight-unit breezeway-style buildings. Lakeshore Crossing Apartments is a Blue-Type property. It has 160 total units, 80 of which are FHA-covered ground-level units. It has a clubhouse with a leasing office, community room, conference/computer room, exercise room, work room, mail room, kitchen, bathrooms, laundry room, and pool, a gazebo, a sport court, a playground, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2004. It was developed using Low-Income Housing Tax Credits.

40. Lenox Station Apartments is located at 510 South Caroline Street, Rockingham, NC. It is an apartment rental property with six single-level, six-unit buildings and one single-level, five-unit building. Lenox Station Apartments is an Applegate-Type property. It has 41 total units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, computer lab, kitchen, bathrooms, and laundry room, a playground, a gazebo, a community garden, shuffleboard court, horseshoes pit, mail center, and trash dumpster facilities. It was constructed for first occupancy in 2003. It was developed using HOME funds.

41. Liberty Square Apartments is located at 3899 Liberty Square Drive, Montgomery, AL. It is an apartment rental property with 14 three-level, 12-unit breezeway-style buildings. Liberty Square Apartments is a Blue-Type property. It has 168 total units, 56 of which are FHA-covered ground-level units. It has a community building with a leasing office, clubroom, conference/computer room, exercise room, work room, kitchen, bathrooms, laundry room, and pool, a playground, sport court, gazebo, car wash, mail center, and trash dumpster facilities. It was constructed for first occupancy in 2003. It was developed using Low-Income Housing Tax Credits.

42. Mallard Lake Apartments is located at 120 Old Airport Road, LaGrange, GA. It is an apartment rental property with nine two-level, eight-unit

breezeway-style buildings. Mallard Lake Apartments is a Blue-Type property. It has 72 total units, 36 of which are FHA-covered ground-level units. It has a clubhouse with a leasing office, clubroom, exercise room, computer lab, workroom, kitchen, bathrooms, laundry room, and pool, a playground, a picnic pavilion, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2010. It was developed using Low-Income Housing Tax Credits.

43. Maple Square Apartments is located at 50 Nelson Drive, Jefferson, GA. It is an apartment rental property with eight single-level, six-unit buildings and two single-level four-unit buildings. Maple Square Apartments is an Applegate-Type property. It has 56 total units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, computer room, kitchen, bathroom, and laundry room, a picnic pavilion, walking trails, and trash dumpster facilities. It was constructed for first occupancy in 2012. It was developed using Low-Income Housing Tax Credits and HOME funds.

44. Meadowview Apartments is located at 809 Cedar Street, Greenville, AL. It is an apartment rental property with three two-level, eight-unit exterior-stairway buildings. Meadowview Apartments is an Americus-Type property. It has 24 total units, 12 of which are FHA-covered ground-level units. It has a community building with a leasing office, bathroom, and laundry room, a playground, a mail center, and trash dumpster facilities. It was constructed for first

occupancy in 1994. It was developed using Low-Income Housing Tax Credits and HOME funds.

45. Oakland Mill Apartments is located at 440 Salem Church Road, Lincolnton, NC. It is an apartment rental property with seven single-level, six-unit buildings. Oakland Mills Apartments is an Applegate-Type property. It has 42 total units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, computer center, kitchen, bathrooms, and laundry room, a picnic shelter, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2013. It was developed using Low-Income Housing Tax Credits and HOME funds.

46. Oleander Park Apartments is located at 7646 Cottage Hill Road, Mobile, AL. It is an apartment rental property with one 30-unit elevator building and one 26-unit and community-center elevator building. Oleander Park Apartments is a Hamilton-Type property. It has 56 total units, all of which are FHA-covered units. It has a community space with bathrooms and a kitchen, a gazebo, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2006. It was developed using Low-Income Housing Tax Credits and HOME funds.

47. Orchard Park Apartments is located at 629 State Highway 21 South, Hayneville, AL. It is an apartment rental property with one single-level, six-unit building and one single-level four-unit and community-center building. Orchard

Park Apartments is an Applegate-Type property. It has ten total units, all of which are FHA-covered ground-level units. It has a community room, bathroom, and laundry room, a gazebo, mail center, and trash dumpster facility. It was constructed for first occupancy in 2004. It was developed using HOME funds.

48. Palladian Apartments is located at 2225 Leroy Stevens Road, Mobile, AL. It is an apartment rental property with ten two-level, eight-unit breezeway-style buildings. Palladian Apartments is a Blue-Type property. It has 80 total units, 40 of which are FHA-covered ground-level units. It has a clubhouse with a leasing office, clubroom, computer lab, exercise room, workroom, kitchen, bathrooms, laundry room, and pool, a playground, a gazebo, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2005. It was developed using Low-Income Housing Tax Credits and HOME funds.

49. Palladian II Apartments is located at 2135 Leroy Stevens Drive, Mobile, AL. It is an apartment rental property with four two-level, eight-unit breezeway-style buildings. Palladian II Apartments is a Blue-Type property. It has 32 total units, 16 of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, computer room, and bathroom, a playground, a gazebo, a basketball court, a picnic area, a mail center, a shuffleboard court, and trash dumpster facilities. It was constructed for first occupancy in 2007. It was developed using Low-Income Housing Tax Credits.

50. Palladian-Fairhope Apartments is located at 8132 Gayfer Avenue, Fairhope, AL. It is an apartment rental property with fourteen single-level, four-unit buildings and three single-level, two-unit buildings. It has 62 total units, 56 of which are FHA-covered ground-level units. It has a clubhouse with a leasing office, multipurpose room, bathrooms, laundry room, and pool. It was constructed for first occupancy in 2013.

51. Palladian-Jubilee Apartments is located at 1701 County Road 64, Daphne, AL. It is an apartment rental property under construction with 23 single-level, four-unit buildings and seven single-level, two-unit buildings. It has 106 total units, 92 of which are FHA-covered ground-level units. It has a clubhouse with a leasing office, community room, exercise room, conference room, kitchen, bathrooms, and pool.

52. Parkwood Apartments is located at 550 Wood Drive, Pell City, AL. It is an apartment rental property with four single-level, six-unit buildings and three two-level, eight-unit exterior-stairway buildings. Parkwood Apartments is a property with both Applegate-Type and Americus-Type buildings. It has 48 total units, 36 of which are FHA-covered ground-level units. It has a community building with a leasing office, community building, social service room, kitchen, bathrooms, and laundry room, a playground, a gazebo, a mail center, and trash

dumpster facilities. It was constructed for first occupancy in 1997. It was developed using HOME funds.

53. Pebble Creek Apartments is located at 803 Vanity Fair Avenue, Butler, AL. It is an apartment rental property with three two-level, eight-unit buildings. Pebble Creek is an Americus-Type property. It has 24 total units, 12 of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, kitchen, bathroom, and laundry room, a playground, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2000. It was developed using Low-Income Housing Tax Credits and HOME funds.

54. Pinewood Apartments is located at 755 South Rogers Street, Pooler, GA. It is an apartment rental property under construction with ten single-level, six-unit buildings and one single-level, four-unit building. Pinewood Apartments is an Applegate-Type property. It has 64 total units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, computer lab, kitchen, bathrooms, and laundry room, a picnic pavilion, a mail center, and trash dumpster facilities. It was developed using Low-Income Housing Tax Credits and HOME funds.

55. Powell Place Apartments is located at 120 Trojan Way, Barnesville, GA. It is an apartment rental property with eight two-level, eight-unit breezeway-

style buildings. Powell Place Apartments is a Blue-Type property. It has 64 total units, 32 of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, computer lab, kitchen, bathrooms, and laundry room, a playground, a picnic pavilion, a community garden, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2011. It was developed using HOME funds.

56. Preston Place Apartments is located at 100 Phillips Drive, Quitman, GA. It is an apartment rental property with five two-level, eight-unit breezeway-style buildings. Preston Place Apartments is a Blue-Type property. It has 40 total units, 20 of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, exercise room, computer room, library, kitchen, bathrooms, and laundry room, a picnic pavilion, a playground, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2010. It was developed using Low-Income Housing Tax Credits.

57. Shadowood Apartments is located at 256 Old Mount Carmel Road, Stevenson, AL. It is an apartment rental property with four single-level, six-unit buildings. Shadowood Apartments is an Applegate-Type property. It has 24 total units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, kitchen, bathroom, and laundry

room, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 1991. It was developed using Low-Income Housing Tax Credits.

58. Shellbrooke Pointe Apartments is located at 7684 Twin Beach Road, Fairhope, AL. It is an apartment rental property with 12 two-level, eight-unit breezeway-style buildings. Shellbrooke Pointe Apartments is a Blue-Type property. It has 96 total units, 48 of which are FHA-covered ground-level units. It has a clubhouse with a leasing office, clubroom, exercise room, computer lab, workroom, kitchen, bathrooms, laundry room, and pool, a playground, a gazebo, a picnic area, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2008. It was developed using Low-Income Housing Tax Credits.

59. Sheppard Station Apartments is located at 215 Brighton Woods Drive, Pooler, GA. It is an apartment rental property with two three-level, 30-unit elevator buildings and one single-level, five-unit building. Sheppard Station Apartments is a Hamilton-Type property. It has 65 total units, all of which are FHA-covered units. It has a community building with a leasing office, community room, computer lab, exercise room, kitchen, and bathrooms, a picnic pavilion, a picnic area, a shuffleboard court, a horseshoes pit, a community garden, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2009. It was developed using Low-Income Housing Tax Credits and HOME funds.

60. Skyline Trace Apartments is located at 600 Ridge Road, Monroe, GA. It is an apartment rental property with eight two-level, eight-unit breezeway-style buildings. Skyline Trace Apartments is a Blue-Type property. It has 64 total units, 32 of which are FHA-covered ground-level units. It has a clubhouse with a leasing office, clubroom, library, computer room, exercise room, kitchen, bathrooms, laundry room, and pool, a cabana, a picnic pavilion, a playground, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2010. It was developed using Low-Income Housing Tax Credits.

61. Sterling Oaks Apartments is located at 114 St. Helena Drive, Spindale, NC. It is an apartment rental property under construction with seven two-level, eight-unit breezeway-style buildings. Sterling Oaks Apartments is a Blue-Type property. It has 56 total units, 28 of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, computer center, kitchen, bathrooms, and laundry room, a picnic pavilion, a gazebo, a playground, a mail center, and trash dumpster facilities. It was developed using HOME funds.

62. Stoney Creek Apartments is located at 321 Plaza Road, Laurinburg, NC. It is an apartment rental property with six single-level, six-unit buildings, and two single-level, four-unit buildings. Stoney Creek Apartments is an Applegate-Type property. It has 44 total units, all of which are FHA-covered ground-level units. It

has a community building with a leasing office, community room, computer room, kitchen, bathrooms, and laundry room, a picnic shelter, a gazebo, a mail center, and trash dumpster facilities. It was constructed for first occupancy with 2013. It was developed using Low-Income Housing Tax Credits and HOME funds.

63. Stony Ridge Apartments is located at 108 Lincoln Street, Hogansville, GA. It is an apartment rental property under construction with seven two-level, eight-unit breezeway-style buildings. Stony Ridge Apartments is a Blue-Type property. It has 56 total units, 28 of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, kitchen, bathrooms, and laundry room, a gazebo, a playground, a picnic area, a mail center, and trash dumpster facilities.

64. Sullivan Village Apartments is located at 104 Carrie Lane, Tuscumbia, AL. It is an apartment rental property with eight single-level, six-unit buildings and two single-level, four-unit buildings. Sullivan Place Apartments is an Applegate-Type property. It has 56 total units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, computer room, kitchen, bathrooms, and laundry room, a gazebo, a playground, a picnic area, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2012. It was developed using Low-Income Housing Tax Credits and HOME funds.

65. The Park at Rocky Ridge Apartments is located at 3400 Chestnut Ridge Lane, Birmingham, AL. It is an apartment rental property with four three-level, 24-unit breezeway-style buildings, two three-level, 28-unit breezeway-style buildings, and one two- and three-level, 16-unit breezeway-style building. The Park at Rocky Ridge Apartments is a Blue-Type property. It has 168 total units, 54 of which are FHA-covered ground-level units. It has a clubhouse with a leasing office, clubroom, computer room, exercise room, workroom, kitchen, bathrooms, laundry room, pool, a playground, a play court, a mail center, and a trash dumpster facility. It was constructed for first occupancy in 2005. It was developed using Low-Income Housing Tax Credits.

66. Timberfalls Apartments is located at 700 Timberfalls Court, Thomaston, GA. It is an apartment rental property with six two-level, eight-unit exterior-stairway buildings. Timberfalls Apartments is an Americus-Type property. It has 48 total units, 24 of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, social service room, kitchen, bathroom, and laundry room, a gazebo, a playground, a basketball court, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 1999. It was developed using HOME funds.

67. Valley Ridge Apartments is located at 950 Mooty Bridge Road, LaGrange, GA. It is an apartment rental property with ten two-level, eight-unit

breezeway-style buildings. Valley Ridge Apartments is a Blue-Type property. It has 80 total units, 40 of which are FHA-covered ground-level units. It has a clubhouse with a leasing office, clubroom, computer room, exercise room, workroom, kitchen, bathroom, laundry room, and pool, a playground, a basketball court, a sports field, a picnic pavilion, a picnic area, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2005. It was developed using Low-Income Housing Tax Credits.

68. Village at Wedgewood Apartments is located at 307 17th Avenue NW, Cairo, GA. It is an apartment rental property with seven single-level, six-unit buildings. Village at Wedgewood Apartments is an Applegate-Type property. It has 42 total units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, computer room, exercise room, kitchen, and bathrooms, a picnic pavilion, a horseshoes pit, a shuffleboard court, a community garden, a picnic area, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2009. It was developed using Low Income Housing Tax Credits and HOME funds.

69. Villas at Forsyth Apartments is located at 101 Virginia Avenue, Barnesville, GA. It is an apartment rental property with seven single-level, six-unit buildings. Villas at Forsyth Apartments is an Applegate-Type property. It has 42 total units, all of which are FHA-covered ground-level units. It has a community

building with a leasing office, community room, computer lab, exercise room, kitchen, and bathrooms, a horseshoes pit, a shuffleboard court, a picnic pavilion, a community garden, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2009. It was developed using Low-Income Housing Tax Credits and HOME funds.

70. Waring Apartments is located at 812 East Waring Street, Waycross, GA. It is an apartment rental property with six single-level, six-unit buildings and one single-level, four-unit building. Waring Apartments is an Applegate-Type property. It has 40 total units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, social service room, kitchen, bathroom, and laundry room, a gazebo, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 1999. It was developed with HOME funds.

71. Waring II Apartments is located at 812 East Waring Street, Waycross, GA. It is an apartment rental property with four single-level, six-unit buildings and three single-level, four-unit buildings. Waring II is an Applegate-Type property. It has 36 total units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, social service office, kitchen, and bathrooms, a gazebo, a horseshoes pit, a community garden, a mail

center, and trash dumpster facilities. It was constructed for first occupancy in 2003. It was developed using Low-Income Housing Tax Credits and HOME funds.

72. Waterford Farms Apartments is located at 644 Cullman Road, Arab, AL. It is an apartment rental property under construction with three two-level, 16-unit breezeway-style buildings. Waterford Farms is a Blue-Type property. It has 48 total units, 24 of which are ground-level units. It has a clubhouse with a leasing office, clubroom, workroom, computer center, exercise room, kitchen, bathrooms, laundry room, and pool, a playground, a bus stop, a picnic center, a mail center, and trash dumpster facilities. It is being developed using Low-Income Housing Tax Credits and HOME funds.

73. Westfork Apartments is located at 1406 8th Street NW, Jasper, AL. It is an apartment rental property with five two-level, eight-unit exterior-stairway buildings. Westfork Apartments is an Americus-Type property. It has 40 total units, 20 of which are FHA-covered ground-level units. It has an office with a leasing office, bathroom, and laundry room, a playground, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 1996. It was developed using Low-Income Housing Tax Credits and HOME funds.

74. Wincliff Apartments is located at 150 Gabriel Circle, Gainesville, GA. It is an apartment rental property with eight single-level, six-unit buildings and two single-level, four-unit buildings. Wincliff Apartments is an Applegate-Type

property. It has 56 units, all of which are FHA-covered ground-level units. It has a community building with a leasing office, community room, kitchen, bathrooms, and laundry room, a gazebo, a horseshoes pit, a shuffleboard court, a picnic area, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2001. It was developed using Low-Income Housing Tax Credits and HOME funds.

75. Woodlawn Terrace Apartments is located at 1211 North Forrest Street, Valdosta, GA. It is an apartment rental property with two two-level, 30-unit elevator buildings. Woodlawn Terrace is a Hamilton-Type property. It has 60 total units, all of which are FHA-covered units. It has a community building with a leasing office, community room, computer lab, library, kitchen, and bathrooms, a gazebo, shuffleboard courts, a community garden, a mail center, and trash dumpster facilities. It was constructed for first occupancy in 2011. It was developed using Low-Income Housing Tax Credits.

DEFENDANTS

76. Defendant Allan Rappuhn is a resident of Alabama with his principal business address at 920 Florence Boulevard, Florence, Alabama. Mr. Rappuhn owns and controls corporations, limited liability companies, and limited partnerships, or has an ownership interest in corporations, limited liability

companies, or limited partnerships, that were involved in the design and construction of these Subject Properties:

- (a) Americus Garden Apartments;
- (b) Applegate Apartments;
- (c) Autumn Ridge Apartments;
- (d) Bailey Springs Apartments;
- (e) Blue Springs Apartments;
- (f) Bradbury Apartments;
- (g) Brentwood Apartments;
- (h) Brookstone Apartments;
- (i) Canebreak Apartments;
- (j) Cedar Glades Apartments;
- (k) Cottage Hill Pointe Apartments;
- (l) Eagle Pointe Apartments;
- (m) Evergreen Village Apartments;
- (n) Glencoe Trace Apartments;
- (o) Harbor Square Apartments;
- (p) Heatherwood Apartments;
- (q) Heritage Vista Apartments;
- (r) Heron Lake Apartments;

- (s) Heron Lake II Apartments;
- (t) Hickory Run Apartments;
- (u) Highland Park Apartments;
- (v) Hunter Pointe Apartments;
- (w) Ivy Pointe Apartments;
- (x) Ivy Pointe II Apartments;
- (y) Kirby Creek Apartments;
- (z) Kirkwood Trail Apartments;
- (aa) Lakeshore Crossing Apartments;
- (bb) Lennox Station Apartments;
- (cc) Liberty Square Apartments;
- (dd) Mallard Lake Apartments;
- (ee) Maple Square Apartments;
- (ff) Meadowview Apartments;
- (gg) Oakland Mill Apartments;
- (hh) Palladian Apartments;
- (ii) Palladian-Fairhope Apartments;
- (jj) Palladian-Jubilee Apartments;
- (kk) Parkwood Apartments;
- (ll) Pebble Creek Apartments;

- (mm) Pinewood Apartments;
- (nn) Powell Place Apartments;
- (oo) Preston Place Apartments;
- (pp) Shadowood Apartments;
- (qq) Shellbrooke Pointe Apartments;
- (rr) Sheppard Station Apartments;
- (ss) Skyline Trace Apartments;
- (tt) Sterling Oaks Apartments;
- (uu) Stoney Creek Apartments;
- (vv) Sullivan Place Apartments;
- (ww) The Park at Rocky Ridge Apartments;
- (xx) Timberfalls Apartments;
- (yy) Valley Ridge Apartments;
- (zz) Village at Wedgewood Apartments;
- (aaa) Villas on Forsyth Apartments;
- (bbb) Waring Apartments;
- (ccc) Waring II Apartments;
- (ddd) Westfork Apartments;
- (eee) Wincliff Apartments; and
- (fff) Woodlawn Terrace Apartments.

77. Defendant Allan Rappuhn is a developer of the following Subject Properties, and he was involved in the design and construction of these Subject Properties:

- (a) Applegate Apartments;
- (b) Belle Isle Apartments,
- (c) Bailey Springs Apartments;
- (d) Blue Springs Apartments;
- (e) Bradbury Apartments;
- (f) Brentwood Landing Apartments;
- (g) Brookstone Village Apartments;
- (h) Canebreak Apartments;
- (i) Cherry Ridge Independent Living Apartments;
- (j) Cottage Hill Pointe Apartments;
- (k) Double Creek Apartments;
- (l) Eagle Pointe Apartments;
- (m) Hamilton Place Apartments;
- (n) Harbor Square Apartments;
- (o) Heatherwood Apartments;
- (p) Heron Lake Apartments;
- (q) Hickory Run II Apartments;

- (r) Hunter Pointe Apartments;
- (s) Ivy Pointe II Apartments;
- (t) Kirby Creek Apartments;
- (u) Kirkwood Trail Apartments;
- (v) Lakeshore Crossing Apartments;
- (w) Lennox Station Apartments;
- (x) Liberty Square Apartments;
- (y) Meadowview Apartments;
- (z) Oakland Mill Apartments;
- (aa) Oleander Park Apartments;
- (bb) Orchard Park Apartments;
- (cc) Palladian Apartments;
- (dd) Palladian II Apartments;
- (ee) Pebble Creek Apartments;
- (ff) Pinewood Apartments;
- (gg) Shellbrooke Pointe Apartments;
- (hh) Stoney Creek Apartments;
- (ii) Sullivan Place Apartments;
- (jj) The Park at Rocky Ridge Apartments;
- (kk) Valley Ridge Apartments;

- (ll) Waring II Apartments;
- (mm) Westfork Apartments;
- (nn) Windcliff Apartments;

78. Defendant Gateway Construction Corporation is a domestic Alabama corporation with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Allan Rappuhn is the Chairman of Gateway Construction Corporation, and he is the President and Secretary of Gateway Construction Corporation. Gateway Construction Corporation is a developer of the following Subject Properties, and it was involved in the design and construction of these Subject Properties:

- (a) Alexander Trace Apartments;
- (b) Americus Garden Apartments;
- (c) Applegate Apartments;
- (d) Bailey Springs Apartments;
- (e) Belle Isle Apartments;
- (f) Blue Springs Apartments;
- (g) Bradbury Apartments;
- (h) Brentwood Landing II Apartments;
- (i) Brentwood Landing Apartments;
- (j) Brookstone Village Apartments;

- (k) Canebreak Apartments;
- (l) Cedar Glades Apartments;
- (m) Charleston Square Apartments (also known as Deer Run Apartments);
- (n) Cherry Ridge Independent Living Apartments;
- (o) Cottage Hill Pointe Apartments;
- (p) Double Creek Apartments;
- (q) Eagle Pointe Apartments;
- (r) Evergreen Village Apartments;
- (s) Glencoe Trace Apartments;
- (t) Hamilton Place Apartments;
- (u) Heatherwood Apartments;
- (v) Heritage Vista Apartments;
- (w) Heron Lake Apartments;
- (x) Heron Lake II Apartments;
- (y) Hickory Run Apartments;
- (z) Hickory Run II Apartments;
- (aa) Highland Park Senior Village;
- (bb) Ivy Pointe Apartments;
- (cc) Ivy Pointe II Apartments;
- (dd) Kirby Creek Apartments;

- (ee) Kirkwood Trail Apartments;
- (ff) Lakeshore Crossing Apartments;
- (gg) Lennox Station Apartments;
- (hh) Liberty Square Apartments;
- (ii) Mallard Lake Apartments;
- (jj) Maple Square Apartments;
- (kk) Meadowview Apartments;
- (ll) Oakland Mill Apartments;
- (mm) Oleander Park Apartments;
- (nn) Orchard Park; Palladian Apartments;
- (oo) Palladian II Apartments;
- (pp) Palladian-Fairhope Apartments;
- (qq) Palladian-Jubilee Apartments;
- (rr) Parkwood Apartments;
- (ss) Pebble Creek Apartments;
- (tt) Pinewood Apartments;
- (uu) Shadowood Apartments;
- (vv) Shellbrooke Pointe Apartments;
- (ww) Skyline Trace Apartments;
- (xx) Stoney Creek Apartments;

- (yy) Sullivan Place Apartments;
- (zz) The Park at Rocky Ridge Apartments;
- (aaa) Timberfalls Apartments;
- (bbb) Valley Ridge Apartments;
- (ccc) Village at Wedgewood Apartments;
- (ddd) Villas on Forsyth Apartments;
- (eee) Waring Apartments;
- (fff) Waring II Apartments;
- (ggg) Waterford Farms Apartments;
- (hhh) Windcliff Apartments;
- (iii) Woodlawn Terrace Apartments.

79. Defendant Gateway Properties, LLC is a domestic Alabama limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Allan Rappuhn is a manager and a member of Gateway Properties, LLC. Defendant Gateway Development Corporation is a member of Gateway Properties, LLC. Defendant Gateway Development Corporation is a domestic Alabama corporation with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Allan Rappuhn is the Chairman of Gateway Development Corporation. Defendant Allan Rappuhn is the President and Secretary of Gateway Development Corporation. Gateway Properties, LLC is a

developer of the following Subject Properties, and it was involved in the design and construction of these Subject Properties:

- (a) Heritage Vista Apartments;
- (b) Mallard Lake Apartments;
- (c) Maple Square Apartments;
- (d) Powell Place Apartments;
- (e) Preston Place Apartments;
- (f) Sheppard Station Apartments;
- (g) Skyline Trace Apartments;
- (h) Sterling Oaks Apartments;
- (i) Village at Wedgewood Apartments;
- (j) Villas on Forsyth Apartments;
- (k) Woodlawn Terrace Apartments.

80. Defendant Americus Garden Apartments, LP is the owner of Americus Garden Apartments, and it was involved in the design and construction of Americus Garden Apartments. Americus Garden Apartments, LP is a for-profit, domestic Georgia limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Construction Corporation is a general partner of Americus Garden Apartments, LP.

81. Defendant Applegate Apartments, LTD is the owner of Applegate Apartments, and it was involved in the design and construction of Applegate Apartments. Applegate Apartments, LTD is a for-profit, domestic Alabama limited partnership with its principal office at P.O. Box 220, Florence, AL. Defendant Allan Rappuhn is a general partner of Applegate Apartments, LTD. Gateway Construction Corporation is a general partner of Applegate Apartments, LTD.

82. Defendant Autumn Ridge, LLC is the owner of Autumn Ridge Apartments, and it was involved in the design and construction of Autumn Ridge Apartments. Autumn Ridge, LLC is a domestic North Carolina limited liability company with its principal office at 2021 Cross Beam Drive, Charlotte, NC. A&J Company, LLC is a member and manager of Autumn Ridge, LLC. A&J Company, LLC is a domestic North Carolina limited liability company with its principal office at 920 Florence Boulevard, Florence, AL. Defendant Allan Rappuhn is a member and manager of A&J Company, LLC.

83. Defendant Bailey Springs Apartments, LP is the owner of Bailey Springs Apartments, and it was involved in the design and construction of Bailey Springs Apartments. Bailey Springs Apartments, LP is a domestic North Carolina limited partnership with its principal office at 920 Florence Boulevard, Florence,

Alabama. Defendant Gateway Properties, LLC is a general partner of Bailey Springs Apartments, LP.

84. Defendant Blue Springs Apartments, LP is the owner of Blue Springs Apartments, and it was involved in the design and construction of Blue Springs Apartments. Blue Springs Apartments, LP is a domestic North Carolina limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Properties, LLC is a general partner of Blue Springs Apartments, LP.

85. Defendant Bradbury Apartments, LP is the owner of Bradbury Apartments, and it was involved in the design and construction of Bradbury Apartments. Bradbury Apartments, LP is a domestic North Carolina limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Properties, LLC is a general partner of Bradbury Apartments, LP.

86. Defendant Brentwood Landing Apartments, LTD is the owner of Brentwood Landing Apartments, and it was involved in the design and construction of Brentwood Landing Apartments. Brentwood Landing Apartments, LTD is a domestic Alabama limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Gateway Brentwood, LLC is a general partner of Brentwood Landing Apartments, LTD. Defendant Allan Rappuhn is a

managing member of Gateway Brentwood, LLC. Defendant Gateway Development Corporation is a member of Gateway Brentwood, LLC. Defendant Gateway Construction Corporation is a member of Gateway Brentwood, LLC.

87. Defendant Brookstone Village Apartments, LTD is the owner of Brookstone Village Apartments, and it was involved in the design and construction of Brookstone Village Apartments. Brookstone Village Apartments, LTD is a domestic Alabama limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Gateway Brookstone Village, LLC is a general partner of Brookstone Village Apartments, LLC. Gateway Brookstone Village, LLC is a domestic Alabama limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Allan Rappuhn is the managing member of Gateway Brookstone Village, LLC. Defendant Gateway Construction Corporation is a member of Gateway Brookstone Village, LLC. Defendant Gateway Development Corporation is a member of Gateway Brookstone Village, LLC.

88. Defendant Canebreak Apartments, LP is the owner of Canebreak Apartments, and it was involved in the design and construction of Canebreak Apartments. Canebreak Apartments, LP is a domestic North Carolina limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama.

Defendant Gateway Properties, LLC is a general partner of Defendant Canebreak Apartments, LP.

89. Defendant Cedar Glades Apartments, LP is the owner of Cedar Glades Apartments, and it was involved in the design and construction of Cedar Glades Apartments. Cedar Glades Apartments LP is a domestic Tennessee limited partnership, with its principal office at 920 Florence Boulevard, Florence, Alabama. Gateway Cedar Glades Apartments, LLC is the general partner of Cedar Glades Apartments, LP. Gateway Cedar Glades Apartments, LLC is a domestic Tennessee limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Allan Rappuhn is a managing member of Gateway Cedar Glades Apartments, LLC.

90. Defendant Cottage Hill Pointe Apartments, LTD is the owner of Cottage Hill Pointe Apartments, and it was involved in the design and construction of Cottage Hill Pointe Apartments. Cottage Hill Pointe Apartments, LTD is a domestic Alabama limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. A&C Cottage Hill, LLC is the general partner of Cottage Hill Pointe Apartments, LTD. A&C Cottage Hill, LLC is a domestic Alabama limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Allan Rappuhn is a managing member of A&C Cottage Hill, LLC.

91. Defendant Eagle Pointe Apartments, LTD is the owner of Eagle Pointe Apartments, and it was involved in the design and construction of Eagle Pointe Apartments. Eagle Pointe Apartments, LTD is a domestic Alabama limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Construction Corporation is a general partner of Eagle Pointe Apartments, LTD, and it was involved in the design and construction of Eagle Pointe Apartments.

92. Defendant Evergreen Village Investments, LLLP is the owner of Evergreen Village Apartments, and it was involved in the design and construction of Evergreen Village Apartments. Evergreen Village Investments, LLLP is a domestic Georgia limited partnership with its principal office at PO Box 447, Summerville, Georgia. Defendant Gateway Construction Corporation is a general partner of Evergreen Village Investments, LLLP.

93. Defendant Glencoe Trace, LP is the owner of Glencoe Trace Apartments, and it was involved in the design and construction of Glencoe Trace Apartments. Glencoe Trace, LP is a domestic Georgia limited partnership with its principal office at PO Box 220, Florence, Alabama. Defendant Gateway Construction Corporation is a general partner of Glencoe Trace, LP.

94. Defendant Harbor Square Apartments, LTD is the owner of Harbor Square Apartments, and it was involved in the design and construction of Harbor

Square Apartments. Harbor Square Apartments, LTD is a domestic Alabama limited partnership with its principal office at PO Box 220, Florence, Alabama. Defendant Allan Rappuhn is a general partner of Defendant Harbor Square Apartments, LTD.

95. Defendant Heatherwood Apartments, LTD is the owner of Heatherwood Apartments, and it was involved in the design and construction of Heatherwood Apartments. Heatherwood Apartments, LTD is a domestic Alabama limited partnership with its principal office at PO Box 220, Florence, Alabama. Defendant Gateway Construction Corporation is a general partner of Heatherwood Apartments, LTD. Defendant Allan Rappuhn is a general partner of Heatherwood Apartments, LTD.

96. Defendant Heritage Vista Apartments, LP is the owner of Heritage Vista Apartments, and it was involved in the design and construction of Heritage Vista Apartments. Heritage Vista Apartments, LP is a domestic Georgia limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Gateway Heritage Vista, LLC is general partner of Heritage Vista Apartments, LP. Gateway Heritage Vista, LLC is a domestic Georgia limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Construction Corporation is a member of Gateway Heritage Vista, LLC.

97. Defendant Heron Lake Apartments, LP is the owner of Heron Lake Apartments, and it was involved in the design and construction of Heron Lake Apartments. Heron Lake Apartments, LP is a domestic Georgia limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Construction Corporation is a general partner of Heron Lake Apartments, LP.

98. Defendant Heron Lake II Apartments, LP is the owner of Heron Lake II Apartments, and it was involved in the design and construction of Heron Lake II Apartments. Heron Lake II Apartments, LP is a domestic Georgia limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Gateway Heron Lake II, LLC is a general partner of Heron Lake II Apartments, LP. Gateway Heron Lake II, LLC is a domestic Georgia limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Development Corporation is a member of Gateway Heron Lake II, LLC.

99. Defendant Hickory Run Apartments, LTD is the owner of Hickory Run Apartments, and it was involved in the design and construction of Hickory Run Apartments. Hickory Run Apartments, LTD is a domestic Alabama limited partnership with its principal office at 107 Second Avenue SE, Decatur, Alabama. Defendant Allan Rappuhn is a general partner of Hickory Run Apartments, LTD.

100. Defendant Highland Park Senior Village, LP is the owner of Highland Park Senior Village, and it was involved in the design and construction of Highland Park Senior Village. Highland Park Senior Village, LP is a domestic Georgia limited partnership with its principal office at PO Box 220, Florence, Alabama. Defendant Gateway Construction Corporation is a general partner of Highland Park Senior Village.

101. Defendant Hunter Pointe Apartments, LTD is the owner of Hunter Pointe Apartments, and it was involved in the design and construction of Hunter Pointe Apartments. Hunter Pointe Apartments, LTD is a domestic Alabama limited partnership with its principal office at PO Box 220, Florence, Alabama. Defendant Gateway Construction Corporation is a general partner of Hunter Pointe Apartments, LTD. Defendant Allan Rappuhn is a general partner of Hunter Pointe Apartments, LTD.

102. Defendant Ivy Pointe Apartments, LTD is the owner of Ivy Pointe Apartments, and it was involved in the design and construction of Ivy Pointe Apartments. Ivy Pointe Apartments, LTD is a domestic Alabama limited partnership with its principal office at 107 Second Avenue NE, Decatur, Alabama. Defendant Allan Rappuhn is a general partner of Ivy Pointe Apartments, LTD.

103. Defendant Ivy Pointe II Apartments, LTD is the owner of Ivy Pointe II Apartments, and it was involved in the design and construction of Ivy Pointe II

Apartments. Ivy Pointe II Apartments, LTD is a domestic Alabama limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Construction Corporation is a general partner of Ivy Pointe II Apartments, LTD.

104. Defendant Kirby Creek Apartments, LP is the owner of Kirby Creek Apartments, and it was involved in the design and construction of Kirby Creek Apartments. Kirby Creek Apartments, LP is a domestic Georgia limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Kirby Creek, LLC is a general partner of Kirby Creek Apartments, LP. Kirby Creek, LLC is a domestic Georgia limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Construction Corporation is a member of Kirby Creek, LLC.

105. Defendant Kirkwood Trail Apartments, LP is the owner of Kirkwood Trail Apartments, and it was involved in the design and construction of Kirkwood Trail Apartments. Kirkwood Trail Apartments, LP is a domestic Georgia limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama 35630. Defendant Gateway Construction Corporation is a general partner of Kirkwood Trail Apartments, LP.

106. Defendant Lakeshore Crossing Apartments, LTD is the owner of Lakeshore Crossing Apartments, and it was involved in the design and

construction of Lakeshore Crossing Apartments. Lakeshore Crossing Apartments, LTD is a domestic Alabama limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. A&C Lakeshore Crossing, LLC is a general partner of Lakeshore Crossing Apartments, LTD. A&C Lakeshore Crossing, LLC is a domestic Alabama limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Allan Rappuhn is a managing member of A&C Lakeshore Crossing, LLC. A&C Properties, LLC was an initial general partner of Lakeshore Crossing Apartments, LTD. A&C Properties, LLC is a domestic Alabama limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Allan Rappuhn is a member of A&C Properties, LLC.

107. Defendant Lenox Station Apartments, LTD is the owner of Lenox Station Apartments, and it was involved in the design and construction of Lenox Station Apartments. Lenox Station Apartments, LP is a domestic North Carolina limited partnership with its registered office at 327 Hillsborough Street, Raleigh, NC 27603. Defendant Gateway Properties, LLC is a general partner of Lenox Station Apartments, LTD.

108. Defendant Liberty Square Apartments, LTD is the owner of Liberty Square Apartments, and it was involved in the design and construction of Liberty Square Apartments. Liberty Square Apartments, LTD is a domestic Alabama

limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama 35630. A&C Liberty Square, LLC is a general partner of Liberty Square Apartments, LTD. A&C Liberty Square is a domestic Alabama limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Allan Rappuhn is the managing member of A&C Liberty Square, LLC.

109. Defendant Mallard Lake Apartments, LP is the owner of the Mallard Lake Apartments, and it was involved in the design and construction of Mallard Lake Apartments. Mallard Lake Apartments, LP is a domestic Georgia limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Gateway Mallard Lake, LLC is a general partner of Mallard Lake Apartments, LP. Gateway Mallard Lake, LLC is a domestic Georgia limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Development Corporation is a member of Gateway Mallard Lake, LLC.

110. Defendant Maple Square Apartments, LP is the owner of Maple Square Apartments, and it was involved in the design and construction of Maple Square Apartments. Maple Square Apartments, LP is a domestic Georgia limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Gateway Maple Square, LLC is a general partner of Maple Square Apartments, LP. Gateway Maple Square, LLC is a domestic Georgia limited liability company with

its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Construction Corporation is a member of Gateway Maple Square, LLC.

111. Defendant Meadowview Apartments, LTD is the owner of Meadowview Apartments, and it was involved in the design and construction of Meadowview Apartments. Meadowview Apartments, LTD is a domestic Alabama limited partnership with its principal office at PO Box 220, Florence, Alabama. Defendant Gateway Construction Corporation is a general partner of Meadowview Apartments, LTD, and it was involved in the design and construction of Meadowview Apartments.

112. Defendant Oakland Mill Apartments, LP is the owner of Oakland Mill Apartments, and it was involved in the design and construction of Oakland Mill Apartments. Oakland Mill Apartments, LP is a domestic North Carolina limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Properties, LLC is a general partner of Oakland Mill Apartments, LP.

113. Defendant Palladian Apartments, LTD is the owner of Palladian Apartments, and it was involved in the design and construction of Palladian Apartments. Palladian Apartments, LTD is a domestic Alabama limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama 35630. Gateway Palladian Apartments, LLC, is a general partner of Palladian

Apartments, LTD. Gateway Palladian Apartments, LLC is a domestic Alabama limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama 35630. Defendant Gateway Construction Corporation is a member of Gateway Palladian Apartments, LLC.

114. Defendant Fairhope Ridge, LLC is the owner of Palladian-Fairhope Apartments, and it was involved in the design and construction of Palladian-Fairhope Apartments. Fairhope Ridge, LLC is a domestic Alabama limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Gateway Fairhope Ridge, LLC is a member of Fairhope Ridge, LLC. Gateway Fairhope Ridge, LLC is a domestic Alabama limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Construction Corporation is a member of Gateway Fairhope Ridge, LLC. Defendant Gateway Properties, LLC is a member of Gateway Fairhope Ridge, LLC.

115. Defendant Jubilee Ridge, LLC is the owner of Palladian-Jubilee Apartments, and it was involved in the design and construction of Palladian-Jubilee Apartments. Jubilee Ridge, LLC is a domestic Alabama limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Construction Corporation is a member of Jubilee Ridge, LLC. Gateway Jubilee Ridge, LLC is a member of Jubilee Ridge, LLC. Gateway Jubilee

Ridge, LLC is domestic Alabama limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Properties, LLC is a member of Gateway Jubilee Ridge, LLC. Defendant Gateway Construction Corporation is a member of Gateway Jubilee Ridge, LLC.

116. Defendant Park Hill Apartments, LTD is the owner of Parkwood Apartments, and it was involved in the design and construction of Parkwood Apartments. Park Hill Apartments, LTD is a domestic Alabama limited partnership with its principal office at 107 Second Avenue NE, Decatur, Alabama. Defendant Allan Rappuhn is a general partner of Park Hill Apartments, LTD.

117. Defendant Pebble Creek Apartments, LTD is the owner of Pebble Creek Apartments, and it was involved in the design and construction of Pebble Creek Apartments. Pebble Creek Apartments, LTD is a domestic Alabama limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Construction Corporation is a general partner of Pebble Creek Apartments, LTD.

118. Defendant Pinewood Village Apartments, LP is the owner of Pinewood Apartments, and it was involved in the design and construction of Pinewood Apartments. Pinewood Village Apartments, LP is a domestic Georgia limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Gateway Pinewood Village, LLC is a general partner of Pinewood

Village Apartments, LP. Gateway Pinewood Village, LLC is a domestic Georgia limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Construction Corporation is a member of Gateway Pinewood Village, LLC. Defendant Gateway Development Corporation is a member of Gateway Pinewood Village, LLC.

119. Defendant Powell Place Apartments, LP is the owner of Powell Place Apartments, and it was involved in the design and construction of Powell Place Apartments. Powell Place Apartments, LP is a domestic Georgia limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Gateway Powell Place, LLC is a general partner of Powell Place Apartments, LP. Gateway Powell Place, LLC is a domestic Georgia limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Development Corporation is a member of Gateway Powell Place, LLC.

120. Defendant Preston Place Apartments, LP is the owner of Preston Place Apartments, and it was involved in the design and construction of Preston Place Apartments. Preston Place Apartments, LP is a domestic Georgia limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Gateway Preston Place, LLC is a general partner of Preston Place Apartments, LP. Gateway Preston Place, LLC is a domestic Georgia limited liability company with

its principal office at PO Box 920, Florence, Alabama. Defendant Gateway Development Corporation is a member of Gateway Preston Place, LLC.

121. Defendant Shadowood Apartments, LTD is the owner of Shadowood Apartments, and it was involved in the design and construction of Shadowood Apartments. Shadowood Apartments, LTD is a domestic Alabama limited partnership with its principal office at PO Box 920, Florence, Alabama. Defendant Allan Rappuhn is a general partner of Shadowood Apartments, LTD. Defendant Gateway Construction Corporation is a member of Shadowood Apartments, LTD.

122. Defendant Shellbrooke Pointe Apartments, LTD is the owner of Shellbrooke Pointe Apartments, and it was involved in the design and construction of Shellbrooke Pointe Apartments. Shellbrooke Pointe Apartments, LTD is a domestic Alabama limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Gateway Shellbrooke Pointe, LLC is a general partner of Shellbrooke Pointe Apartments, LTD. Gateway Shellbrooke Pointe, LLC is a domestic Alabama limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Construction Corporation is a member of Gateway Shellbrooke Pointe, LLC. Defendant Gateway Development Corporation is a member of Gateway Shellbrooke Pointe, LLC. Defendant Allan Rappuhn is a managing member of Gateway Shellbrooke Pointe, LLC.

123. Defendant Sheppard Station Apartments, LP is the owner of Sheppard Station Apartments, and it was involved in the design and construction of Sheppard Station Apartments. Sheppard Station Apartments, LP is a domestic Georgia limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Gateway Sheppard Station, LLC, is a general partner of Sheppard Station Apartments. Gateway Sheppard Station, LLC is a domestic Georgia limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Development Corporation is a member of Gateway Sheppard Station, LLC.

124. Defendant Skyline Trace Apartments, LP is the owner of Skyline Trace Apartments, and it was involved in the design and construction of Skyline Trace Apartments. Skyline Trace Apartments, LP is a domestic Georgia limited partnership with its principal office at PO Box 920, Florence, Alabama. Gateway Skyline Trace, LLC, is a general partner of Skyline Trace Apartments, LP. Gateway Skyline Trace, LLC is a domestic Georgia limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Development Corporation is a member of Gateway Skyline Trace, LLC.

125. Defendant Sterling Oaks Apartments, LP is the owner of Sterling Oaks Apartments, and it was involved in the design and construction of Sterling Oaks Apartments. Sterling Oaks Apartments, LP is a domestic North Carolina limited

partnership with its principal office at 2021 Cross Beam Drive, Charlotte, North Carolina. HEGM/Gateway Sterling Oaks, LLC, is a general partner of Sterling Oaks Apartments, LP. HEGM/Gateway Sterling Oaks, LLC is a domestic North Carolina limited liability company with its principal office at 2021 Cross Beam Drive, Charlotte, North Carolina. Defendant Gateway Properties, LLC is a member of HEGM/Gateway Sterling Oaks, LLC. Defendant Allan Rappuhn is a member of HEGM/Gateway Sterling Oaks, LLC.

126. Defendant Stoney Creek Apartments, LP is the owner of Stoney Creek Apartments, and it was involved in the design and construction of Stoney Creek Apartments. Stoney Creek Apartments, LP is a domestic North Carolina limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Properties, LLC, is a general partner of Stoney Creek Apartments, LP.

127. Defendant Stony Ridge Apartments, LP is the owner of Stony Ridge Apartments, and it was involved in the design and construction of Stony Ridge Apartments. Stony Ridge Apartments, LP is a domestic Georgia limited partnership with its principal office at 1200 4th Avenue, LaGrange, Georgia. Between 2011 and 2013, the principal office for Stony Ridge Apartments, LP was at 920 Florence Boulevard, Florence, Alabama. Defendant Allan Rappuhn is a member/manager of Stony Ridge Apartments, LP. DASH-Stony Ridge, LLC is a

general partner of Stony Ridge Apartments, LP. DASH-Stony Ridge, LLC is a domestic Georgia limited liability company. In 2011 and 2012, the principal office for Stony Ridge Apartments, LP was at 920 Florence Boulevard, Florence, Alabama.

128. Defendant Sullivan Village Apartments, LTD is the owner of Sullivan Place Apartments, and it was involved in the design and construction of Sullivan Village Apartments. Sullivan Village Apartments, LTD is a domestic Alabama limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Gateway Sullivan Village, LLC, is a general partner of Sullivan Village Apartments, LTD. Gateway Sullivan Village, LLC is a domestic Alabama limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Development Corporation is a member of Gateway Sullivan Village, LLC. Defendant Gateway Construction Corporation is a member of Gateway Sullivan Village, LLC. Defendant Allan Rappuhn is a managing member of Gateway Sullivan Village, LLC.

129. Defendant The Park at Rocky Ridge, LTD is the owner of The Park at Rocky Ridge Apartments, and it was involved in the design and construction of The Park at Rocky Ridge Apartments. The Park at Rocky Ridge, LTD is a domestic Alabama limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Rocky Ridge Park, LLC, is a general partner of

The Park at Rocky Ridge, LTD. Rocky Ridge Park, LLC is a domestic Alabama limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Allan Rappuhn is a managing member of Rocky Ridge Park, LLC.

130. Defendant Timberfalls, LLLP is the owner of Timberfalls Apartments, and it was involved in the design and construction of Timberfalls Apartments. Timberfalls, LLLP is a domestic Georgia limited partnership with its principal office at PO Box 447, Summerville, Georgia. Defendant Gateway Construction Corporation is a general partner of Timberfalls, LLLP.

131. Defendant Valley Ridge Apartments, LP is the owner of Valley Ridge Apartments, and it was involved in the design and construction of Valley Ridge Apartments. Valley Ridge Apartments, LP is a domestic Georgia limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Construction Corporation is a general partner of Valley Ridge Apartments, LP.

132. Defendant The Village at Wedgewood, LP is the owner of Village at Wedgewood Apartments, and it was involved in the design and construction of Village at Wedgewood Apartments. The Village at Wedgewood, LP is a domestic Georgia limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Gateway Village at Wedgewood, LLC is a general partner of

Village at Wedgewood, LP. Village at Wedgewood, LLC is a domestic Georgia limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Development Corporation is a member of Gateway Village at Wedgewood, LLC.

133. Defendant Villas on Forsyth, LP is the owner of Villas on Forsyth Apartments, and it was involved in the design and construction of Villas on Forsyth Apartments. Villas on Forsyth, LP is a domestic Georgia limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Gateway Villas on Forsyth, LLC is a general partner of Villas on Forsyth, LP. Gateway Villas on Forsyth, LLC is a domestic Georgia limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Development Corporation is a member of Gateway Villas on Forsyth, LLC.

134. Defendant Waring, LLLP is the owner of Waring Apartments, and it was involved in the design and construction of Waring Apartments. Waring, LLLP is a domestic Georgia limited liability company with its principal office at PO Box 447, Summerville, Georgia 30747. Defendant Gateway Construction Corporation is a general partner of Waring, LP.

135. Defendant Waring II, LP is the owner of Waring II Apartments, and it was involved in the design and construction of Waring II Apartments. Waring II,

LP is a domestic Georgia limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Construction Corporation is a general partner of Waring II, LP.

136. Defendant Westfork Apartments, LTD is the owner of Westfork Apartments, and it was involved in the design and construction of Westfork Apartments. Westfork Apartments, LTD is a domestic Alabama limited partnership with its principal office at 1110 Bradshaw Drive, Florence, Alabama. Defendant Allan Rappuhn is a general partner of Westfork Apartments, LTD.

137. Defendant Windcliff Apartments, LLC is the owner of Windcliff Apartments, and it was involved in the design and construction of Windcliff Apartments. Windcliff Apartments, LLC is a domestic Georgia limited liability company with its principal office at PO Box 220, Florence, Alabama. Gateway Windcliff, LLC is a member of Windcliff Apartments, LLC. Gateway Windcliff, LLC is a domestic Alabama limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Allan Rappuhn is a member of Windcliff Apartments, LLC. Defendant Allan Rappuhn is a member and manager of Gateway Windcliff, LLC.

138. Defendant Woodlawn Terrace Apartments, LP is the owner of Woodlawn Terrace Apartments, and it was involved in the design and construction of Woodlawn Terrace Apartments. Woodlawn Terrace Apartments, LP is a

domestic Georgia limited partnership with its principal office at 920 Florence Boulevard, Florence, Alabama. Gateway Woodlawn Terrace, LLC is a general partner of Woodlawn Terrace Apartments, LP. Gateway Woodlawn Terrace, LLC is a domestic Georgia limited liability company with its principal office at 920 Florence Boulevard, Florence, Alabama. Defendant Gateway Construction Corporation is a member of Gateway Woodlawn Terrace, LLC.

FACTUAL ALLEGATIONS

I. Fair Housing Act Factual Allegations

139. The FHA Subject Properties described in paragraphs 5 – 75, above, were designed and constructed for first occupancy after March 13, 1991.

140. Each of the FHA Subject Properties contains “dwellings” as defined by 42 U.S.C. § 3602(b).

141. Each of the FHA Subject Properties contains “covered multifamily dwellings” within the meaning of 42 U.S.C. § 3604(f)(7).

142. The covered multifamily dwellings at the FHA Subject Properties are subject to the requirements of 42 U.S.C. § 3604(f).

143. The covered multifamily dwellings at the FHA Subject Properties listed in paragraphs 144 - 175, below, are not designed and constructed in a

manner that complies with the requirements of 42 U.S.C. § 3604(f)(3)(C). These violations of Section 3604(f)(3)(C) include the following:

- a. the public use and common use portions of the dwellings therein are not readily accessible to and usable by handicapped persons; and/or
- b. not all premises within such dwellings contain accessible routes into and through the dwellings; and/or
- c. not all premises within such dwellings contain the following features of adaptive design:
 - (I) accessible routes into and through the dwellings;
 - (II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; and/or
 - (III) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

Inaccessible Features at Americus-Type Properties

144. The FHA Defendants were involved in the design and construction of at least 15 Americus-Type properties (at least four of which are properties with both Americus-Type and Applegate-Type buildings and units), including Heatherwood Apartments, Meadowview Apartments, Hunter Pointe Apartments, Hickory Run I Apartments, Ivy Pointe Apartments, Charleston Square Apartments, and Ivy Pointe II Apartments.

145. The inaccessible features at Heatherwood Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, the lack of an accessible route to the clubhouse and managers' office, laundry, and trash dumpster facilities; abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. Wall mounted porch lights on buildings reduce head clearance on routes to less than 80" above the finished floor ("AFF"). The gate to the playground lacks 18" clear maneuvering space at the latch-side, pull-side. Unit entry doors are not accessible because they have knob hardware on the exterior side, and exterior-side thresholds are greater than 1/4" unbeveled. Interior-side thresholds at unit entrances have abrupt level changes greater than 1/4". Some units have walk-in closets with doors that are less than 32" nominal wide. In some unit bathrooms, the centerline of the lavatory is mounted less than 24" from a sidewall, reducing the 30" x 48" centered clear floor space. In some units, the centerlines of toilets are more than 18" from the sidewall. The community room bathroom has inaccessible grab bars and toilet paper dispensers mounted in inaccessible locations. The centerline of the toilet is more than 18" from the sidewall. The knee clearance for the sink in the bathroom is less than 27" AFF.

The door to the bathroom has a lock that requires pinching and twisting to operate. The bathroom sign is in an inaccessible location. The exterior entry door to the community laundry room has a threshold that is higher than 1/2". The route in the laundry room slopes more than 2% in some locations, and the ceiling fan in the laundry reduces the head clearance on the route to less than 80" AFF.

146. The inaccessible features at Meadowview Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. Unit entry doors are not accessible because they have knob hardware on the exterior side, and unbeveled exterior-side thresholds greater than 1/4". Interior-side thresholds at unit entry doors have abrupt level changes greater than 1/4". Some units have walk-in closets with doors that are less than 32" nominal wide. In some unit bathrooms, the centerline of the lavatory is mounted less than 24" from a sidewall, reducing the 30" x 48" centered clear floor space. In some units, the toilet is located in an alcove that is less than 48" wide. In some unit bathrooms, the centerline of toilets is more than 18" from the sidewall. In some units, outlets mounted over counters in the kitchen are higher than 46" AFF. In some units,

thermostats are mounted higher than 48" AFF. The doors to the community building office and bathroom are less than 32" wide. The door to the office has knob hardware. There are inaccessible grab bars in the community building bathroom that are in inaccessible locations, and the lock on the bathroom door requires pinching and twisting to operate. The door swings into the community room bathroom, and the bathroom lacks a 60" turning or T-turn space. The route in the laundry room slopes more than 2%.

147. The inaccessible features at Hunter Pointe Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. The gate to the playground lacks 18" clear maneuvering space at the latch-side, pull-side. Unit entry doors have knob hardware on the exterior side, and units are not on an accessible route to the clubhouse, trash dumpster, playground, or mail kiosk. Exterior-side thresholds at unit entrances are unbeveled and higher than 1/4". The threshold at the exterior side of the laundry room is unbeveled and is higher than 1/4". Promotional materials showing unit layouts available at the leasing office suggest that there is a lack of 30" x 48" clear floor space centered on the lavatory

in bathrooms and a lack of 30" x 48" clear floor space in bathrooms beyond the in-swing of the door in ground-level FHA-covered units.

148. The inaccessible features at Hickory Run Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas, including the leasing office, at the complex with, inter alia, abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. The unit doors are not accessible because they have knob hardware on the exterior side. The exterior-side thresholds at unit entrance doors have an abrupt level change greater than 1/4", and the interior-side of the thresholds have an abrupt level change greater than 1/4". In some units, the door to the laundry room is less than 32" nominal wide. In some units, the door to the bathroom is less than 32" nominal wide. In some unit bathrooms, the centerline of the lavatory is mounted less than 24" from a sidewall, reducing the 30" x 48" centered clear floor space. At the community building, the leasing application box slot is 56" AFF. The community building laundry room door requires more than 5 lbs. of force to open, and there is less than the 12" required maneuvering space at the push-side, latch side of the door. The laundry room floor has an abrupt level change of 1/4". The handle on the stacked dryer in the laundry room is 64" AFF. In community

building bathrooms, inaccessible grab bars are mounted in inaccessible locations, and the locks on the doors require pinching and twisting to operate.

149. The inaccessible features at Ivy Pointe Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, steps on routes to units, abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. Some unit entry doors are not accessible because they have knob hardware on the exterior side. In some unit bathrooms, there is less than 30" x 48" clear floor space beyond the in-swing of the door. In some unit bathrooms, the centerline of the lavatory is mounted less than 24" from a sidewall, reducing the 30" x 48" centered clear floor space. In some units, the centerline of the toilet is less than 15" from the lavatory side. In some units, the route to the bathtub is less than 36" wide. Some unit kitchens lack 30" x 48" clear floor space centered on the refrigerator. In some units, hall closets are more than 24" deep and have doors that are not 32" nominal wide. The thermostats in some units are higher than 48" AFF, and outlets mounted over counters in the kitchen are higher than 46" AFF. The threshold at the clubhouse entry door is higher than 1/2". In the women's bathroom in the clubhouse, the flush control for the toilet is on the non-open side, and there is less

than 18" clear maneuvering space at the pull-side, latch side of the door. In the women's and men's bathrooms, the toilet paper dispensers are in inaccessible locations. The door to the community kitchen has less than 18" clear maneuvering space at the pull-side, latch-side. The interior door to the laundry room has less than 12" clear maneuvering space on the push-side, latch-side. The exterior door to the laundry room has less than 18" clear maneuvering space at the pull-side, latch-side. The exterior side threshold for the laundry room is higher than 1/2", and it also has an abrupt level change greater than 1/4". The interior side threshold of the laundry room door has an abrupt level change greater than 1/4". The gate to the playground lacks 18" clear maneuvering space at the pull-side, latch-side. Benches along walkways are not on an accessible route. Some residents' mailboxes are mounted above the accessible height of 54" AFF for a side approach.

150. The inaccessible features at Charleston Square Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, steps on routes from unit entrances to public and common use areas; abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. Some unit doors have knob

hardware on the exterior side, and exterior thresholds at entry doors are not beveled and are higher than 1/4". The leasing office/community building does not have van-accessible parking or a van-accessible parking sign. The leasing office/community building has knob hardware on the exterior side. Some residents' mailboxes are higher than 54" AFF for a side approach.

151. The inaccessible features at Ivy Pointe II Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, lack of an accessible route to the clubhouse and manager's office, laundry, and trash dumpster facilities; abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. Pet litter stations and grill stations are not on accessible routes. Some residents' mailboxes are mounted higher than 54" AFF for a side approach. Ivy Pointe II Apartments does not have a community building; residents use the community building at Ivy Pointe Apartments, discussed at paragraph 149, above.

Inaccessible Features at Applegate-Type Properties

152. The FHA Defendants were involved in the design and construction of at least 26 Applegate Type properties (at least four of which are properties with both Americus-Type and Applegate-Type buildings and units), with at least two

currently under construction, including Shadowood Apartments, Applegate Apartments, Harbor Square Apartments, Hickory Run Apartments, Ivy Pointe Apartments, Villas at Forsyth, and Sullivan Village Apartments.

153. The inaccessible features at Shadowood Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, steps on the route to the trash dumpster, abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. There is no van-accessible parking space, sign, or access aisle at the leasing office. Curb ramps encroach into access aisles designated for accessible parking spaces. Unit entrances have knob hardware on the exterior side. The maneuvering space at the exterior side of unit entry doors slopes more than 2%. The exterior-side thresholds at unit entry doors have abrupt level changes of more than 1/4". In some units, the interior-side threshold has an abrupt level change greater than 1/4". In some unit kitchens, there is a lack of 30" x 48" clear floor space centered on the refrigerator. In some unit bathrooms, the centerline of the lavatory is mounted less than 24" from a sidewall, reducing the 30" x 48" centered clear floor space. In the community room bathroom, there is no rear grab bar behind the toilet. The toilet paper dispenser in the community room bathroom

is more than 36" from the rear wall. The clear maneuvering space for an approach to the latch-side, pull-side of the community bathroom door is less than 42". The counter in the community kitchen is higher than 34" AFF.

154. The inaccessible features at Applegate Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. There are inaccessible accessible parking spaces and access aisles. Applegate Apartments lacks usable doors because screen doors at units have thumb latches on the exterior side, and the maneuvering space at the exterior side of some unit entry doors slopes more than 2%. The exterior- and interior-side thresholds at unit entry doors are unbeveled and higher than 1/4". In some unit bathrooms, the centerline of the lavatory is mounted less than 24" from a sidewall, reducing the 30" x 48" centered clear floor space. The community building kitchen lacks knee- and toe-clearance at the community kitchen sink, and the sink faucet has knob controls. The door to the pantry in the community kitchen is less than 32" wide and is more than 24" deep. The entry to the community building has a threshold that is more than 1/4" high on both sides and unbeveled. The doors from the community room to the

lobby and office are less than 32" wide. Inaccessible grab bars in the community building bathroom are mounted in inaccessible locations. In the community building bathroom, the bottom of the mirror is mounted higher than 40" AFF, the paper towel dispenser is mounted higher than 54" AFF, the toilet is mounted less than 18" from the sidewall, and drain pipes below the lavatory are exposed. The centerline of the toilet is less than 18" from the sidewall. There is no 60" turning space in the bathroom or space for a T-turn. The door to the bathroom is less than 32" wide, and the lock on the door requires pinching and twisting to operate. The threshold at the exterior entry door to laundry room is more than 1/4" high and unbeveled. The countertop in the laundry room is more than 34" AFF. Some residents' mailboxes are mounted higher than 54" AFF for a side approach.

155. The inaccessible features at Harbor Square Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. There are inaccessible accessible parking spaces and access aisles. Some units have knob hardware on the exterior side of primary entry doors. At some units, the clear maneuvering space at the exterior of entry door slopes more than 2%. In some unit

bathrooms, the centerline of the lavatory is mounted less than 24" from a sidewall, reducing the 30" x 48" centered clear floor space. In some units, the thermostat is mounted higher than 48" above the floor. In some unit kitchens, the distance between the countertop and opposite-facing refrigerator is less than 40". The entry door to the community building has knob hardware, and the exterior-side threshold at the building entry door is higher than 1/2". The doors from the community building to the patio have knob hardware. The thermostat in the community kitchen is mounted higher than 54" AFF. The sink pipe in the community kitchen is not insulated. Outlets above the counter in the community kitchen are in inaccessible locations. The thermostat in the laundry room is higher than 54" AFF. The route in the laundry room slopes more than 2%, and the threshold at the exterior side of the door to the laundry room is higher than 1/4" and is not beveled. The sink in the laundry has knob controls. Some residents' mailboxes are mounted higher than 54" AFF for a side approach.

156. The inaccessible features at Hickory Run Apartments are set forth in paragraph 148, above.

157. The inaccessible features at Ivy Pointe Apartments are set forth in paragraph 149, above.

158. The inaccessible features at Villas on Forsyth Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the

public street, to site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. There are inaccessible accessible parking spaces and access aisles. Some units have landings at the exterior side of the entrance door that slope more than 2%. In some units, the patio doors have interior thresholds that are unbeveled and higher than 1/4". In some units, thermostat controls are higher than 48" AFF. In some units, the centerline of the toilet is not 18" from the sidewall. In the community building, the door to the exercise room in the community building lacks 12" clear maneuvering space on the push-side, latch-side. In the men's bathroom in the community building, the toilet is more than 18" from the sidewall. The grab bars in the men's and women's bathrooms are in inaccessible locations, and the locks on the doors require pinching and twisting to operate. Some residents' mailboxes are mounted higher than 54" AFF for a side approach.

159. The inaccessible features at Sullivan Village Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb

ramps exceeding 8.33%. Some units have U-shaped kitchens with less than a 60" clear floor space turning circle. The laundry room door in the community building has less than 12" clear maneuvering space at the push-side, latch-side. Some residents' mailboxes are mounted higher than 54" AFF for a side approach.

Inaccessible Features at Blue-Type Properties

160. The FHA Defendants were involved in the design and construction of at least 24 Blue-Type properties, with at least four currently under construction, including Cottage Hill Pointe Apartments, Liberty Square Apartments, The Park at Rocky Ridge Apartments, Lakeshore Crossing Apartments, Palladian Apartments, Brentwood Landing Apartments, Shellbrooke Pointe Apartments.

161. The inaccessible features at Cottage Hill Pointe Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. Entry doors to some units have knob hardware on the exterior side. There is no accessible route from some units to the picnic pavilion, the playground, the pool, the clubhouse, and grills. The gate to the pool lacks 12" clear maneuvering space at the push-side, latch-side. The door to the leasing office has knob hardware. Residents'

mailboxes are mounted higher than 54" AFF for a side approach. Promotional materials showing unit layouts available at the leasing office indicate there is a lack of 30" x 48" clear floor space centered on bathroom lavatories, and a lack of 30" x 48" clear floor space beyond the in-swing of the door in bathrooms in FHA-covered units.

162. The inaccessible features at Liberty Square Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; running slopes on curb ramps exceeding 8.33%; and wall mounted sconces in breezeways that reduce head clearance on routes to less than 80" AFF. There are inaccessible accessible parking spaces and access aisles with inaccessible signage. In some units, thermostat controls are higher than 48" AFF. Entry doors to units have knob hardware on the exterior side. In some unit bathrooms, the centerline of the lavatory is mounted less than 24" from a sidewall, reducing the 30" x 48" centered clear floor space, and there is less than 30" x 48" clear floor space in bathrooms beyond the in-swing of the door. In some units, patio door thresholds on the interior side have an abrupt level change greater than 1/4". The maneuvering space at the exterior side of the entrance door to the clubhouse slopes more than 2%. The

threshold at the clubhouse entrance is greater than 1/2". The rent-check drop box is mounted more than 54" AFF. There is knob hardware on the door to the clubhouse conference room and the door to exit the clubhouse near the conference room. The lock on the bathroom door (near the exercise room) requires pinching and twisting to operate. There is a lack of 18" clear maneuvering space on the latch-side, pull-side of the clubhouse entrance door to the corridor leading to the exercise room and conference room. Inaccessible grab bars are mounted in inaccessible locations in clubhouse bathrooms. The toilet paper dispenser is mounted more than 36" from the back wall in the men's and women's bathrooms. The toilet flush control is on the non-open side in the women's pool bathroom. The emergency phone on the pool deck is mounted more than 54" AFF. There is a lack of 18" clear maneuvering space on the pull-side, latch side of the pool gate. The signs on the men's and women's bathrooms are in inaccessible locations. Toilet paper dispensers are installed in clubhouse bathrooms more than 36" from the back wall. There is knob hardware on the door to the laundry room. The opening handles for stacked dyers in the laundry room are higher than 54" AFF. The entrances to the pool bathrooms are not accessible because of abrupt level changes greater than 1/4" at the entrance and sloping at the entrance greater than 2%. Soap dispensers in pool bathrooms are mounted higher than 48" AFF for a

forward reach. Residents' mailboxes are mounted at an inaccessible height for a side approach of more than 54" above the ground.

163. The inaccessible features at The Park at Rocky Ridge include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, lack of a route from the clubhouse, trash dumpster, playground, and basketball court; and lack of a route from the mail kiosk to unit entrances; steps leading to unit entrances; abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; running slopes on curb ramps exceeding 8.33%; and wall mounted sconces in breezeways that reduce head clearance on routes to less than 80" AFF. There are inaccessible accessible parking spaces and access aisles. Some unit entry doors have thresholds with an abrupt level change greater than 1/4". In some units, thermostat controls are higher than 48" AFF. In some unit bathrooms, the centerline of the lavatory is mounted less than 24" from a sidewall, reducing the 30" x 48" centered clear floor space. In some units, patio door thresholds at the interior side have an abrupt level change greater than 1/4". In the clubhouse, there is a lack of 12" clear maneuvering space at the pull-side, latch-side of the laundry room door and gate to the pool. Drain pipes below the sink in clubhouse bathrooms lack insulation. Toilets in the clubhouse and pool bathrooms

are mounted less than 18" from the sidewall. Locks in clubhouse bathrooms require pinching and twisting of the wrist to operate. The clear floor spaces on the exterior side of the doors to pool bathrooms slope more than 2%. The door to the exercise room bathroom has knob hardware. The sink in the laundry room has knob controls. The door threshold from the clubhouse to the pool is not usable because it has an abrupt level change greater than 1/4". Some residents' mailboxes are mounted higher than 54" AFF for a side approach.

164. The inaccessible features at Lakeshore Crossing Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. There are inaccessible accessible parking space and access aisles, and spaces lack required signage. Entry doors to units have knob hardware on the exterior side. In some units, thermostat controls are higher than 48" AFF. In some units, outlets are mounted over bathroom vanities higher than 46" for a side reach. In some units, the interior-side threshold at the entry door has an abrupt level change greater than 1/4". In some units, the patio door threshold has an abrupt level change greater than 1/4". In some unit bathrooms, the centerline of the lavatory is mounted less

than 24" from a sidewall, reducing the 30" x 48" centered clear floor space, and there is less than 30" x 48" clear floor space in bathrooms beyond the in-swing of the door. The threshold at the main entry to the clubhouse is higher than 1/2". The pool gate and the clubhouse entrance to the fitness center lack 18" clear maneuvering space at the pull-side, latch-side. Grills and pet litter stations are not on an accessible route. The sink in the clubhouse kitchen is mounted higher than 34" AFF and has exposed drain pipes. The work surface counter in the clubhouse kitchen is higher than 34" AFF. The door from the conference room to the community room lacks 18" clear maneuvering space at the pull-side, latch-side. The bathroom near the exercise room lacks a 60" turning space or T-turn space, has a lock that requires twisting and pinching to operate, and has no grab bars. The door to the exercise-room bathroom lacks 18" clear maneuvering space at the pull-side, latch-side. The men's pool bathroom door has an exterior side threshold with a height greater than 1/2", and the maneuvering space at the exterior side of the door slopes more than 2%. Grab bars in the men's pool bathroom are mounted in inaccessible locations, and the paper towel dispenser is mounted higher than 54" AFF. The women's pool bathroom has a threshold higher than 1/2" at the exterior side, and the maneuvering space at the exterior side of door slopes more than 2%. Grab bars in the women's bathroom are mounted in inaccessible locations, the centerline of the toilet is more than 18" from the sidewall, the flush control is on

the non-open side, and the paper towel dispenser is mounted higher than 54" AFF. The maneuvering surface at the exterior side of the door to the laundry room slopes more than 2%, and there is a lack of 18" clear maneuvering space at the latch-side, pull-side of the door, and the exterior side threshold is higher than 1/2". The laundry room sink has knob controls and the sink rim is more than 34" AFF. The opening handles for stacked dryers in the laundry room are higher than 54" AFF. Residents' mailboxes are mounted higher than 54" AFF for aside approach.

165. The inaccessible features at Shellbrooke Pointe Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. Pet litter stations are not on an accessible route, and an accessible route is not provided to the pet designated area. There is no accessible table at the gazebo/picnic area. There is a lack of 18" clear maneuvering space at the pool gates on the pull-side, latch-side. In some units, the patio door threshold on the interior side is higher than 1/4" and not beveled. In some unit bathrooms, the centerline of the lavatory is mounted less than 24" from a sidewall, reducing the 30" x 48" centered clear floor space. In some units, the hallway leading to the kitchen is only 34" wide and more

than 24" deep. The maneuvering space at the exterior side of the main entrance to the clubhouse slopes more than 2%. The accessible work space provided in the community kitchen is less than 30" wide. The centerline of the toilet in the clubhouse bathroom is less than 18" from the sidewall. The door to the clubhouse bathroom has a lock that requires pinching and twisting to operate. Grab bars and toilet paper dispensers are in inaccessible locations in the clubhouse bathroom. The door to the fitness center has a threshold on the exterior side that is higher than 1/2". The doors to the men's and women's pool bathrooms have locks that require pinching and twisting to operate. The exterior and interior side thresholds at the door from the clubhouse to the patio are unbeveled and higher than 1/4". The threshold of the men's pool bathroom is higher than 1/2". In the men's pool bathroom, inaccessible grab bars and the toilet paper dispenser are in inaccessible locations. The threshold at the women's pool bathroom is higher than 1/2". In the women's pool bathroom, the grab bars and the toilet paper dispenser are in inaccessible locations. The door to the laundry room has an exterior-side threshold that is higher than 1/2". The laundry room sink has knob controls. Residents' mailboxes are mounted higher than 54" AFF for a side approach.

166. The inaccessible features at the Palladian Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the

complex with, inter alia, abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. The pool gate lacks 18" clear maneuvering space on the pull-side, latch-side. There is no van-accessible parking at the leasing office. Promotional materials showing unit layouts available at the leasing office indicate there is a lack of 30" x 48" clear floor space centered on bathroom lavatories, and a lack of 30" x 48" clear floor space beyond the in-swing of the door in bathrooms in FHA-covered units.

167. The inaccessible features at the Brentwood Landing Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. There are inaccessible accessible parking spaces and access aisles. Residents' mailboxes are mounted higher than 54" AFF for a side approach. There is no van-accessible sign at the leasing office. The leasing office box with promotional materials is mounted higher than 54" AFF. The unisex toilet in the clubhouse has the flush control on the non-open side, and there is a lack of 30" x 48" clear floor space at the paper towel dispenser. The pool gate lacks 18" clear floor space at the

pull-side, latch-side. Promotional materials showing unit layouts available at the leasing office indicate there is a lack of 30" x 48" clear floor space centered on bathroom lavatories, and a lack of 30" x 48" clear floor space beyond the in-swing of the door in bathrooms in FHA-covered units.

Inaccessible Features at Eagle-Type Properties

168. The FHA Defendants were involved in the design and construction of at least one Eagle-Type property, including Eagle Pointe Apartments.

169. The inaccessible features at Eagle Pointe Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. There are inaccessible accessible parking spaces and access aisles. Some unit entry doors have knob hardware on the exterior side. In some units, the centerline of the toilet is more than 18" from the sidewall. In some unit bathrooms, the centerline of the lavatory is mounted less than 24" from a sidewall, reducing the 30" x 48" centered clear floor space, and there is less than 30" x 48" clear floor space in bathrooms beyond the in-swing of the door in bathrooms. In the community building, the door to the pantry in the common kitchen has knob hardware. Doors to the

community room bathrooms are not 32" wide, and they have locks that require pinching and twisting to operate. Grab bars in the community room bathrooms are mounted in inaccessible locations. The centerline of the toilets in the community bathrooms is more than 18" from the sidewall. The sink in the men's bathroom is higher than 34" AFF at the sink rim and has drain pipes that are only partially insulated. The flush control in the women's community bathroom is on the non-open side. The door to the computer room is less than 32" wide. The water fountain in the community room provides less than 27" clearance for knee space. The door exiting the community building to the patio has less than 12" clear maneuvering space at the push-side, latch-side. The exterior door to the laundry room has knob hardware, and the threshold on the exterior side is higher than 1/2". The men's and women's pool bathrooms have exterior side thresholds higher than 1/2". The pool signs lack accessible signage. The routes to the bathrooms from the patio have cross-slopes greater than 2%, running slopes exceeding 5% without ramp features, and steps. There is a lack of clear maneuvering space at the pull side of the men's and women's pool bathrooms. Grab bars in the bathrooms are in inaccessible locations, and the centerlines of the toilets are more than 18" from the sidewall. In the women's bathroom, the flush control for the toilet is on the non-open side. The door to the men's bathroom has knob hardware.

Inaccessible Features at Glencoe-Type Properties

170. FHA Defendants were involved in the design and construction of at least two Glencoe-Type properties, including Glencoe Trace Apartments.

171. The inaccessible features at Glencoe Trace Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. There are inaccessible accessible parking spaces and access aisles. At some unit entrances, the maneuvering spaces outside of the entry door slope more than 2%. Pet litter stations are not on an accessible route. The picnic table at the gazebo does not have accessible seating. Some units have patio doors with thresholds on the interior side that are not beveled and higher than 1/4". In some units, thermostats are higher than 48" AFF. In some unit bathrooms, the centerline of the lavatory is mounted less than 24" from a sidewall, reducing the 30" x 48" centered clear floor space. In some units, the centerline of the toilet is not 18" from the sidewall. In some unit bathrooms, there is less than 30" x 48" clear floor space in bathrooms beyond the in-swing of the door. In some units, there is less than a 60" turning space in the U-shaped kitchen. In some units, outlets over kitchen counters are in inaccessible locations. The community room bathrooms have doors that are less

than 32" wide. The community room bathrooms do not have a 60" turning radius or clear floor space for a T-turn. The thermostat in the community building is mounted higher than 54" AFF. The pantry door in the community kitchen is less than 32" wide. The approach alcove to the water fountain is less than 30" wide. The door from the community building to the porch is less than 32" wide. The door to the laundry room is less than 32" wide. The floor in the laundry room has an abrupt level change greater than 1/4", and the route slopes more than 2%.

Inaccessible Features at Hamilton-Type Properties

172. The FHA Defendants were involved in the design and construction of at least five Hamilton-Type properties, including Hamilton Place Apartments.

173. The inaccessible features at Hamilton Place Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, a step on the route to the trash dumpster, abrupt level changes greater than 1/4"; excessive slopes that include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. There are inaccessible accessible parking spaces and access aisles. In some units, the hallway leading to the kitchen is less than 36" wide and more than 24" deep. In some bathrooms, the centerline of the toilet is not 18" from the sidewall. In the office building bathroom, a 60" turning space is not

provided and clear floor space for a T-turn is not provided, the centerline of the toilet is more than 18" from the sidewall, grab bars are in inaccessible locations, the toilet seat is less than 17" above the floor, and the door on the lock requires pinching and twisting to operate. The main entry door to the office has a threshold on the exterior side that is more than 1/2" high. The community area has computer tables without knee- or toe-clearance, and the folding table in the community room has less than 27" knee space. The exit door from the community room to the patio has a threshold that is more than 1/2" high. The community building bathrooms have inaccessible grab bars in inaccessible locations, and have locks on the doors that require pinching and twisting to operate. The community kitchen sink does not provide for knee- or toe-clearance.

Inaccessible Features at Other-Type Properties

174. In addition to the property types discussed in paragraphs 144 –173, above, the FHA Defendants were involved in the design and construction of at least two Other-Type Properties, including Palladian Fairhope Apartments.

175. The inaccessible features at Palladian Fairhope Apartments include, but may not be limited to, inaccessible pedestrian routes from unit entrances to the public street, to site arrival points, and to public and common use areas at the complex with, inter alia, no pedestrian walkways connecting units to public and common use areas, abrupt level changes greater than 1/4"; excessive slopes that

include cross slopes exceeding 2%; running slopes exceeding 5% without ramp features; and running slopes on curb ramps exceeding 8.33%. At some units, the clear maneuvering space at the exterior side of entry doors slopes more than 2%. In some units, the patio door thresholds on the interior side are unbeveled and are higher than 1/4". In some units, the patio door is not 32" nominal wide. In some units, the thermostat controls are higher than 48" AFF. In some units, outlets are mounted lower than 15" AFF, and light switches are mounted higher than 48" AFF. In some unit bathrooms, the centerline of the lavatory is mounted less than 24" from a sidewall, reducing the 30" x 48" centered clear floor space. In some bathrooms, a 36" route to the bathtub is not provided. In some units, there is a lack of a 30" x 48" clear floor space centered on the kitchen sink for a side approach. The clubhouse entrance door has a threshold on the exterior side with an abrupt level change greater than 1/4". The clear maneuvering space at the exterior side clubhouse door slopes more than 2%. The doors to the office, men's and women's bathrooms, and computer room are less than 32" wide. The computer room table does not provide knee- and toe-clearance. In the community kitchen, the countertops are higher than 34" AFF. In the men's bathroom, the door has a lock that requires pinching and twisting to operate, the rim of the sink is higher than 34" AFF, the bottom of the mirror is higher than 40" AFF, the grab bars are in inaccessible locations, and the toilet seat is lower than 17" AFF. The women's

bathroom has a door with a lock that requires pinching and twisting to operate, the toilet flush control is on the non-open side, the rim of the sink is higher than 34" AFF, the toilet seat is lower than 17" AFF, and the grab bars are in inaccessible locations. At the exterior side of the doors from the clubhouse to the patio, the clear maneuvering space slopes more than 2%. Some residents' mailboxes are higher than 54" AFF for a side approach.

II. Americans with Disabilities Act Factual Allegations

176. The allegations in paragraphs 1 – 175, above, are hereby incorporated by reference. The leasing offices, public bathrooms, and other public spaces at the ADA Subject Properties described in paragraphs 5 – 35, 37 – 56, 58 – 75, above, are places of public accommodation within the meaning of Section 301(7) the Americans with Disabilities Act, 42 U.S.C. § 12181(7).

177. The leasing offices, public bathrooms and other public spaces at the ADA Subject Properties were designed and constructed for first occupancy after January 26, 1993.

178. The leasing offices, public bathrooms, and other public spaces at the ADA Subject Properties are subject to the requirements of 42 U.S.C. §§ 12181 – 12183.

179. The leasing offices, public bathrooms, and other public spaces at the ADA Subject Properties are not, in part, designed and constructed so that they are

readily accessible to and usable by individuals with disabilities, as required by Section 303(a)(1) of the ADA, 42 U.S.C. § 12183(a)(1). These leasing offices fail to comply with the Department of Justice's regulations implementing Title III of the ADA, 28 C.F.R. Part 36, including the Standards for Accessible Design, 28 C.F.R. Part 36, Appendix A (the ADA Standards).

180. As set forth in paragraphs 144 – 175, above, the failure to comply with the ADA at ADA Subject Properties include, but may not be limited to, the following: (a) leasing office and/or public bathroom not on an accessible pedestrian approach route due to, inter alia, lack of accessible parking spaces; excessive slopes and/or abrupt level changes; doors that lack an 18" clear maneuvering space at the latch-side for a pull-side approach; door thresholds with abrupt level changes greater than 1/4"; doors with knob hardware that requires pinching and twisting of the wrist to operate; and/or (b) public bathrooms with less than a 60" clear turning circle or clear T-turn space; toilet paper dispensers mounted more than the accessible height of 19" above the finished floor; toilet paper dispensers mounted more than the accessible distance of 36" from the rear wall; toilets located less than or more than the accessible distance of 18" from the centerline of the toilet to the sidewall; sinks that lack required insulation on the piping; sinks that lack required 27" of knee space above the finished floor; and/or have mirrors mounted above the accessible height of 40" above the finished floor.

FAIR HOUSING ACT CLAIMS

181. The allegations in paragraphs 1 – 180, above, are hereby incorporated by reference.

182. The FHA Defendants have failed to design and/or construct the Subject Properties identified in paragraphs 146 - 180, above, in a manner required by 42 U.S.C. §§ 3604(f)(3).

183. The FHA Defendants' conduct described above violates 42 U.S.C. §§ 3604(f)(1), (f)(2), and (f)(3)(C).

184. The FHA Defendants' conduct constitutes:

- a. a pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601 – 3619; and/or
- b. a denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601 – 3619, which raises an issue of general public importance.

185. The FHA Defendants have designed and/or constructed other multifamily housing complexes for first occupancy after March 13, 1991, which are also subject to the Fair Housing Act's accessibility requirements. These properties include, but may not be limited, to the Subject Properties identified in paragraphs 5 – 75, above. Upon information and belief, these properties, in

addition to the properties specifically referenced in paragraphs 144 – 180, above, have inaccessible features that do not comply with the design and construction requirements of the Fair Housing Act.

186. Persons who may have been the victims of FHA Defendants' discriminatory housing practices are aggrieved persons as defined in 42 U.S.C. § 3602(i), and may have suffered injuries as a result of the conduct described above.

187. The FHA Defendants' conduct described above was intentional, willful, and taken in disregard for the rights of others.

AMERICANS WITH DISABILITIES ACT CLAIMS

188. The allegations in paragraphs 1 – 187, above, are hereby incorporated by reference.

189. The ADA Defendants have failed to design and/or construct the leasing offices and/or other public use areas at the ADA Subject Properties identified in paragraphs 146 – 151 and 154 – 185, above, in a manner required by 42 U.S.C. §12183(a)(1), 28 C.F.R. §§ 36.401 and 36.406, and 28 C.F.R. Part 36, Appendix A.

190. The ADA Defendants' conduct constitutes:

- a. a pattern or practice of discrimination within the meaning of 42 U.S.C. § 12188(b)(1)(B)(i) and 28 C.F.R. § 36.503(a); and/or

b. unlawful discrimination that raises an issue of general public importance within the meaning of 42 U.S.C. § 12188(b)(1)(B)(ii) and 28 C.F.R. § 36.503(b).

191. The ADA Defendants have designed and/or constructed other multifamily housing complexes for first occupancy after January 26, 1993, which are also subject to the Americans with Disabilities Act's accessibility requirements. These properties include, but may not be limited to, the Subject Properties identified in paragraphs 5 – 35, 37 – 56, 58 – 75, above. Upon information and belief, these properties, in addition to the properties specifically referenced in paragraphs 144 – 180, above, have inaccessible features that do not comply with the design and construction requirements of the Americans with Disabilities Act.

192. Persons who may have been the victims of ADA Defendants' discriminatory conduct are aggrieved persons as defined in 42 U.S.C. § 12188(b)(2)(B), and may have suffered injuries as a result of the conduct described above.

193. The ADA Defendants' conduct described above was intentional, willful, and taken in disregard for the rights of others.

PRAYER FOR RELIEF

WHEREFORE, the United States prays that the Court enter an order that:

- a. Declares that the Defendants' conduct as alleged herein violates the Fair Housing Act and the Americans with Disabilities Act;
- b. Enjoins the Defendants, their officers, employees, agents, successors, and all other persons in active concert or participation with any of them, from:
 - i. Failing or refusing to conduct a survey of the dwelling units and public and common use areas at the Subject Properties and other covered multifamily properties designed and constructed by Defendants to determine all inaccessible features that exist at the properties in violation of the Fair Housing Act;
 - ii. Failing or refusing to bring the dwelling units and public and common use areas in the Subject Properties and other covered multifamily properties designed and constructed by the Defendants into compliance with the Fair Housing Act;
 - iii. Failing or refusing to conduct compliance surveys at all covered multifamily properties designed and constructed by the Defendants to determine whether the retrofits ordered in paragraph (b)(ii), above, were made properly;
 - iv. Designing and constructing any covered multifamily properties in the future that do not comply with the Fair Housing Act;

- v. Failing or refusing to conduct a survey of all the public accommodations, including, but not limited to, the leasing offices for these and other covered multifamily properties designed and constructed by Defendants to determine all inaccessible features that exist at the properties in violation of the ADA and the ADA Standards;
- vi. Failing or refusing to bring the public accommodations including, but not limited to, the leasing offices for these and other covered multifamily properties into compliance with the ADA and the ADA Standards;
- vii. Failing or refusing to conduct compliance surveys at all covered multifamily properties designed and constructed by Defendants to determine whether the retrofits ordered in paragraph (b)(vi), above, were made properly;
- viii. Designing and constructing any public accommodations for any covered multifamily properties in the future that do not comply with the ADA and the ADA Standards; and
- ix. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of the

Defendants' unlawful practices to the position they would have been in but for the discriminatory conduct; and

- c. Awards monetary damages to all persons harmed by the Defendants' discriminatory practices as alleged herein, pursuant to 42 U.S.C. §§ 3614(d)(1)(B) and 12188(b)(2)(B); and
- d. Assesses a civil penalty against Defendants Allan Rappuhn; Fairhope Ridge, LLC; Gateway Construction Corporation; Gateway Sullivan Village, LLC; and Sullivan Village Apartments, LTD; to vindicate the public interest pursuant to 42 U.S.C. §§ 3614(d)(1)(C) and 12188(b)(2)(C) and 28 C.F.R. § 85.3(b)(3).

The United States prays for such additional relief as the interests of justice may require.

Dated September 30, 2015

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Respectfully submitted,

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