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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL DUNAWAY, AND DOUGLAS DUNAWAY (IN HIS
PERSONAL CAPACITY, AND IN HIS CAPACITY AS
ADMINISTRATOR OF THE ESTATE OF LOUISE
DUNAWAY),

Defendants.

**JURY TRIAL
DEMANDED**

COMPLAINT

25 Civ. 261

Plaintiff the United States of America (“United States”), by and through its attorney Edward Y. Kim, Acting United States Attorney for the Southern District of New York, alleges as follows:

INTRODUCTION

1. This is a civil action brought by the United States of America under the Fair Housing Act to redress discrimination on the basis of race, color, and national origin. The United

States seeks declaratory relief, injunctive relief, and monetary damages on behalf of victims that were subject to invidious discrimination at their homes in Westchester County.

2. These Fair Housing Act violations occurred at Staub Court, a private road located in the Town/Village of Mamaroneck. When various Hispanic families moved into homes on Staub Court, they did not all know each other yet. But they shared one core experience after they moved in—from at least 2016 to 2023 (the “relevant time period”), three longstanding Staub Court residents—Douglas Dunaway, Louise Dunaway, and Michael Dunaway—harassed the families and their Hispanic guests because of their race, color, and national origin.

3. The Dunaways’ conduct was pervasive. For example, Michael threatened to shoot Hispanic residents and shined flashlights into their homes. He also intentionally threw a cup of urine in front of the staircase of a Hispanic resident’s home, as he admitted when pleading guilty to violating an order of protection. Louise interfered with Hispanic residents’ ability to leave Staub Court by standing in front of their vehicle. Douglas accosted a Hispanic resident merely trying to trim his own bushes, asserting that it was his property.

4. This targeted housing harassment was motivated by racial animus. Douglas, Louise, and Michael all called Hispanic residents “spics.” As captured by a video recording, Michael Dunaway also stated “Go back to your foreign wife. She married [you] for a green card.” to a non-Hispanic resident of Staub Court with a Hispanic spouse.

5. Some Hispanic residents moved away because they could no longer endure the Dunaways’ racial harassment campaign. Hispanic residents on Staub Court also felt unsafe in their own homes because of the Dunaways’ actions.

JURISDICTION AND VENUE

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

7. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1395 because the violations alleged in this complaint arose in the Southern District of New York and because at least one Defendant resides in this district.

THE PARTIES

8. Plaintiff is the United States.

9. Defendant Douglas Dunaway owns 4 Staub Court and resided there during the relevant time period.

10. Louise Dunaway died in July 2022. Douglas has been appointed as the voluntary administrator of Louise Dunaway's estate. Douglas has been authorized to handle the decedent Louise Dunaway's legal affairs.

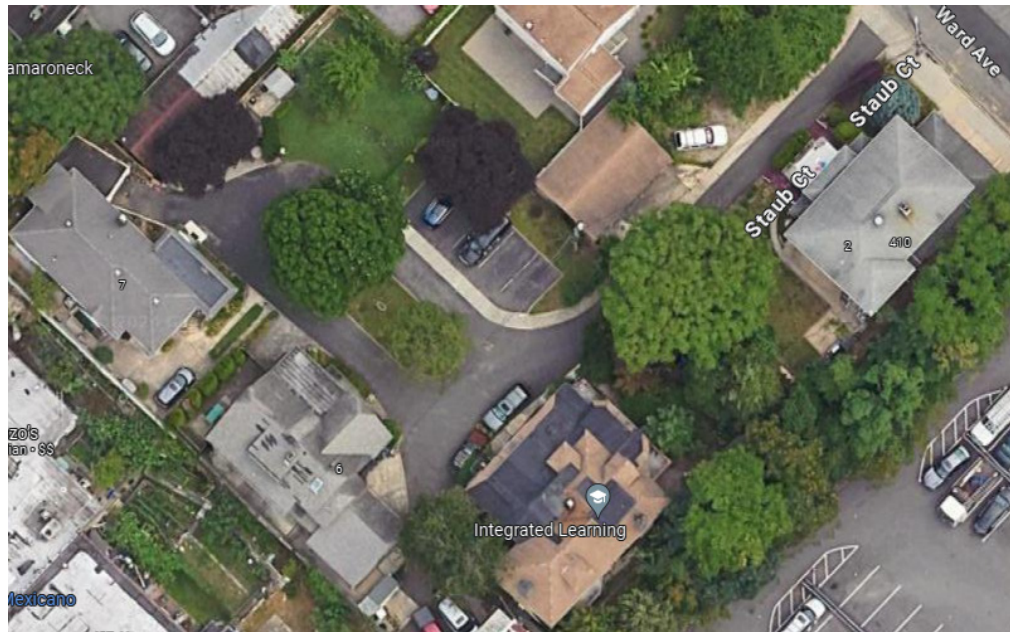
11. Upon information and belief, defendant Michael Dunaway presently resides in Port Chester, New York. During the relevant time period, Michael lived at 4 Staub Court.

FACTUAL BACKGROUND

The Village/Town of Mamaroneck and Staub Court

12. The Village/Town of Mamaroneck, New York, is located in Westchester County, New York. Staub Court is a private road located only blocks away from the Town's downtown shops and commuter rail station.

13. Staub Court is a "loop" road with five houses and a single means of ingress and egress from the public street, as reflected in the Google Maps satellite imagery below:



14. Louise and Michael lived at 4 Staub Court until Louise's death and Michael's criminal plea (further described below). Douglas also lived there during the relevant period.

The Dunaways Target Hispanic Staub Court Residents Because of Their Race, Color, or National Origin

15. On numerous occasions that Hispanic residents moved to Staub Court since 2015, the Dunaways intimidated and interfered with those residents in their enjoyment of their dwellings because of their race, color, or national origin. Below are illustrative examples of experiences faced by Hispanic residents, their families, and guests, after Hispanic residents rented, bought property, or otherwise moved to Staub Court.

The DeLeon Family

16. In 2016, Jason DeLeon moved into 1 Staub Court to live with his then-fiancé (Ana DeLeon). Jason DeLeon is of Puerto Rican descent and owns a home improvement company. Prior to Jason moving in, Ana—who is of Portuguese descent—had a long-standing relationship with the Dunaways. Ana thus introduced Jason to the Dunaway family. Soon after

that introduction, Douglas approached Ana and said, in sum and substance, “Where’d you find this one? The Bronx?”

17. In approximately June 2018, Michael threatened to beat and kill Jason.

18. One day when Jason was gardening, he heard Douglas call him a “spic.” Louise also called Jason a “spic bastard” on more than one occasion. Michael has also called Jason a “spic.”

19. In September 2018, Louise Dunaway’s attorney sent Jason a cease-and-desist letter demanding that Jason refrain from parking at the home of another Staub Court neighbor, Daniel Peña, even though Jason had Daniel’s permission to do so. The Dunaways had taken no such action when Daniel had permitted a different family that lived on Staub Court—who were not Hispanic—to use the available parking spot at his house.

20. Michael also repeatedly shined a flashlight into the DeLeons’ dining room and intentionally set off his car alarm at night.

21. When Ana was pregnant and again when the DeLeons’ daughter was born, Michael put rotten apples at the bottom of the DeLeons’ stairs. Michael also spit on the DeLeons’ property, put gum, eggs, and feces on their property, and kicked over their garbage.

22. In light of Michael’s pervasive harassment, in 2018, Ana obtained an order of protection against him, requiring him to, among other things, refrain from stalking or committing any criminal offense against Ana and her family or members of her household.

23. Nonetheless, Michael continued to harass the DeLeon family. In or around March 2022, the DeLeons’ daughter’s preschool teacher reported to Ana that her daughter told the teacher that an old man had followed her and “videoed” her. Upon information and belief, that man was Michael Dunaway.

24. In July 2022, Michael threw a cup of urine on the ground in front of the staircase to the DeLeons' house. After Ana reported this offense to authorities, in August 2022, Michael pled guilty to criminal contempt in the second decree for violating an order of protection. Specifically, on August 29, 2022, Michael pled guilty to a criminal charge of New York Penal Law 215.5(3).¹ During his plea allocution, Michael pled guilty to the charge that, on July 12, 2022, he "intentionally filled up a cup with liquid, reported to be urine, and threw the liquid on the ground in front of the staircase of the residence of Ana Carraca DeLeon, this all occurring at 1 Staub Court."

25. Because of the Dunaways' harassment, Ana and Jason constantly felt unsafe in their own home. For example, there were days when Ana could not sleep, and she felt the need to repeatedly check that her doors and windows were locked. Ana also placed numerous lights outside her property so Michael could not hide anywhere. Additionally, every time Jason returned from work, he was concerned about what harassment he would face that day from Michael, Douglas, and Louise.

The Gehring Family

26. Ariela Gehring was born in Peru and subsequently immigrated to the United States. Ariela lived in the Mamaroneck area for approximately 19 years. Ariela met Walt Gehring in 2018 and they married in 2019. Walt is non-Hispanic.

27. In the spring of 2020, Walt and Ariela purchased a two-family home at 5 Staub Court. One apartment is owner-occupied and the other is tenant-occupied.

¹ The terms of the plea also permitted Michael to, at the end of an 18-month period, withdraw his plea and enter a plea to disorderly conduct so long as he complied with various requirements, including staying away from Staub Court.

28. Shortly after closing on the property, Walt met Douglas Dunaway for the first time. During their conversation, Douglas discussed the tenants who were living at 5 Staub Court at the time (who were Hispanic). Douglas told Walt, in sum and substance, that Walt should get “American” tenants when he took ownership of the property.

29. Shortly after Walt and Ariela moved into 5 Staub Court, Ariela heard Louise say, “You don’t belong here.” At some point in the next few months, Michael filmed Ariela outside her home and said, in sum and substance, that Ariela was a “bitch” and should go back to her country.

30. The Gehrings renovated their property before they moved in. During the renovation project, upon information and belief, the Dunaways deposited nails and screws onto the Gehring property and, using their vehicles and bodies, prevented workers from entering and leaving Staub Court. Douglas and Michael would follow people working on the Gehring property and record them.

31. In or around September 2020, the Dunaways prevented a representative of the Hispanic Assembly of God Church, located in Port Chester, New York, from approaching the Gehring home to collect an appliance that the Gehrings wanted to donate to the church. Upon information and belief, one of the Dunaways told the church’s representatives, in sum and substance, that Staub Court was private property and they could not be there.

32. Louise called Ariela’s brother a “wetback” and a “South American bastard” while he was visiting Staub Court and told him, in sum and substance, that Staub Court was private property and he could not be there. She also said, in sum and substance, as Ariela’s brother walked down the street: “Damn foreigners. You don’t belong here.”

33. Similarly, Douglas and Michael also called Ariela's brother a "foreigner" at various points and one of them said to him, in sum and substance, "You come into this country and think you can do what you like? Go back to Mexico where you belong."

34. As captured on a video recording, on June 8, 2022, Michael stated the following to Walt: "Go back to your foreign wife. She married [you] for a green card."

35. During the relevant time period, Michael shined lasers and other fluorescent lights into the Gehring home during the evenings.

36. Douglas also installed a light on his house that shines brightly into the Gehrings' home at night, including into the Gehrings' living room.

37. On October 30, 2023, Michael destroyed Ariela's garden, by stepping into the flowerbed and stomping and kicking the flowers.

38. Ariela has suffered emotional distress because of the Dunaways' harassment. For example, Ariela stopped working because of the stress she was under from the Dunaways. Ariela also felt unsafe in her own home because of the Dunaways' harassment. In approximately February 2024, the Gehrings moved out of 5 Staub Court because of the Dunaways' harassment.

The 5 Staub Court Family

39. Individual 1 moved to 5 Staub Court in December 2020 with his wife, son, and two daughters. This family is Hispanic (of Guatemalan descent), and lived at 5 Staub Court as tenants.

40. Soon after Individual 1 moved to Staub Court, Michael told him, in sum and substance, "Immigrant, you can't live here."

41. Louise used the phrase "wetback" in Individual 1's vicinity on multiple occasions. For example, on or about May 18, 2021, while Individual 1 was putting up a statue of St. Joseph by his home, Louise stated "damn wetbacks" in his vicinity.

42. In January 2022, Individual 1's daughter saw Michael shining a light into their window and holding a Taser gun.

43. In June 2022, Michael damaged a privacy screen that Individual 1 had installed to prevent the Dunaways from stalking his family.

44. Individual 1's daughter quit her high school basketball team because she was too afraid to walk on Staub Court after basketball practice when it was dark outside because of Michael. Additionally, Individual 1's daughter did not go to school on many days because of her fear of Michael.

The Peña Family

45. Daniel Peña is a physical education teacher and football coach at high schools in New York, with over twelve years of teaching experience.

46. Daniel moved to 6 Staub Court in January 2016, as did his brother. Daniel Peña's father had purchased 6 Staub Court. Both Daniel and his brother are Hispanic, specifically of Dominican heritage. Daniel's then-girlfriend (now fiancée) also moved to Staub Court in August 2019. She is also Hispanic, specifically of Cuban origin.

47. After Daniel and his girlfriend moved to Staub Court, Michael and Louise both said the term "spic" in their vicinity on multiple occasions.

48. On another occasion, Douglas saw Daniel speaking with a Hispanic employee affiliated with the Village of Mamaroneck Building Inspector's office and yelled, in sum and substance, "Of course. You people all speak the same fucking language and stick together."

49. On a different occasion, Michael told Daniel that he would go to his house, get his gun, and shoot them.

50. The Dunaways also threw garbage, batteries, and dirty wipes onto the Peña property and clogged the nearby storm drain with plastic, newspaper, sand, and clothing.

51. On other occasions, while Daniel was trimming bushes on his property, Douglas stated, in sum and substance, “get off my property.”

52. Michael consistently filmed the Peña home without consent. In addition, in approximately June 2020, Michael filmed Daniel and his girlfriend with his phone as they walked home. After Daniel’s girlfriend asked him to stop, Michael became aggressive and called his girlfriend a bitch. In addition, during this incident, Douglas told Daniel, in sum and substance, not to tell his son what to do and that Michael could do what he wants on his phone.

53. During the relevant time period, Douglas and Michael each delayed Daniel’s brother and his girlfriend from leaving Staub Court on multiple occasions by standing in front of their vehicles. Michael also shined lasers at the windshields of the cars operated by the Peña family when they drove in and out of Staub Court.

54. Daniel suffered anxiety and had trouble sleeping because of the Dunaways’ actions. Similarly, Daniel’s girlfriend suffered anxiety and felt unsafe in her own home because of the Dunaways. In approximately April 2022, Daniel and his girlfriend moved out of 6 Staub Court in large part because of the Dunaways’ harassment.

The Guzman Family

55. Sergio and Leah Guzman resided at 6 Staub Court between 2016 and 2021. Both Sergio and Leah are Hispanic—Sergio is of Dominican descent, and Leah is of Puerto Rican descent.

56. On many occasions while he was walking on Staub Court, Sergio heard Michael use racial epithets such as “spic.”

57. Michael and Louise regularly filmed Sergio and Leah while they walked on Staub Court. Throughout the time Sergio and Leah lived on Staub Court, the Dunaways threw garbage, including hypodermic needles, onto their property and the driveway near the Guzmans' home.

58. The Dunaways also repeatedly swept garbage towards the Staub Court storm drain to purposely cause flooding. When the clogged storm drain resulted in puddles that were difficult to walk through, Sergio had to walk onto the Dunaways' property to leave his home. On multiple occasions when Sergio did so, Michael hid behind a bush either to scare Sergio or cause Sergio to bump into him.

59. On multiple occasions, Louise also interfered with the Guzmans' ability to leave Staub Court by standing in front of their vehicle.

CLAIM FOR RELIEF

60. The allegations in paragraphs 1 through 59 are repeated and realleged as though set forth fully herein.

61. Defendants violated the Fair Housing Act, 42 U.S.C. § 3617, by coercing, intimidating, threatening, and interfering with Hispanic families in the exercise or enjoyment of, and on account of their having exercised, their rights under the Act.

62. Defendants' conduct described above 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, *et seq.*, and/or
- b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*, which denial raises an issue of general public importance.

63. Persons who may have been injured by Defendants' discriminatory actions and practices as described above are "aggrieved" persons under the Fair Housing Act, 42 U.S.C. § 3602(i).

64. The discriminatory actions of Defendants were intentional and taken in disregard of the rights of others.

PRAYER FOR RELIEF

WHEREFORE, the United States respectfully requests that this Court grant the following relief:

1. Declaring that Defendants' practices as set forth above violate the Fair Housing Act, as amended, 42 U.S.C. § 3601, *et seq.*;
2. Enjoining Defendants and all other persons in active concert or participation with Defendants, from:
 - a. coercing, intimidating, threatening, or interfering with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account

of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by the Act, in violation of 42 U.S.C. § 3617;

3. Awarding monetary damages to other aggrieved individuals injured by Defendants' discriminatory conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B);
4. Assessing civil penalties against Defendants, pursuant to 42 U.S.C. § 3614(d)(1)(C) to vindicate the public interest; and
5. Granting such further relief as this Court may deem just and proper.

The United States requests trial by jury.

Dated: New York, New York
January 10, 2025

Respectfully submitted,

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