

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civ. Action No. 3:14-CV-3305-EEF-MLH
)	
v.)	
)	CONSENT ORDER
CECIL CARROLL COLLIER,)	
)	
Defendant.)	
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I. INTRODUCTION

1. The United States initiated this action against Cecil Carroll Collier on November 19, 2014, on behalf of Kanta Dhaliwal Davis (hereinafter “Ms. Davis”), pursuant to the Fair Housing Act, 42 U.S.C. §§ 3612(o) and 3617.

2. Complainant Ms. Davis is an Indian-American resident of the state of Louisiana who resides at 4911 Camp Joy Road in Haughton, Louisiana.

3. Defendant Collier is a Caucasian resident of the state of Louisiana who resides at 4423 Camp Joy Road in Haughton, Louisiana. Defendant’s property abuts Camp Joy Marina, which is owned by Ms. Davis, but used to be owned by Defendant Collier’s brother, Reggie Collier.

4. The United States alleges in its complaint that Defendant Collier coerced, intimidated, threatened, or interfered with Ms. Davis’s exercise and enjoyment of rights and protections granted under the Fair Housing Act including, but not limited to, retaliating against Ms. Davis for participating in the fair housing case against Reggie Collier, and threatening Ms. Davis with bodily harm, yelling racial epithets at her, and discouraging individuals from visiting

her business at Camp Joy Marina because of Davis's race or national origin, all in violation of 42 U.S.C. § 3617.

5. Specifically, the United States alleges that Defendant Collier learned that Ms. Davis had spoken with Department of Justice ("DOJ") attorneys in May and June 2008. The DOJ attorneys were investigating allegations of race-based housing discrimination against Collier's brother Reggie Collier. Upon learning of Ms. Davis's participation in the DOJ investigation, the United States alleges that Collier engaged in intimidating and threatening conduct in violation of the Fair Housing Act by calling Ms. Davis a "snitch bitch," and telling a prospective tenant that Ms. Davis was showing around that "this snitch is going to testify against my brother"; shouting racial epithets at her, including repeatedly calling her a "sand nigger," and threatening her and her business, including telling her that "You are going to die. God hates you. This is white man's land." He also threatened and insulted Ms. Davis's fiancé at the time, Randy Davis, in front of Ms. Davis, discouraged patrons from entering Camp Joy Marina, and trespassed and behaved aggressively while on Ms. Davis's property.

6. The United States alleges that Defendant Collier's actions were intentional, willful, and taken in disregard of Ms. Davis's federally protected rights, and that Ms. Davis has suffered injuries as a result of Defendant's retaliatory and discriminatory conduct.

7. On August 18, 2008, Ms. Davis filed a timely Fair Housing Complaint with the United States Department of Housing and Urban Development ("HUD"), alleging, among other things, that Defendant Cecil Carroll Collier had threatened and intimidated her in retaliation for speaking with the DOJ in May and June 2008.

8. Pursuant to 42 U.S.C. §§ 3610(a) and (b), the Secretary of HUD conducted and completed an investigation of the complaint, attempted conciliation without success, and

prepared a final investigative report. Based upon the information gathered in the investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(1), determined that reasonable cause existed to believe that illegal discriminatory housing practices had occurred. On September 29, 2014, the Secretary issued a Charge of Discrimination, pursuant to 42 U.S.C. § 3610(g)(2)(A), charging Defendant Collier with engaging in unlawful retaliation and discrimination in violation of the Fair Housing Act.

9. On October 20, 2014, Ms. Davis elected to have the claims asserted in the HUD Charge resolved in a civil action pursuant to 42 U.S.C. § 3612(a). On October 20, 2014, the Administrative Law Judge issued a Notice of Election to Proceed in United States Federal District Court and terminated the administrative proceeding on Ms. Davis's complaint. Following this Notice of Election, the Secretary of HUD authorized the Attorney General to commence this civil action pursuant to 42 U.S.C. § 3612(o).

10. On November 19, 2014, the United States filed this action to enforce the provisions of the Fair Housing Act.

11. Defendant Collier denies any such acts of wrongdoing or violations of the law alleged against him in this action.

12. To avoid costly and protracted litigation, the parties have voluntarily agreed, as indicated by the signatures below, to resolve the United States' claims against Defendant Cecil Carroll Collier without the necessity of a hearing on the merits and without admission of any liability or wrongdoing on the part of Defendant.

13. Defendant Collier represents that he is relocating his residence to Elm Grove, Louisiana as part of this agreement.

Therefore, it is ADJUDGED, ORDERED and DECREED as follows:

II. INJUNCTION

14. Defendant Collier, his agents, employees, and all other persons in active concert or participation with them, are hereby enjoined from coercing, intimidating, threatening, or interfering with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed any right granted or protected by 42 U.S.C. § 3617 of the Fair Housing Act.

15. As part of this injunction, Defendant Collier, his agents, employees, and all other persons in active concert or participation with them, are specifically enjoined from:

- a. Coercing, threatening, or intimidating Ms. Davis on account of her conversations with the DOJ in May and June 2008;
- b. Threatening to harm Ms. Davis and/or her property;
- c. Shouting racial epithets at Ms. Davis or Ms. Davis's husband;
- d. Discouraging patrons from entering Camp Joy Marina;
- e. Trespassing and/or behaving aggressively towards Ms. Davis or others while on Ms. Davis's property.
- f. Otherwise coercing, intimidating, threatening, or interfering with Ms. Davis's exercise and enjoyment of rights and protections granted under the Fair Housing Act including, but not limited to, retaliating against Ms. Davis for participating in the DOJ fair housing case against Reggie Collier.

III. RELIEF FOR MS. DAVIS

16. Defendant shall pay the total sum of ten thousand dollars (\$10,000) in monetary damages to Kanta Dhaliwal Davis. No later than thirty (30) days after the date of entry of this Consent Order, Defendant shall deliver a check in the amount of five thousand dollars (\$5,000) payable to Kanta Dhaliwal Davis to counsel for the United States. No later than 210 days after

the date of entry of this Consent Order, Defendant shall deliver a second and final check in the amount of five thousand dollars (\$5,000) payable to Kanta Dhaliwal Davis to counsel for the United States.

17. As a prerequisite to receiving the final payment, Kanta Dhaliwal Davis shall execute and deliver to counsel for the United States a release of all Fair Housing Act claims, legal or equitable, that she may have against Defendant relating to the claims asserted in this lawsuit. Such release shall take the form of Attachment A. Counsel for the United States shall deliver the original release form to counsel for Defendant.

IV. JURISDICTION, SCOPE, AND DURATION

18. The parties stipulate, and the Court finds, that this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3612(o).

19. This Consent Decree is effective immediately upon its entry by the Court and shall remain in effect for three years from the date of entry.

20. This Court shall retain jurisdiction over this action for all purposes related to the enforcement of this Order throughout its term, after which the case shall be dismissed with prejudice.

21. Any time limits for performance imposed by this Order may be extended by mutual written agreement of the parties.

22. The United States may move the Court to extend the period in which this Order is in effect if it believes that any Defendant has likely violated one or more terms of this Order or if the interests of justice otherwise require an extension.

23. The parties to this Order shall endeavor in good faith to resolve informally any differences regarding interpretation of and compliance with this Order prior to bringing such

matters to the Court for resolution. However, in the event that Defendant fails to perform in a timely manner any act required by this Order or act in violation of any provision of this Order, the United States may move the Court to impose any remedy authorized by law or equity, including, but not limited to, an order requiring performance or non-performance of certain acts and an award of damages, costs, and reasonable attorney's fees that may have been occasioned by Defendant's violation or failure to perform.

V. COSTS OF LITIGATION

24. All parties shall be responsible for their own attorney's fees and costs associated with this action.

VI. TERMINATION OF LITIGATION HOLD

25. The parties agree that, as of the date of the entry of this Order, litigation is not "reasonably foreseeable" concerning the matters described in Paragraphs 1-6. To the extent that either party previously implemented a litigation hold to preserve documents, electronically stored information, or things related to the matters described in Paragraphs 1-6, the party is no longer required to maintain such a litigation hold. Nothing in this Paragraph relieves either party of any other obligations imposed by this Consent Order.

IT IS SO ORDERED:


This 7th day of October 2015.



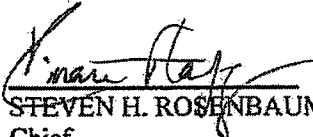
ELIZABETH E. FOOTE
UNITED STATES DISTRICT JUDGE

For the United States:
Dated:

STEPHANIE A. FINLEY
United States Attorney
Western District of Louisiana

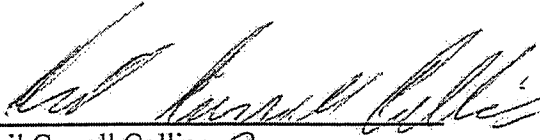

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Respectfully submitted,
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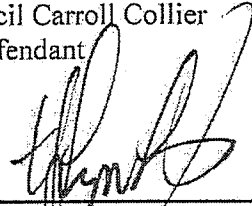

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Dated:



Cecil Carroll Collier
Defendant



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ATTACHMENT A
Release of Claims

In consideration of the Consent Order entered in *United States of America v. Cecil Carroll Collier*, Case No. 3:14-CV-3305 (W.D. La.) and of the payment of the sum of \$10,000 to me pursuant to that Consent Order, I hereby release the Defendant named in this action from any and all liability for any and all claims under the Fair Housing Act, legal or equitable, I may have against them arising out of the issues alleged in the action. I hereby acknowledge that I have read and understand this release and have executed it voluntarily and with full knowledge of its legal consequences.

Dated:

Signature

Printed Name

Date