

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	
)	COMPLAINT AND DEMAND FOR
JAMES C. GOSS, CATHY PLANTE,)	JURY TRIAL
and JOEY GWOZDZ,)	
)	Injunctive Relief Sought
Defendants.)	
_____)	

The United States of America alleges:

1. This action is brought by the United States to enforce the provisions of the Fair Housing Act, 42 U.S.C. §§ 3601-3619 (“FHA”).

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. § 3614(a).

3. Venue is appropriate pursuant to 28 U.S.C. § 1391(b) because the claims alleged herein arose at housing located in Polk County, Florida, in this judicial district, and the defendants reside in this judicial district.

DEFENDANTS

4. Defendant James C. Goss is the sole owner of the May Grove Village Mobile Home Community (“May Grove Village” or “the Park”).

5. Defendant Cathy Plante is a manager of May Grove Village.

6. Defendant Joey Gwozdz is a manager of May Grove Village.

7. Defendants Plante and Gwozdz are responsible for the management and operation of May Grove Village. Their duties include providing information about available Park-owned mobile homes to prospective purchasers or renters; showing prospective purchasers or renters the Park and Park-owned mobile homes and lots available for sale, rental, or inspection; providing information to prospective purchasers or renters about the terms and conditions of purchase or rental of such mobile homes or lots; and securing purchasers or renters for Park-owned mobile homes and lots. They also provide information to prospective purchasers or renters about privately owned mobile homes that may be available for purchase or rent.

8. Defendant Goss has the authority to supervise, direct, and control the actions of his agents, Defendants Plante and Gwozdz.

FACTUAL ALLEGATIONS

9. May Grove Village Mobile Home Community is located at 1725 Gibsonia-Galloway Road in Lakeland, Florida. The Park is composed of 81 lots on which mobile homes are located or can be located. Approximately half the mobile homes located in the Park are owned by Defendant Goss. The other half are owned by individual owners who rent the land on which they are situated from Defendant Goss. The Park offers mobile homes both for sale and for rent.

10. The mobile homes and mobile home lots located at May Grove Village are dwellings within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

11. Between July and November 2015, the United States conducted testing to evaluate Defendants' compliance with the Fair Housing Act. Testing is a simulation of a housing transaction that compares the information and treatment given by housing providers to different types of home-seekers to determine whether illegal discrimination is occurring.

12. The testing revealed that Defendants treat African Americans who visit May Grove Village to inquire about purchasing a mobile home differently and less favorably than similarly-situated white persons who contact the Park for that same purpose. Specifically, the testing revealed that Defendants engaged in conduct including, but not limited to, the following:

(a) telling African Americans about fewer mobile homes available for sale than they informed white persons about;

(b) falsely telling African Americans that no mobile homes were available for inspection when they came to the Park but informing white persons of the availability of mobile homes for inspection;

(c) telling African Americans that fewer mobile homes were available for inspection than they informed white persons about;

(d) telling African Americans that mobile homes would be available for sale or inspection at dates later than they told white persons mobile homes would be so available;

(e) quoting higher sale prices for the same mobile homes to African Americans than they quoted to white persons;

(f) telling African Americans that higher down payments would be required to finance the purchase of Park-owned mobile homes than they told white persons; and

(g) not offering financing to African Americans while offering it to white persons.

13. Defendant Goss is liable for the discriminatory conduct of his agents, Defendant Plante and Defendant Gwozdz.

CLAIMS FOR RELIEF

14. By the conduct described above, Defendants have:
 - a. Refused to negotiate for the sale or rental of, or otherwise made unavailable or denied, dwellings to persons because of race or color, in violation of the Fair Housing Act, 42 U.S.C. § 3604(a);
 - b. Discriminated against persons in the terms, conditions, or privileges of the sale of dwellings, or in the provision of services in connection therewith, because of race or color, in violation of the Fair Housing Act, 42 U.S.C. § 3604(b); and
 - c. Represented, because of race or color, that dwellings were not available for inspection, sale, or rental when such dwellings were in fact so available, in violation of the Fair Housing Act, 42 U.S.C. § 3604(d).

15. By the conduct described above, Defendants have engaged in 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.*, or denied to a group of persons rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*, which denial raises an issue of general public importance.

16. There are persons who may have been victims of Defendants' discriminatory housing practices. Such individuals are "aggrieved persons" as defined by the Fair Housing Act, 42 U.S.C. § 3602(i), and may have suffered damages as a result of the conduct described above.

17. 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:

1. Declares that Defendants' policies and practices, as alleged herein, violate the Fair Housing Act;
2. Enjoins Defendants, their officers, employees, agents, successors, and all other persons in active concert or participation with any of them, from:
 - a. Discriminating against any person on the basis of race or color in any aspect of the sale or rental of a dwelling;
 - b. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of Defendants' unlawful practices to the position they would have been in but for the discriminatory conduct; and
 - c. Failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future and to eliminate, to the extent practicable, the effects of Defendants' unlawful practices;
3. Awards monetary damages to all persons harmed by Defendants' conduct, pursuant to the Fair Housing Act, 42 U.S.C. § 3614(d)(1)(B); and
4. Assesses a civil penalty against each Defendant to vindicate the public interest in an amount authorized by the Fair Housing Act, 42 U.S.C. § 3614(d)(1)(C), and 28 C.F.R. § 85.3(b)(3).

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

JURY DEMAND

The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: September 30, 2016


LORETTA E. LYNCH
Attorney General

A. LEE BENTLEY, III
United States Attorney

VANITA GUPTA
Principal Deputy Assistant Attorney General
Civil Rights Division

/s/ Yohance Pettis
YOHANCE PETTIS
Assistant United States Attorney
United States Attorney's Office
400 North Tampa Street, Suite 3200
Tampa, FL 33602
Florida Bar No. 021216
Tel: (813) 274-6000
Fax: (813) 274-6200
E-mail: yohance.pettis@usdoj.gov

SAMEENA SHINA MAJEED
Chief


MICHAEL S. MAURER
Deputy Chief
NOAH D. SACKS
Trial Attorney
United States Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Avenue, N.W.
Northwestern Building, 7th Floor
Washington, DC 20530
Tel: (202) 514-4737
Fax: (202) 514-1116
E-mail: noah.sacks@usdoj.gov

JS (R)

CIVIL COVER SHEET

Printed on 9/30/2016 10:00 AM. Case No. 16-02802. Filed 09/30/16. Page 1 of 1. Case Type: Civil. Status: Filed. Fee Paid: \$0.00. Fee Waived: No. Fee Refund: No. Fee Credit: No. Fee Forfeiture: No. Fee Waiver: No. Fee Credit: No. Fee Refund: No. Fee Forfeiture: No. Fee Waiver: No.

I. (a) PLAINTIFFS

Name: [Redacted] Address: [Redacted] City: [Redacted] State: [Redacted] Zip: [Redacted]
(X) [Redacted]
Name: [Redacted] Address: [Redacted] City: [Redacted] State: [Redacted] Zip: [Redacted]
Name: [Redacted] Address: [Redacted] City: [Redacted] State: [Redacted] Zip: [Redacted]
Name: [Redacted] Address: [Redacted] City: [Redacted] State: [Redacted] Zip: [Redacted]

DEFENDANTS

Name: [Redacted] Address: [Redacted] City: [Redacted] State: [Redacted] Zip: [Redacted]
Name: [Redacted] Address: [Redacted] City: [Redacted] State: [Redacted] Zip: [Redacted]
Name: [Redacted] Address: [Redacted] City: [Redacted] State: [Redacted] Zip: [Redacted]
Name: [Redacted] Address: [Redacted] City: [Redacted] State: [Redacted] Zip: [Redacted]

II. BASIS OF JURISDICTION

1. Grounds: [Redacted]
2. Grounds: [Redacted]
3. Grounds: [Redacted]
4. Grounds: [Redacted]

III. CITIZENSHIP OR RESIDENTIAL STATUS

Plaintiff: [Redacted]
Defendant: [Redacted]
Plaintiff: [Redacted]
Defendant: [Redacted]

IV. ASSIGNMENT OF CASE

Table with 5 columns: Case No., Cause of Action, Forfeiture, Priority, and ES. Rows include various legal categories like 'Eminent Domain', 'Contract', 'Tort', 'Real Property', 'Labor', 'Immigration', 'Federal Tax Suits', etc.

V. ORIGIN: 1. [Redacted] 2. [Redacted] 3. [Redacted] 4. [Redacted] 5. [Redacted] 6. [Redacted]

VI. AS OF A: [Redacted]
VII. CLASS ACTION: [Redacted] DEMAND \$: [Redacted] JURY DEMAND: [Redacted]

VIII. ANY: [Redacted]

30