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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
GENE V. KRAUSE; SYLVIA L.)
KRAUSE; RICHARD H. TRULL;)
MELANIE L. TRULL;)
TRULL AND KRAUSE, as successor in)
interest to GENE V. KRAUSE, SYLVIA)
L. KRAUSE, RICHARD H. TRULL,)
and MELANIE L. TRULL; and)
MARILYN HEIM,)
)
Defendants.)

No. 3:10-cv-5770

**COMPLAINT BY THE UNITED
STATES OF AMERICA**

Complaint by United States of America
No. 3:10-cv-5770

Robin L. Dull
United States Department of Justice
Civil Rights Division
950 Pennsylvania Ave, NW – NWB
Washington, DC 20530
(202) 305-7780

1 The United States of America alleges as follows:

2 1. This action is brought by the United States to enforce the provisions of the
3 Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3631.

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

6 3. Venue is proper in the District Court for the Western District of Washington
7 under 28 U.S.C. § 1391(b) and 42 U.S.C. § 3614(a), in that the events or
8 omissions giving rise to this action occurred in this district.

9 4. Mountain View Apartments (“Mountain View”) is located at 2185 38th
10 Avenue, Longview, Washington.

11 5. Mountain View includes 130 rental units throughout seven apartment
12 buildings.

13 6. Defendants Gene V. Krause, Sylvia L. Krause, Richard H. Trull, and
14 Melanie L. Trull owned Mountain View pursuant to a real estate contract
15 during the period in which the fair housing testing, described *infra*, was
16 conducted.

17 7. Trull and Krause is a general partnership located in Longview, Washington.
18 Trull and Krause is composed of Gene V. Krause, Sylvia L. Krause,

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1 Richard H. Trull, and Melanie L. Trull. Trull and Krause currently owns
2 Mountain View, and is liable as the successor in interest to Gene V. Krause,
3 Sylvia L. Krause, Richard H. Trull, and Melanie L. Trull.

4 8. At all times relevant to this complaint, Defendant Marilyn Heim has served
5 as the property manager at Mountain View.

6 9. Collectively, Gene V. Krause, Sylvia L. Krause, Richard H. Trull, Melanie
7 L. Trull, Trull and Krause, and Marilyn Heim are referred to herein as “the
8 Defendants.”

9 10. Mountain View is a dwelling within the meaning of the Fair Housing Act,
10 42 U.S.C. § 3602(b).

11 11. Plaintiff, the United States of America, conducted a series of tests to
12 evaluate the Defendants’ compliance with the Fair Housing Act on or about
13 June 23 - 25, 2008, and on or about October 27 - 28, 2008. The testing
14 undertaken by the United States revealed that the Defendants have engaged
15 in housing practices that discriminate on the basis of familial status at
16 Mountain View. Specifically, the testing revealed that the Defendants have
17 stated and maintained a policy of not renting apartments to families with
18 children in one or more of the seven buildings at Mountain View.

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- 1 12. By the conduct set forth in the previous numbered paragraphs, the
2 Defendants have:
- 3 a. Refused to negotiate for the rental of, or otherwise made unavailable
4 or denied, a dwelling to persons with children, in violation of Section
5 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a); and
- 6 b. Discriminated against persons with children in the terms, conditions,
7 and/or privileges of sale or rental of a dwelling, in violation of
8 Section 804(b) of the Fair Housing Act, 42 U.S.C. § 3604(b); and
- 9 c. Made statements and/or caused to be made, printed or published
10 statements and/or advertisements with respect to the rental of a
11 dwelling that indicate a preference, limitation and discrimination
12 based on familial status, or an intention to make such a preference,
13 limitation or discrimination based on familial status, in violation of
14 Section 804(c) of the Fair Housing Act, 42 U.S.C. § 3604(c).
- 15 13. The Defendants' discriminatory conduct as set forth above was intentional,
16 willful, and taken in disregard for the rights of others.
- 17 14. The conduct of the Defendants described above constitutes:

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- 1 a. a pattern or practice of resistance to the full enjoyment of rights
2 granted by the Fair Housing Act, in violation of 42 U.S.C. § 3614(a);
3 and
4 b. a denial to a group of persons of rights granted by the Fair Housing
5 Act, which denial raises an issue of general public importance, in
6 violation of 42 U.S.C. § 3614(a).

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PRAYER FOR RELIEF

WHEREFORE, the **UNITED STATES** prays for relief as follows:

1. A declaration that the conduct of the Defendants as set forth above violates the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3631;
2. An injunction against the Defendants, their agents, employees, and successors, and all other persons in active concert or participation with them, from:
 - a. discriminating on the basis of familial status in violation of the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3631;
 - b. failing or refusing to notify the public that dwellings owned or operated by the Defendants are available to all persons on a nondiscriminatory basis; and;
 - c. failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, any aggrieved persons to the position they would have been in but for the discriminatory conduct; and
 - d. failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future

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1 and to eliminate, to the extent practicable, the effects of the
2 Defendants' unlawful practices;

3 3. A civil penalty against each of the Defendants in an amount authorized by
4 42 U.S.C. § 3614(d)(1)(C), in order to vindicate the public interest.

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

7
8 Dated: October 21, 2010

9 ERIC H. HOLDER, JR.
10 Attorney General

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12
13
14 s/ Jenny A. Durkan

15 JENNY A. DURKAN
16 United States Attorney

s/ Thomas E. Perez

17 THOMAS E. PEREZ
18 Assistant Attorney General

19 s/ Kayla Stahman

20 KAYLA STAHMAN
21 CABA # 228931
22 Assistant United States Attorney
23 United States Attorney's Office
24 700 Stewart Street, Suite 5220
25 Seattle, WA 98101-1271
26 Phone: (206) 553-7970
27 Fax: (206) 553-0882

s/ Steven H. Rosenbaum

28 STEVEN H. ROSENBAUM
29 Chief
30 Housing and Civil Enforcement Section

s/ Robin L. Dull

31 TIMOTHY J. MORAN
32 Deputy Chief

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Robin L. Dull
United States Department of Justice
Civil Rights Division
950 Pennsylvania Ave, NW - NWB
Washington, DC 20530
(202) 305-7780

1 Kayla.Stahman@usdoj.gov
2

ROBIN L. DULL
NY #4559084
Housing and Civil Enforcement Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Northwestern Building, 7th Floor
Washington, D.C. 20530
Phone: (202) 305-7780
Fax: (202) 514-1116
robin.dull@usdoj.gov

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Robin L. Dull
United States Department of Justice
Civil Rights Division
950 Pennsylvania Ave, NW – NWB
Washington, DC 20530
(202) 305-7780