

1 Eric H. Holder, Jr.
Attorney General
2 Thomas E. Perez
Assistant Attorney General
3 Civil Rights Division
4 Steven H. Rosenbaum, Chief
Jon M. Seward, Deputy Chief
5 Daniel H. Yi, Trial Attorney (Va Bar No. 73540)
Housing and Civil Enforcement Section
6 Civil Rights Division, U.S. Department of Justice
950 Pennsylvania Ave., NW
7 Washington, D.C. 20530
202-514-4701, 202-514-1116 (fax)
8

9 Daniel G. Bogden, United States Attorney
Holly A. Vance, Assistant United States Attorney
10 100 W. Liberty Street, Ste. 600
Reno, NV 89501
11 775-784-5438, 775-784-5181 (fax)

12 Attorneys for Plaintiff United States of America

13
14 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 v.
18 LEE ENTERPRISES, INC. & LEE
19 PUBLICATIONS, INC., d/b/a ELKO
20 DAILY FREE PRESS,
21 Defendants

Case No.

22
23 COMPLAINT

24 The United States of America alleges:

- 25 1. This action is brought by the United States to enforce the Fair Housing Act, Title VIII of
26 the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988,
27 42 U.S.C. §§ 3601-3619 ("FHA").
28 2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345, and

1 42 U.S.C. §§ 3612(o).

2 3. Venue is proper in this jurisdiction, pursuant to 28 U.S.C. § 1391(b) and 42 U.S.C. §
3 3612(o), because the events or omissions giving rise to the claims alleged in this action
4 occurred in this judicial district.

5 4. Elko Daily Free Press is a daily newspaper serving Elko, Nevada.

6 5. Defendant Lee Enterprises, Inc. ("LEI") is a Delaware corporation with its principle place
7 of business in Davenport, Iowa.

8 6. Defendant Lee Publications, Inc. ("LPI") is a Delaware corporation with its principle
9 place of business in Davenport, Iowa. LPI owns the Elko Daily Free Press. LPI is itself a
10 wholly-owned subsidiary of LEI, and publishes the Elko Daily Free Press as an agent
11 and/or alter ego of LEI.

12 7. On or about October 2008, Defendant LPI received a telephone call from Vicki L. Carter,
13 the rental manager for Wallace Mobile Home Park, a mobile home community located in
14 Elko, Nevada. Ms. Carter asked Defendants to publish an advertisement in the Elko
15 Daily Free Press for a rental vacancy.

16 8. On or about November 2008, Defendant LPI, acting as an alter ego and/or agent of
17 Defendant LEI, published an advertisement in the Elko Daily Free Press that read:
18 "Private Park. City View! 2bd/2bth, washer, dryer included. No kids, No Pets.
19 \$875/month. Call 9am to 9pm 738-5932" ("No Kids Ad"). This ad was published in the
20 Elko Daily Free Press for a period of approximately one week.

21 9. Complainant Silver State Fair Housing Council ("Silver State") is a non-profit Nevada
22 corporation with its principle place of business in Reno, Nevada.

23 10. One of Silver State's specific purposes and goals is to promote equal opportunity in the
24 rental of housing and to eliminate all forms of illegal housing discrimination. To this
25 end, Silver State (1) investigates allegations of discrimination, (2) investigates housing
26 facilities to determine whether equal opportunity in housing is provided, (3) takes such
27 steps as it deems necessary to assure such equal opportunity as well as to counteract and
28 eliminate discriminatory housing practices; (4) provides outreach and education to the

1 community, including housing providers and consumers, regarding fair housing, and (5)
2 monitoring and training housing providers that have previously engaged in discriminatory
3 practices.

4 11. On or about November 7, 2008, Silver State received a report regarding the No Kids Ad.

5 12. On or about November 7, 2008, Silver State checked the online edition of the Elko Daily
6 Free Press and located an advertisement for an "Adult Park" that listed the same phone
7 number as the No Kids Ad.

8 13. In response to the advertisements, Silver State took a number of actions, including:

9 (a) investigating the ownership of the Elko Daily Free Press;

10 (b) conducting testing of Wallace Mobile Home Park to confirm that it refused to rent
11 to families with children.

12 (c) conducting education and outreach efforts, which included placing an
13 advertisement in the Elko Daily Free Press that described the requirements of the
14 FHA generally and the prohibition against familial status discrimination in
15 particular.

16 14. On or about April 24, 2009, Silver State filed timely HUD complaints under 42 U.S.C. §
17 3610(a) alleging that Defendant LEI and the Elko Daily Free Press had discriminated
18 against it on the basis of familial status in violation of the Fair Housing Act, as amended,
19 42 U.S.C. § 3601 *et seq.* Specifically, Silver State alleged that Defendant LEI and the
20 Elko Daily Free Press had discriminated on the basis of familial status by advertising in a
21 discriminatory manner.

22 15. Pursuant to the requirements of 42 U.S.C. §§ 3610(a) and (b), the Secretary of HUD ("the
23 Secretary") conducted an investigation of the above-mentioned complaint, attempted
24 conciliation without success, and prepared a final investigatory report.

25 16. Based on the information gathered in this investigation, the Secretary, pursuant to 42
26 U.S.C. § 3610(g)(1), determined that reasonable cause exists to believe that Defendant
27 LEI and the Elko Daily Free Press had engaged in illegal discriminatory housing
28 practices. Accordingly, on or about September 28, 2009, the Secretary issued a

1 Determination of Reasonable Cause and a Charge of Discrimination against Defendant
2 LEI and the Elko Daily Free Press.

- 3 17. On or about October 1, 2009, Silver State elected to have the claims asserted in HUD's
4 Charge of Discrimination resolved in a federal civil action, pursuant to 42 U.S.C. §
5 3612(a).
- 6 18. The Secretary subsequently authorized the Attorney General to commence this
7 action, pursuant to 42 U.S.C. § 3612(o).
- 8 19. The Defendants, through the actions referred to in paragraph 8, have discriminated by
9 making, printing, or publishing, or causing to be made, printed, or published, an
10 advertisement with respect to the rental of a dwelling that indicate a preference, a
11 limitation, or discrimination based on familial status, or an intention to make any such
12 preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c).
- 13 20. Silver State is an aggrieved person within the meaning of the Fair Housing Act, 42 U.S.C.
14 § 3602(i), and has suffered damages as a result of the Defendants' conduct described
15 above.
- 16 21. The discriminatory actions of the Defendants were intentional, willful, and taken in
17 disregard for the rights of others.

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

- 19 1. Declares that the Defendants' policies and practices, as alleged herein, violate the Fair
20 Housing Act;
- 21 2. Enjoins the Defendants, their officers, employees, and agents, and all other persons in
22 active concert or participation with any of them, from making, printing, or publishing any
23 notice, statement, or advertisement with respect to the rental of a dwelling that indicate
24 any preference, limitation, or discrimination based on familial status; and
- 25 3. Awards monetary damages to Silver State, pursuant to 42 U.S.C. §§ 3612(o)(3) and
26 3613(c)(1); and
27
28

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

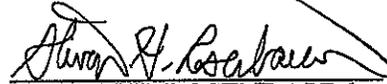
2 Dated: November 2, 2009

3
4 ERIC H. HOLDER, JR.
Attorney General

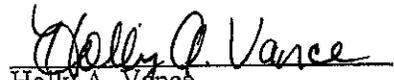
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6 

7 THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

8 DANIEL G. BOGDEN
United States Attorney
District of Nevada

9
10 

11 STEVEN H. ROSENBAUM
Chief
Housing and Civil Enforcement Section

12 
13 Holly A. Vance
Assistant United States Attorney
100 W. Liberty Street, Ste. 600
Reno, NV 89501
14 Tel: (775) 784-5438
Fax: (775) 784-5181
Email: holly.a.vance@usdoj.gov

15 

16 JON M. SEWARD
Deputy Chief
DANIEL H. YI
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) 514-4701
Fax: (202) 514-1116
Va. Bar No.: 73540
Email: daniel.yi@usdoj.gov

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____

(EXCEPT IN U.S. PLAINTIFF CASES)

Holly A. Vance, AUSA

U.S. Attorney's Office

100 W. Liberty Street, Ste 600; Reno, NV 89501

(c) Attorney's (Firm Name, Address, and Telephone Number)

(775) 784-5438

DEFENDANTS

Lee Enterprises, Inc., & Lee Publications, Inc., d/b/a Elko Daily Free Press

County of Residence of First Listed Defendant Scott County, Iowa

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input checked="" type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):
 Fair Housing Act, 42 U.S.C. Sections 3601, et seq.

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ _____

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Robert C. Jones

DOCKET NUMBER 3:09-cv-00140

DATE 11/02/2009

SIGNATURE OF ATTORNEY OF RECORD

Holly A. Vance

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____