FILED
2008 JUL 17 AM 8:50
CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA, PLAINTIFF,	§	
V.	§	CAUSE NO. A-05-CA-710-LY
ANIBAL AND JANET SILVA, DEFENDANTS.	§	

FINAL JUDGMENT

Before the Court is the above styled and numbered cause. This Court rendered default judgments as to liability in favor of Plaintiff United States and against Defendant *pro se* Anibal Silva on February 5, 2007 and against Defendant *pro se* Janet Silva on July 5, 2007 (Clerk's Document Nos. 141 & 204). On October 1, 2007, the Court commenced a trial to the bench on the remaining issue of damages. Counsel appeared on behalf of the United States, however, although duly noticed, neither of the Silvas appeared, nor did any counsel appear on their behalf. On this date by separate order the Court rendered Findings Of Fact And Conclusions Of Law, which addresses the United States requests for damages, civil penalties, and injunctive relief. As all issues in this cause have been resolved, the Court renders this Final Judgment. *See* Fed. R. Civ. P. 58.

IT IS ORDERED that Defendants Anibal and Janet Silva are jointly and severally liable for damages to the following aggrieved individuals in the designated amounts: (1) Porfirio and Maria Alcantara shall recover damages in the amount of $5,227.21; (2) Celestino Medrano shall recover damages in the amount of $3,500; (3) Martha Puerto and Carlos Reyes shall recover damages in the amount of $3,670; (4) Israel Ponce and Norma Segura shall recover damages in the amount of $12,792.80; (5) Virginia Jaimes shall recover damages in the amount of $16,852.72; (6) Flor Perez

and Jose Aburto shall recover damages in the amount of $15,662; (7) Guadencio and Argelia Olivares shall recover damages in the amount of $16,255.70; (8) Jose Garcia shall recover damages in the amount of $7,925.50; and (9) Mario and Maria Calderon shall recover damages in the amount of $21,766.04.

IT IS FURTHER ORDERED that Anibal Silva is assessed a civil penalty in the amount of $55,000 and Janet Silva is assessed a civil penalty in the amount of $55,000, *see* 42 U.S.C. § 3614(d)(1)(C)(i), such penalties to be immediately paid to the United States.

IT IS FURTHER ORDERED that for a period of five years from the date this Final Judgment is signed Defendants Anibal and Janet Silva are enjoined from (1) refusing to sell or rent, refusing to negotiate for the sale or rental, or otherwise make unavailable, a dwelling because of an individual's national origin, in violation of Title 42 United States Code section 3604(a); (2) discriminating in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services or facilities in connection therewith, on the basis of an individual's national origin, in violation of Title 42 United States Code section 3605; and (3) coercing, intimidating, threatening, or interfering with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights under the Fair Housing Act, in violation of Title 42 United States Code section 3617.

IT IS FURTHER ORDERED that Defendants Anibal and Janet Silva shall attend and complete, as directed by the United States, a fair-housing training program, approved by the United States at Defendants' expense. The training shall be conducted by a qualified third party, unconnected to Defendants or their employees, officers, agents, or counsel. The training must cover the requirements of the Fair Housing Act, particularly as the requirements pertain to discrimination

on the basis of national origin. Defendants' employees responsible for showing, renting, or managing rental dwellings shall also attend this training.

IT IS FURTHER ORDERED that for a period of five years from the date this Final Judgment is signed all advertising conducted by, for, or on behalf of Defendants Anibal or Janet Silva for any real-estate related transaction, in newspapers, on the Internet, in telephone directories, radio, television, or other media, and all billboards, signs, pamphlets, brochures, and other promotional literature, include a fair housing logo and the following paragraph:

> We are an equal opportunity housing provider. We do not discriminate on the basis of race, color, national origin, religion, sex, familial status, or disability.

This paragraph and logo shall be prominently placed and easily legible, and shall be in the same language as the language of the advertisement.

IT IS FURTHER ORDERED that for a period of five years from the date this Final Judgment is signed Defendants Anibal and Janet Silva send to the United States every three months, a list of all persons, with their last known address and telephone numbers, with whom Defendants Anibal or Janet Silva have engaged in a real-estate related transaction of any sort, or to whom Defendants Anibal or Janet Silva have sold, or attempted to sell, rented, or attempted to rent, any residential property.

IT IS FURTHER ORDERED that Defendants Anibal and Janet Silva are enjoined and are to refrain from continuing to prosecute claims in *Silva v. Jaimes*, No. 07-90588-JM (Bankr. S.D. Cal. 2007) that are the same claims resolved against the Silvas in this action, and further the Silvas are

enjoined and are to refrain from filing any future claims of any sort against any aggrieved person or witness in this cause.

IT IS FURTHER ORDERED that for a period of five years from the date this Final Judgment is signed Defendants Anibal and Janet Silva shall send to the United States each three months, the name, address, and telephone number of any person or entity who employs either Defendant Anibal or Janet Silva to perform any real-estate related transaction, or the management, operation, or sale of any property covered under the Fair Housing Act and provide to that employer a copy of this Final Judgment.

IT IS FURTHER ORDERED that for a period of five years from the date this Final Judgment is signed Defendants Anibal and Janet Silva advise the United States in writing within fifteen days after receipt of any written fair-housing complaint, whether filed administratively with Housing and Urban Development, any another governmental agency, in court, or submitted in writing to directly to either Defendant Anibal or Janet Silva, concerning any real-estate related transaction conducted by either Defendant, or any property owned or managed by either Defendant, or any employee or agent of Defendants, regarding discrimination on the basis of national origin. Upon reasonable notice, Defendants Anibal and Janet Silva shall provide the United States with all nonprivileged information the United States may request regarding any such complaint. Defendants Anibal and Janet Silva shall advise counsel for the United States, in writing, within fifteen days after the resolution of any complaint.

IT IS FURTHER ORDERED that for a period of five years from the date this Final Judgment is signed Defendants Anibal and Janet Silva report to the United States the address of any residential property they purchase, inherit, or otherwise acquire an interest in, agree to manage or

operate, or which they sell, transfer, or otherwise dispose of any interest. Such notification shall be made within thirty days after the purchase, inheritance, acquisition, sale, or transfer of interest, or sale, transfer, or disposition, and shall include the identity of the potential person to whom or from whom the interest is being transferred.

IT IS FURTHER ORDERED that for a period of five years from the date this Final Judgment is signed Defendants Anibal and Janet Silva provide any information reasonably related to compliance with this Final Judgment that is requested by the United States.

IT IS FURTHER ORDERED that regarding pending legal action, Anibal Silva, his agents, or any other person acting in concert with him or his agents, is permanently enjoined from taking any further legal action to prosecute the claims in the adversary proceeding instituted as part of Defendant Anibal Silva's Chapter 13 bankruptcy proceeding, *Silva v. Jaimes*, No. 07-90588-JM (Bankr. S.D. Cal. 2007) that are the same claims resolved against Defendant Anibal and Janet Silva in this action.

IT IS FURTHER ORDERED that for a period of five years from the date this Final Judgment is signed Defendants Anibal and Janet Silva, their agents, or any other person acting in concert with them or their agents are enjoined from filing, or causing to be filed, any claim, complaint, motion, proceeding, lawsuit, or legal action of any sort against any aggrieved person in this action for any aspect of the transactions giving rise to the United States' claims against Defendants Anibal and Janet Silva or the litigation of this cause, without prior express written authorization from this Court. This injunction does not extend to Defendants' Anibal and Janet Silva's right to appeal this Final Judgment to the Court of Appeals For The Fifth Circuit.

IT IS FURTHER ORDERED that all payments due to be paid by Defendants Anibal and Janet Silva pursuant to this Final Judgment, including the damages awarded the aggrieved individuals, shall be sent by overnight mail addressed as follows: Chief, Housing and Civil Enforcement Section, Civil Rights Division, DJ #175-76-128, United States Department of Justice, 1800 G Street, NW, Washington, DC, 20006.

IT IS FURTHER ORDERED that all documents or other communications required by this Final Judgment to be sent to counsel for the United States shall be addressed as follows: Chief, Housing and Civil Enforcement Section, Civil Rights Division, DJ #175-76-128, United States Department of Justice, 950 Pennsylvania Avenue, N.W. (G Street), Washington, DC, 20530, or as otherwise directed in writing by the United States. If transmission of a required communication may be sent by fax, send to (202) 514-1116.

IT IS FURTHER ORDERED that all relief not expressly granted is hereby **DENIED**.

IT IS FINALLY ORDERED that the case is hereby **CLOSED**.

SIGNED this 17th day of July, 2008.

LEE YEAKEL
UNITED STATES DISTRICT JUDGE