

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MILLIKIN UNIVERSITY and
RICHARD DUNSWORTH,

Defendants

Civil Action No. 09-2270

CONSENT ORDER

Plaintiff United States and defendants Millikin University and Richard Dunsworth stipulate and agree as follows:

1. On November 6, 2009, the United States, on its own behalf and on behalf of Catherine Nielsen, instituted this action against Millikin University and Richard Dunsworth, pursuant to Section 812(o) of the Fair Housing Act, 42 U.S.C. § 3612(o), as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601, et seq. ("the Act"). The Act generally prohibits discrimination on the basis of disability in the sale, rental or use of a dwelling, and also generally prohibits the refusal to make reasonable accommodations in policies and practices if such accommodations are necessary, in order for a person with a disability to have equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f).

2. In this action, the complaint alleged that defendants violated the Act in the course of certain decisions about housing for Ms. Nielsen in 2006. The parties now wish to settle this action. This settlement is a compromise of a disputed claim, and nothing herein should be construed as an admission of the allegations of the Complaint or an admission of liability by the defendants. The defendants deny any liability in this matter whatsoever. No judicial findings have been made as to the allegations of the Complaint or the issue of liability, and nothing herein should be construed or represented otherwise. Furthermore, nothing in this litigation should be considered or construed or used against the defendants as a "prior violation" of the Fair Housing Act, 42 U.S.C. Section 3614(d)(1)(C)(ii).

3. The parties propose this Consent Order. This Court has reviewed this Consent Order.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. In any written information or training materials that Millikin University provides to its Residence Life employees, Millikin University will provide a statement of the legal principle in 42 U.S.C. Section 3604(f), that it is unlawful to discriminate in the rental of housing to any student with a disability, unless that tenancy would constitute a direct threat to the health or safety of other individuals or that tenancy would result in substantial physical damage to the property of others. In addition, Millikin University will provide a statement of the legal principle that it is unlawful to refuse to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling. Millikin University will also provide its Residence Life employees with a simple explanation of these legal principles.
2. For the period of one year from the entry of this Consent Order, Millikin University will keep records and will make these records available to the United States Attorney's Office upon request, in the event that Millikin University makes a decision to deny any housing to a student with a disability, based on a decision that the student's tenancy would constitute a direct threat to the health or safety of any individual(s), would result in substantial physical damage to the property of others, or would cause an undue burden to Millikin University.
3. Millikin University will reimburse Catherine Nielsen the sum of \$4,436.89 relating to her expenses in moving from Oakland Hall to Hessler Hall in 2006. The payment shall be made within twenty days after the entry of this Consent Order, and shall be sent to her c/o the United States Attorney's Office, which shall promptly forward it to Ms. Nielsen.
4. In consideration for this Consent Order and this payment, Catherine Nielsen will sign the Release in Attachment A.
5. The parties have consented to the entry of this Consent Order as indicated by the signatures below. To this end, 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).
6. This Consent Order is effective immediately upon its entry by the Court. The entry of this Consent Order will terminate this case.
7. The parties to this Consent 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 any party fails, whether willful or otherwise, to perform in a timely manner any act required by this Consent Order or otherwise to act in accord with any provision thereof, the aggrieved party may move this Court to impose any remedy authorized by law or equity, including, but not limited to, an order requiring performance of such act or deeming such act to have been performed, and an award of any damages, costs, and reasonable attorneys' fees, if any have been caused by the violation or failure to perform.

8. Each party to this Consent Order shall bear its own costs and attorney's fees associated with this action.

9. This Consent Order may be signed by the parties in counterparts.

IT IS SO ORDERED, THIS [REDACTED] DAY OF [REDACTED]

[REDACTED]
HAROLD A. BAKER
UNITED STATES DISTRICT JUDGE

The terms of this Consent Order have been agreed to by the parties, as indicated by the signatures of counsel below, and the parties request the entry of this Consent Order:

/s/ James A. Lewis

Date: Jan 10, 2011

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NC Bar No. 5470
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FOR THE DEFENDANTS:

/s/ James T. Jackson

Date: December 23, 2010

Millikin University
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Samuels, Miller, Schroeder, Jackson & Sly, LLP
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/s/ James T. Jackson

Date: December 23, 2010

Richard Dunsworth
by James T. Jackson
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ATTACHMENT A
RELEASE OF CLAIMS

In consideration of the payment of the sum of \$4,436.89 (four thousand four hundred and thirty-six dollars and eighty-nine cents), and the termination of the pending litigation, pursuant to the Consent Order entered in *United States v. Millikin University*, Case No.: 2:09-cv-02270-HAB-DGB (C.D. Ill.), I, Catherine Nielsen, hereby release the Defendants named in this action from any and all liability for any claims, existing or potential, legal or equitable, I may have against them arising out of the Fair Housing Act (including all matters described in the Complaint in Case No: 2:09-cv-02270 referenced above), or any other federal statute as to which the United States could represent my interest. I fully acknowledge and agree that this release of the Defendants shall be binding on my heirs, representatives, executors, successors, administrators, and assigns. I hereby acknowledge that I have read and understand this release and have executed it voluntarily and with full knowledge of its legal consequences. I further acknowledge that I have read the proposed Consent Order, and that I understand it and its legal consequences.

Catherine Nielsen

Date: _____