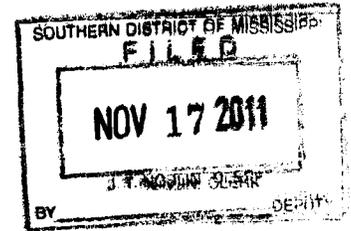


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 MARCUS MANLY MAGEE III, INA MAGEE,)
 and M.M. AND S., INC.,)
)
 Defendants.)
)
 _____)

CIVIL ACTION NO. 3:11CV709WMB-LRA

COMPLAINT and
JURY DEMAND

The United States of America alleges as follows:

NATURE OF ACTION

1. The United States brings this action pursuant to 42 U.S.C. § 3614(a) to enforce Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 *et seq.* (the “Fair Housing Act”). This action is also brought on behalf of Latasha Morgan and her four minor children pursuant to 42 U.S.C. § 3612(o).

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. § 3612(o) and § 3614(a).
3. Venue is proper under 28 U.S.C. § 1391(b) because the events or omissions giving rise to the United States’ claims occurred in this District and the property that is the subject of this action is located in this District.

PARTIES AND PROPERTY

4. Defendant Marcus Manly Magee III owns four (4) residential properties in the Town of Magee (Simpson County), Mississippi and is the President of Defendant M.M. and S, Inc.

As an agent of M.M. and S., Inc., Marcus Magee is responsible, among other things, for fielding calls, showing properties, interviewing potential tenants, accepting and processing applications, and executing leases for commercial and residential properties owned and/or managed by Defendant M.M. and S, Inc.

5. Defendant Ina Magee is the Vice President of Defendant M.M. and S, Inc. As an agent of M.M. and S., Inc., Ina Magee is responsible, among other things, for fielding calls, showing properties, interviewing potential tenants, accepting and processing applications, and executing leases for residential properties that are owned and/or managed by Defendant M.M. and S., Inc.
6. Defendant M.M. and S., Inc. is a Mississippi corporation and a development and leasing company that owns nineteen residential properties in Magee, Mississippi, including a four-bedroom home located at 1499 Simpson Highway 49 S. Defendant M.M. and S., Inc., leases and manages its nineteen residential properties and the four residential properties owned by Defendant Marcus Magee.
7. The Pecan Grove subdivision located in Magee, Mississippi, contains sixteen (16) single-family homes. Fourteen (14) of the homes are owned by Defendant M.M. and S., Inc., and two (2) are owned by Defendant Marcus Magee. All the homes in the Pecan Grove subdivision are leased by M.M. and S., Inc.
8. The residential properties that are owned and managed by Defendants are “dwelling[s]” within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

FACTUAL ALLEGATIONS

9. Latasha Morgan is the mother of four daughters who are currently 12, 9, 7, and 5 years old.

10. In October 2010, Ms. Morgan and her mother drove through the Pecan Grove subdivision in search of a home for Ms. Morgan to rent. Ms. Morgan noticed that a number of homes were vacant, and asked a woman standing outside one house who owned it. The woman told her the house was owned by Defendant Marcus Magee.
11. At the entrance of the subdivision, a sign stated “for leasing information call M.M. & S.”
12. On the same day, Ms. Morgan called Defendant M.M. and S., Inc. to inquire about renting a three-bedroom house in the Pecan Grove subdivision. Defendant Marcus Magee answered the call and told her that several three-bedroom, two-bathroom houses were available for rent.
13. Ms. Morgan then drove to Defendant M.M. and S., Inc.’s office to discuss renting a three-bedroom house on Pecan Grove Drive.
14. When Ms. Morgan arrived, Defendant Marcus Magee asked Ms. Morgan how many people would occupy the home. Ms. Morgan replied that she, along with her four children, would live there. Defendant Marcus Magee then told Ms. Morgan that he could not rent a three-bedroom house to her because she had “too many children,” or words to that effect.
15. Defendant Marcus Magee informed Ms. Morgan that a four-bedroom home, located at 1499 Simpson Highway 49 S, was the only home Defendant M.M. and S., Inc. had available which Ms. Morgan was qualified to rent.
16. Defendants established and implemented an occupancy policy for considering prospective tenants for their rental homes. According to this policy, the maximum occupancy of a two-bedroom, two-bathroom house is two adults and two children, or three adults and zero children. The maximum occupancy of a three-bedroom, two-

bathroom house is two adults and three children, or three adults and two children. The maximum occupancy of a four-bedroom, two-bathroom house is two adults and four children, or three adults and three children.

17. Neither the Town of Magee nor Simpson County have established maximum occupancy limits for single-family homes.
18. In November 2010, Ms. Morgan again visited Defendant M.M. and S., Inc.'s office to inquire about renting a three-bedroom home on Pecan Grove Drive. Defendants Marcus and Ina Magee again told Ms. Morgan that she did not qualify for a three-bedroom house because she had "too many children," or words to that effect.
19. As a result of Defendants' actions, Ms. Morgan was unable to secure a safe and sanitary rental home for her family. The only housing Ms. Morgan could find was significantly less desirable than the homes in the Pecan Grove subdivision.

HUD ADMINISTRATIVE PROCESS

20. On or around March 15, 2011, Ms. Morgan filed a timely Fair Housing Complaint with the United States Department of Housing and Urban Development ("HUD") on behalf of herself and her four minor children, alleging, among other things, that Defendant Marcus Magee had engaged in housing discrimination on the basis of familial status. The complaint was amended on March 29, 2011, and again on July 26, 2011, to, among other things, add Defendants Ina Magee and M.M. and S, Inc. as respondents.
21. Pursuant to 42 U.S.C. § 3610, the Secretary of HUD conducted and completed an investigation of the complaint, attempted conciliation without success, and prepared a final investigative report. Based upon the information gathered in the investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(1), determined that reasonable cause existed

to believe that illegal discriminatory housing practices had occurred. Therefore, on September 29, 2011, the Secretary issued a Charge of Discrimination, pursuant to 42 U.S.C. § 3610(g)(2)(A), charging the above-named Defendants with engaging in discriminatory practices based on familial status, in violation of the Fair Housing Act, 42 U.S.C. §§ 3604(a), 3604(b), and 3604(c).

22. On October 19, 2011, Defendants elected to have the claims asserted in the HUD Charge resolved in a civil action pursuant to 42 U.S.C. § 3612(a). On this same date, the Administrative Law Judge issued a Notice of Election to Proceed in United States Federal District Court and terminated the administrative proceeding on Ms. Morgan's complaint.
23. Following this Notice of Election, the Secretary of HUD authorized the Attorney General to commence civil action, pursuant to 42 U.S.C. § 3612(o).

COUNT I

24. Plaintiff re-alleges and incorporates by reference the allegations set forth above.
25. By the actions set forth above, Defendants have discriminated against Ms. Morgan and her minor children by:
 - a. Refusing to negotiate for the rental of, or making unavailable or denying housing because of familial status, in violation of 42 U.S.C. § 3604(a);
 - b. Discriminating in the terms, conditions, or privileges of rental of a dwelling because of familial status, in violation of 42 U.S.C. § 3604(b); and
 - c. Making statements with respect to housing indicating a preference, a limitation, or discrimination based on familial status, in violation of 42 U.S.C. § 3604(c).

26. Ms. Morgan and her four minor children are “aggrieved persons” within the meaning of 42 U.S.C. § 3602(i), and have suffered injuries as a result of Defendants’ discriminatory conduct.
27. The discriminatory actions of the Defendants were intentional, willful, and taken in disregard of the federally protected rights of Ms. Morgan and her minor children.

COUNT II

28. Plaintiff re-alleges and incorporates by reference the allegations set forth above.
29. By the actions set forth above, Defendants have engaged in:
 - a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, in violation of 42 U.S.C. § 3614(a); or
 - b. A denial to a group of persons rights granted by the Fair Housing Act, which denial raises an issue of general public importance, in violation of 42 U.S.C. § 3614(a).
30. In addition to Ms. Morgan and her children, other persons may have been injured by Defendants’ discriminatory actions and practices as described above. Such individuals are “aggrieved persons” under the Fair Housing Act, 42 U.S.C. §§ 3602(i) and 3614(d)(1)(B).

PRAYER FOR RELIEF

WHEREFORE, the United States of America prays for relief as follows:

1. A declaration that the discriminatory conduct of Defendants as set forth above violates the Fair Housing Act;
2. An injunction against Defendants, their agents, employees, successors, and all other person in active concert or participation with any of them from:

- a. Discriminating on the basis of familial status, in violation of the Fair Housing Act;
 - b. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of Defendants' past 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. An award of monetary damages to Ms. Morgan and her children pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1);
4. An award of monetary damages to each additional person aggrieved by Defendants' discriminatory housing practices, pursuant to 42 U.S.C. § 3614(d)(1)(B); and
5. A civil penalty against each Defendant in order to vindicate the public interest, pursuant to 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.

Dated: November 17, 2011

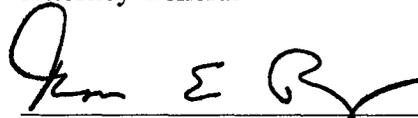
JOHN DOWDY
United States Attorney

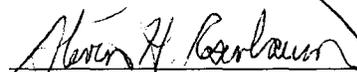



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