

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

United States,	)	CASE NO.:
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
Zaremba Management Company, LLC;	)	
Katrina Ivanskis; and	)	
Linden Apartment Company, LLC,	)	
	)	<b>COMPLAINT</b>
Defendants.	)	

The United States of America alleges:

1. This action is brought to enforce the Fair Housing Act, 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.*
2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. §§ 3612(o) and 3614. Venue is proper under 28 U.S.C. § 1391(b) as the claims alleged herein arose in the Northern District of Ohio.
3. Linden Apartment Company, LLC owns the Linden House Apartments, an apartment complex located at 3303 Linden Road, Rocky River, Ohio. Linden Apartment Company, LLC offers apartments in that complex for rent. Those apartments are dwellings within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

4. Linden Apartment Company, LLC is an Ohio limited liability company with its principal place of business in Rocky River, Ohio.
5. Defendant Zaremba Management Company, LLC manages and operates the Linden House Apartments on behalf of Linden Apartment Company, LLC, and is responsible for showing and leasing dwelling units.
6. Linden Apartment Company, LLC has the right to direct and control the actions of its agent, Zaremba Management Company, LLC, as manager and operator of the Linden House Apartments.
7. Defendant Katrina Ivanskis is an employee of Zaremba Management Company, LLC. Ms. Ivanskis is the on-site manager for the Linden House Apartments and is responsible for showing and leasing dwelling units.
8. Zaremba Management Company, LLC and Linden Apartment Company, LLC have the right to direct and control the actions of Katrina Ivanskis as manager and operator of the Linden House Apartments.
9. Between at least January 1, 2010, to on or about March 1, 2013, and while acting with the actual or apparent authority of Linden House Apartments, Inc, Zaremba Management Company, LLC showed and offered for rent apartments located in the Linden House Apartments.
10. Between on or about October 23, 2012, and February 14, 2013, the United States Department of Justice conducted three tests at Linden House Apartments to evaluate the Defendants' compliance with the Fair Housing Act. Testing is the simulation of a housing transaction that compares responses given by housing providers to different

types of home-seekers to determine whether illegal discrimination is occurring.

11. During the first test conducted by the Department of Justice, Katrina Ivanskis told a tester that Linden House Apartments is an adult-only building and does not allow children to live at the property.
12. On or about November 28, 2012, the Department of Justice conducted a second test at the Linden House Apartments. During the second test, a female tester who represented herself as married with two children under the age of ten, asked about an available two-bedroom apartment. An employee of Zaremba Management Company, LLC told the tester that the residents of the Linden House Apartments must be over 19-years old and that no children live at the property. The employee told the tester that she could not live at the Linden House Apartments.
13. On or about February 14, 2013, the Department of Justice conducted a third test at the Linden House Apartments. During the third test, a male tester who represented himself as married with no children inquired about a two-bedroom apartment. Katrina Ivanskis told the tester that Linden House Apartments does not allow children to live at the property.
14. Linden House Apartments, LLC, acting through Zaremba Management Company, LLC, maintains a policy of evicting and/or asking current tenant(s) to relocate to different housing if the current tenant(s) have a child and the child reaches the age of 18 months or older.
15. Linden House Apartments, LLC, acting through Zaremba Management Company, LLC, asked a tenant, Paulette Seville, to relocate to a different apartment complex because Ms.

Sebille had a child while Ms. Sebille was residing at Linden House Apartments.

16. By the conduct set forth above, Defendants Linden Apartment Company, LLC, Katrina Ivanskis, and Zaremba Management Company, LLC:
  - a. Refused to negotiate for the rental of, or otherwise made unavailable or denied a dwelling to a person on the basis of familial status, in violation of Section 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a);
  - b. Discriminated in the terms, conditions, or privileges of, or the provision of services or facilities in connection with the rental of a dwelling because of familial status, in violation of Section 804(b) of the Fair Housing Act, 42 U.S.C. § 3604(b); and,
  - c. Caused to be made, printed, or published statements or advertisements with respect to the rental of a dwelling that indicates a preference, limitation, or discrimination based on familial status in violation of Section 804(c) of the Fair Housing Act, 42 U.S.C. § 3604(c).
17. The conduct of Defendants Linden Apartment Company, LLC, Katrina Ivanskis, and Zaremba Management Company, LLC set forth above constitutes:
  - a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601-3619; or
  - b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601-3619, which denial raises an issue of general public importance.
18. The discriminatory actions of Defendants Linden Apartment Company, LLC, Katrina

Ivanskis, and Zaremba Management Company, LLC were intentional, willful, and taken in disregard of the requirements of the Fair Housing Act and the rights of residents, potential residents, and others.

19. Paulette Sebille suffered damages as a result of the Defendants' discriminatory conduct.
20. In addition to Paulette Sebille, there may be other victims of the Defendants' discriminatory housing practices who are "aggrieved persons" as defined in 42 U.S.C. § 3602(i), and who may have suffered injuries as a result of the conduct described above.

WHEREFORE, the United States prays that the court enter an ORDER that:

1. Declares that the conduct of the Defendants, as alleged herein, violates the Fair Housing Act;
2. Enjoins the Defendants and their officers, employees, agents, successors and all other persons in active concert or participation with them, pursuant to 42 U.S.C. § 3614(d)(1)(A), from further:
  - a. Refusing to rent, after the making of a bona fide offer, or refusing to negotiate for the rental of, or otherwise make unavailable or deny, a dwelling to any person because of familial status;
  - b. Discriminating against any person in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services or facilities in connection therewith, because of familial status;
  - c. Discriminating on the basis of familial status against any person in any aspect of the rental of dwellings;

- d. Failing or refusing to take such steps that may be necessary to prevent the recurrence of any discriminatory conduct in the future and to eliminate, to the extent practicable, the effects of the Defendants' unlawful housing practices; and
  - f. Failing or refusing to take such steps that may be necessary to restore persons aggrieved by the Defendants' unlawful housing practices to the position they would have been in but for the Defendants' conduct.
3. Awards monetary damages, pursuant to 42 U.S.C. § 3614(d)(1)(B), to all persons harmed by the defendants' discriminatory practices, including Paulette Seville.

4. Assesses a civil penalty against Defendants in an amount authorized by 42 U.S.C. § 3614(d)(1)(C) and 28 C.P.R. § 85.3(b)(3), to vindicate the public interest.

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

Dated: September 30, 2013

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