

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**
(Northern Division)

BALTIMORE NEIGHBORHOODS, INC.)
a not-for profit Maryland corporation)
2530 N. Charles Street)
Baltimore, Maryland 21218)

Cottrell Davis, Jr.)
929 Argonne Drive)
Baltimore, Maryland 21228)

Bryan Jewell)
11203 Marlboro Ridge Road)
Upper Marlboro, Maryland 20772,)

Plaintiffs,)

v.)

Civil Action No.

Wood Partners, LLC)
1110 Northchase Parkway)
Suite 150)
Marietta, Georgia 30067)

Chesapeake Ridge, LLC)
8150 Leesburg Pike, Suite 501)
Vienna, VA 22182-2714)

The Dolben Company, Inc.)
150 Presidential Way)
Suite 220)
Woburn, Massachusetts 01801-1121)

Serve on:)
The Corporation Trust Incorporated)
351 West Camden Street)
Baltimore, Maryland 21201,)

Defendants.)

COMPLAINT

I. Introduction

1. This is an action by two individuals and a fair-housing organization to enforce the fair housing laws against the owner and property manager/leasing agent of the Alta Chesapeake Ridge Apartments in Cecil County, Maryland (“Alta Apartments”), who have engaged in a pattern and practice of racial discrimination. Plaintiff Baltimore Neighborhoods, Inc. (“BNI”) has monitored the Alta Apartments and its management by sending teams of white and black “testers” to inquire about apartment availability. Uniformly, Defendants’ agent told the black testers that only a few vacancies existed, when, in fact, that was not true, as proven by the vacancy information given to white testers. Plaintiffs seek injunctive relief as well as compensatory and punitive damages against Defendants.

II. Subject-Matter Jurisdiction

2. Subject-matter jurisdiction exists in this case pursuant to 28 U.S.C. §§ 1331 and 1343, and 42 U.S.C. § 3613.

III. The Parties

3. Plaintiff Cottrell Davis, Jr. is an African-American citizen who resides in Baltimore City, Maryland.

4. Plaintiff Bryan Jewell is an African-American citizen who resides in Prince George’s County, Maryland.

5. Plaintiff BNI is a not-for-profit Maryland corporation which maintains its principal place of business at 2530 N. Charles Street, Baltimore, Maryland 21218. One of BNI’s primary purposes is the promotion of equal housing opportunities for all people in the Baltimore metropolitan area. Its goals include the elimination of unlawful discriminatory

housing practices that cause injury to its members and to all persons who seek to rent or buy housing units in the Baltimore metropolitan area.

6. BNI undertakes numerous programs and activities to assure to all such persons, including African Americans, a fair and open housing market and the enjoyment of the social, educational, professional, business, economic and political benefits of an open housing market.

Among other things, BNI:

- (a) assists and aids individuals through counseling, referrals and other such services to obtain equal access to housing throughout the Baltimore metropolitan area without regard to race, color, religion, national origin, handicap, sex, or familial status;
- (b) receives and investigates allegations of housing discrimination;
- (c) conducts routine tests of the sale and rental of housing to determine whether equal treatment of minorities and others is provided, and actively monitors and investigates discriminatory housing practices;
- (d) takes steps to counteract and eliminate discriminatory practices, including a legal program whereby complaints are filed with government enforcement agencies and lawsuits are filed with the courts;
- (e) acts as a local and regional advocate of equal housing opportunities, seeking to educate the public, governmental officials and the housing industry; and
- (f) conducts fair housing training seminars and other outreach activities in response to requests to educate members of the housing industry about their obligations under the fair housing laws.

7. On information and belief, Defendants Wood Partners, LLC (“Wood Partners”) and Chesapeake Ridge, LLC (“Chesapeake Ridge”) are limited liability companies that own and/or operate the Alta Apartments located at 101 Chesapeake Ridge Lane, North East, Maryland 21901.

8. Defendant The Dolben Company, Inc. (“Dolben”) is a corporation organized under the laws of the Commonwealth of Massachusetts, with its principal place of business at 1 Beacon Street, 4th Floor, Boston, MA 02108. At all times relevant to the allegations of the Complaint, Dolben was acting as the property manager of the Alta Apartments and authorized agent of Defendants Wood Partners and Chesapeake Ridge.

9. By the acts described below, Defendants have caused injury to Plaintiffs.

IV. Factual Allegations

10. In March and June 2011, BNI sent two separate teams of white and black testers to evaluate Alta Apartments’ admissions policies with respect to treatment of the two races. Both teams of testers interacted with the same individual in the Alta Apartments’ sales office, who at all times was employed by Defendants and/or acting as Defendants’ authorized agent.

11. The testing conducted in March 2011 revealed that the white test applicant seeking to live at Alta Apartments was told there were 12 current or upcoming vacancies, while Plaintiff Davis was told (on the same day) that there were only four potential vacancies during the same period. Similarly, during a second test conducted in June 2011, the white test applicant was told that Alta Apartments had 22 current or upcoming vacancies, while Plaintiff Jewell was told (on the same day) that there were only one or possibly two vacancies during the same period. Further, the African-American testers were given different types of information (other than the number of units or unit types that were available for rental) than their white counterparts.

12. Upon information and belief, Defendants intentionally gave the African-American testers false information and incorrectly informed them that fewer housing opportunities existed at Alta Apartments, in order to discourage African Americans from living at Alta Apartments.

13. As a consequence of Defendants' deliberate acts, the Plaintiff testers have suffered and continue to suffer serious harm.

14. Defendants' intentional, wanton and willful discriminatory practices have directly and adversely affected BNI's discrete activities and programs, including its counseling and referral program and its efforts to promote compliance with the Fair Housing Act, both for its members and others; they have also forced BNI to devote scarce resources to identify and counteract Defendants' discriminatory practices, thereby diverting BNI's resources from other programmatic activities.

Claim for Violation of the Fair Housing Act

15. Plaintiffs hereby incorporate by reference the allegations of paragraphs 1 to 14 of this Complaint.

16. By making a dwelling unavailable to the Plaintiff testers of BNI due to their race, discriminating against them in the rental of a dwelling, and representing to the Plaintiff testers that a dwelling was unavailable when, in fact, it was available, Defendants have violated the Fair Housing Act, 42 U.S.C. § 3604.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request this court to grant the following relief:

1. Declare that Defendants, by engaging in racial discrimination as alleged herein, have violated the federal Fair Housing Act, 42 U.S.C. § 3604;
2. Enjoin Defendants, and each of their respective agents, representatives, employees, successors and assigns, and all persons in active concert and participation with them, from discriminating on the basis of race in violation of 42 U.S.C. § 3604;
3. Award appropriate compensatory and punitive damages against Defendants;

4. Award Plaintiffs reasonable costs and attorneys' fees against Defendants; and
5. Order such other relief as the court deems just and proper.

February 15, 2012

Respectfully submitted,

_____/s/_____
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