

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI-DADE DIVISION**

GEORGINA DE LEON, MANUEL LOPEZ,
AIDA FLORES, AIDA VILLARTA, MICHAEL
WISEMAN, and GLORIA CAMPOS

Plaintiffs,

v.

Case No. 09-22087

HIALEAH HOUSING AUTHORITY, JOSE
MARTINEZ, JULIO PONCE, MAIDA GUTIERREZ,
LOURDES LOZANO, BARBARA HERNANDEZ,
and LUCIA RODRIGUEZ,

Defendants.

SECOND AMENDED COMPLAINT

and

JURY DEMAND

Plaintiffs, Georgina De Leon, Aida Flores, Aida Villarta, Manual Lopez, Michael Wiseman, and Gloria Campos, by and through their undersigned attorneys, file this Amended Complaint for injunctive and declaratory relief, damages, costs, and attorneys' fees against Defendants, Hialeah Housing Authority, Jose Martinez, Julio Ponce, Maida Gutierrez, Lourdes Lozano, Barbara Hernandez, and Lucia Rodriguez (hereafter "Complaint"), and as good grounds state as follows:

Preliminary Statement

1. Plaintiffs are indigent, disabled, and/or elderly individuals, who are in desperate need of, and are eligible to receive, assistance under Section 8 of the United States Housing Act of 1937, as amended, 42 U.S.C. §1437f, and the federal regulations governing the Section 8 Program (herein-
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after "Section 8"). Defendants have systematically and unjustly denied Plaintiffs' valid applications for Section 8 Tenant-Based Assistance Housing Choice Voucher Program (hereinafter "Section 8 Program") without an adequate and justifiable basis. Defendants failed to provide Plaintiffs with fair administrative hearings to contest their denials as provided by federal law. The hearings provided to Plaintiffs that were given were merely a sham. As a result of Defendants' illegal discrimination and unlawful hearings and denials, Plaintiffs have been left without the funding they need to secure safe homes.

2. By perpetrating their discriminatory scheme, as well as unlawful hearings and denials, Defendants have intentionally violated procedural and substantive due process as set forth in the Fourteenth Amendment of the United States Constitution; Section 8 of the United States Housing Act of 1937, as amended, 42 U.S.C. § 1437f; and the federal regulations governing the Section 8 Program. With respect to Plaintiffs Aida Villarta, Manuel Lopez, and Michael Wiseman; the Fair Housing Act, as amended, 42 U.S.C. § 3604; the Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213 (hereinafter "ADA"); and Section 504(a) of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 (hereinafter "Rehabilitation Act").

3. Plaintiffs seek a declaration by the Court that Defendants' actions are violations of their rights under the United States Constitution and federal law.

4. Plaintiffs also seek a preliminary and permanent injunction ordering Defendants to 1) immediately admit Plaintiffs into the Section 8 Program; 2) refrain from taking any further action to deny, limit, or terminate Plaintiffs' participation in the Section 8 Program; 3) refrain from denying housing assistance to applicants for reasons not authorized by law; 4) have and utilize an unbiased

hearing process that complies with federal law; and 5) grant Plaintiffs Lopez, Villarta, and Wiseman a reasonable accommodation due to their disabilities.

5. Plaintiffs seek damages to the maximum amount allowed by law for their losses that resulted from Defendants' unlawful actions.

Jurisdiction and Venue

6. This Court has jurisdiction over this matter under the following:
- a. 28 U.S.C. § 1331, as this is a civil action arising under the Constitution, laws, and/or treaties of the United States;
 - b. 28 U.S.C. § 1337, as this is a civil action or proceeding arising under an Act of Congress regulating commerce and/or protecting trade and commerce against restraints and monopolies;
 - c. 28 U.S.C. § 1343, as this is a civil action seeking to redress the deprivation, under color of any State law, statute, ordinance, regulation, custom and/or usage, of a right, privilege or immunity secured by the Constitution of the United States and/or by an Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;
 - d. 28 U.S.C. § 2201, as this is an action seeking to declare the rights and/or other legal relations of interested parties;
 - e. 28 U.S.C. § 2202, as this is an action seeking further necessary and proper relief based on a declaratory judgment and/or decree;
 - f. Rule 57 of the Federal Rules of Civil Procedure, as this is an action seeking declaratory relief; and

g. Rule 65 of the Federal Rules of Civil Procedure, as this is an action seeking injunctive relief.

7. The Plaintiffs' claims for relief are predicated, in part, upon 42 U.S.C. § 1983, which authorizes actions to redress the deprivation, under color of state law, of rights, privileges, and immunities secured by the Constitution and laws of the United States, and upon 42 U.S.C. § 1988 which authorizes the award of attorneys' fees and costs to prevailing plaintiffs in actions brought pursuant to 42 U.S.C. § 1983.

8. Plaintiffs' claims for relief are predicated, in part, on Title II of the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*, and 42 U.S.C. § 12205, which authorizes the award of attorneys' fees and costs to prevailing Plaintiffs in actions brought pursuant to Title II of the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*

9. Plaintiffs' claims for relief are predicated, in part, on Section 504 of the Rehabilitation Act, and Section 505 of the Rehabilitation Act, 29 U.S.C. § 794a, which authorizes the award of attorneys' fees and costs to prevailing Plaintiffs in actions brought pursuant to Section 504 of the Rehabilitation Act.

10. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and § 1391(C), as the Defendants are located in this judicial district and the events or omissions giving rise to the claims occurred in this judicial district.

Parties

11. Plaintiff, Aida Villarta, is a citizen of the United States, and at all times relevant, resided in Hialeah, Florida. Ms. Villarta is eligible to participate in the Section 8 Program and has applied to the Defendants' Section 8 Program.

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12. Plaintiff, Aida Flores, is a citizen of the United States, and at all times relevant, resided in Hialeah, Florida. Ms. Flores is eligible to participate in the Section 8 Program and has applied to the Defendants' Section 8 Program.

13. Plaintiff, Georgina De Leon, is a citizen of the United States, and at all times relevant, resided in Miami-Dade County, Florida. Ms. De Leon is eligible to participate in the Section 8 Program and has applied to the Defendants' Section 8 Program.

14. Plaintiff, Manuel Lopez, is a citizen of the United States, and at all times relevant, resided in Miami-Dade County, Florida. Mr. Lopez is eligible to participate in the Section 8 Program and has applied to the Defendants' Section 8 Program.

15. Plaintiff, Michael Wiseman, is a citizen of the United States, and at all times relevant, resided in Hialeah, Florida. Mr. Wiseman is eligible to participate in the Section 8 Program and has been denied the ability to apply to Defendants' Section 8 Program.

16. Plaintiff, Gloria Campos, is a citizen of the United States, and at all times relevant, resided in Hialeah, Florida. Ms. Campos is eligible to participate in the Section 8 Program and has applied to the Defendants' Section 8 Program.

17. Defendant, Hialeah Housing Authority (hereinafter "HHA"), is a public body corporate, and was organized and exists under Florida Statute Chapter 421. Defendant HHA is responsible for operating the Section 8 Program in the City of Hialeah pursuant to federal and state law.

18. Defendant, Jose Martinez¹ is the Interim Executive Director of the HHA and is responsible for the day to day operations of the HHA and for the management of its employees. At all

¹ Jose Martinez is currently acting as HHA's Interim Executive Director. The new Executive Director will be automatically substituted as a party pursuant to Federal Rule of Civil Procedure 25(d).

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times relevant to this action Defendant Martinez, as the Executive Director, was a recipient of federal funds and was acting under color of state law. He is sued in his official capacity.

19. Defendant, Julio Ponce², is commissioner of the HHA and is responsible pursuant to *Fla. Stat.* § 421.05 for exercising the powers of the HHA. At all times relevant to this action Defendant Ponce, as a Commissioner, was a recipient of federal funds and was acting under color of state law. He is sued in his official capacity.

20. Defendant, Maida Gutierrez, is and was at all times relevant to this complaint a Commissioner of the HHA, responsible pursuant to *Fla. Stat.* § 421.05 for exercising the powers of the HHA. At all times relevant to this action Defendant Gutierrez, as a Commissioner of the HHA, was a recipient of federal funds and was acting under color of state law. She is sued in her official capacity.

21. Defendant, Lourdes Lozano, is a Commissioner of the HHA, responsible pursuant to *Fla. Stat.* § 421.05 for exercising the powers of the HHA. At all times relevant to this action Defendant Lozano, as a Commissioner of the HHA, was a recipient of federal funds and was acting under color of state law. She is sued in her official capacity.

22. Defendant, Barbara Hernandez, a Commissioner of the HHA, responsible pursuant to *Fla. Stat.* § 421.05 for exercising the powers of the HHA. At all times relevant to this action Defendant Hernandez, as a Commissioner of the HHA, was a recipient of federal funds and was acting under color of state law. She is sued in her official capacity.

23. Defendant, Lucia Rodriguez, is a Commissioner of the HHA, responsible pursuant to *Fla. Stat.* § 421.05 for exercising the powers of the HHA. At all times relevant to this action Defen-

² If Julio Ponce is replaced as a Commissioner of the HHA, the new commissioner will be automatically substituted {07025773;2}

dant Rodriguez, as a Commissioner of the HHA, was a recipient of federal funds and was acting under color of state law. She is sued in her official capacity.

Background

A. Section 8 Generally

24. Section 8 was established by Congress in order to aid lower income families in obtaining a decent place to live and to promote economically mixed housing.

25. In order to carry-out Section 8, the United States Department of Housing and Urban Development (hereinafter "HUD") provides funds to a governmental entity or public body to act as a public housing agency (hereinafter "PHA") and to operate housing programs for low-income families.

26. In the City of Hialeah, the Section 8 Program in question is operated by Defendant, Hialeah Housing Authority.

27. Eligibility for the Section 8 Program is established under the United States Housing Act of 1937, 42 U.S.C. § 1437f(o)(4) and federal regulations.

28. To be eligible for the Section 8 Program, the applicant must be a "family," must be income eligible, and must be a citizen of the United States or a non-citizen who has eligible immigration status. *See* 24 C.F.R. § 982.201.

29. Additionally, the PHA is permitted to establish local preferences, and to give priority to serving families that meet those criteria. *See* 24 C.F.R. § 982.207. The Defendant has established local preferences under the Hialeah Housing Authority Administrative Plan (the "Plan"), which, among other things, gives preferences for families that are elderly or disabled, or for families whose

as a party pursuant to Federal Rule of Civil Procedure 25(d).
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members live in the United States of America at the time of the application. *See* Section 4-III. C. of the Plan.

B. Defendants' Information Verification Procedures

30. Hialeah residents seeking admission into the Section 8 Program must submit an application to the Defendants.

31. Once an application is submitted to the Defendants, they are required to verify the information provided to them by the applicant. *See* Chapter 7 of the Plan.

32. Methods of Verification are outlined in the Plan as follows and in order of priority: up-front income verification whenever available; third-party written verification; third-party oral verification; review of documents, and self certifications. *See* Section 7-I.B of the Plan.

33. Pursuant to the Plan, the Defendants are required to make at least two unsuccessful attempts to obtain third-party verification before using another form of verification. *See* Section 7-I. D. of the Plan. If third party verification is not available, the Defendants shall use documents provided by the family as verification. *See* Section 7-I. F. of the Plan. In the event that information cannot be verified by a third-party or by review of documents, family members are required to submit self-certifications attesting to the accuracy of the information they have provided to the Defendants. *See* Section 7- I.E. of the Plan.

C. Defendants' Information Verification Procedures Regarding Persons with Disabilities

34. The Plan requires the Defendants to comply fully with all federal, state, and local nondiscrimination laws and rules governing fair housing and equal opportunity in housing, including those that prohibit discrimination based on disability. *See* Section 2- I.A of the Plan.

35. Exhibit 2-1 of Chapter 2 of the Plan defines a person with a disability as a person who “[h]as a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or [h]as a record of such impairment, or [i]s regarded as having such impairment.”

36. According to Exhibit 2-1 of the Plan, the term “major life activities” includes but is not limited to “caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.”

37. Pursuant to Section 7- II.F of the Plan, Defendants must verify the existence of a disability in order to allow certain income disallowance and deductions from income, and to qualify for waiting list preferences. Verification of the receipt of disability benefits from the Social Security Administration (hereinafter “SSA”) is sufficient verification of disability for the purpose of qualifying for waiting list preferences, and/or certain income disallowance and deductions. *See Id.*

38. If the applicant receives disability related benefits from the SSA, then Defendants are required to attempt to obtain information about disability benefits through the HUD Enterprise Income Verification System, or the HUD Tenant Assessment System (collectively, the “HUD Systems”). *See Id.* If the HUD Systems fail to provide Defendants with verification of the applicant’s disability, Defendants must request an SSA benefit verification letter from each family member claiming disability status. *See Id.* If the family is unable to provide the documents, Defendants must ask the family to request a benefit verification letter either by calling SSA, or by requesting it online. *See Id.*

39. Defendants are prohibited from inquiring about the nature or extent of a person's disability, from inquiring about a person's diagnosis or details of treatment for a disability or medical condition, and from requesting a participant's medical records. *See Id.*

D. Denial of Applications

40. Pursuant to Federal Regulations, HHA "must give an applicant for participation prompt notice of a decision denying assistance to an applicant." The notice must contain a statement of the reasons for HHA's decision. The notice must further state that the applicant may request an informal review and must describe how to obtain the informal review. *See* 24 C.F.R. § 982.554(a).

41. Under the Federal Regulations, "the PHA must give an applicant the opportunity for an informal review of the PHA decision . . . [and] the PHA must notify the applicant of the PHA final decision . . . including a brief statement of the reasons for the final decision." *See* 24 C.F.R. § 982.554(b).

42. HHA provides hearing to applicants denied Section 8 benefits. *See* Section 16 III.A. of the Plan.

43. Federal law also requires that Section 8 hearings be conducted by an impartial hearing officer. *See* United States Housing Act, 42 U.S.C. § 1437d(k)(2).

44. Federal regulations require impartiality by prohibiting a subordinate of the person who made the decision to deny an application to serve as a hearing officer in Section 8 informal hearings. *See* 24 C.F.R. § 982.554(b).

45. Pursuant to established law, HHA must consider all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, [and] mitigating circumstances related to the disability of a family member. Otherwise, HHA's deci-

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sion to deny assistance is arbitrary and capricious. *See* 24 C.F.R. § 982.552(c). *See also* Section 3 III. E. of the Plan.

46. According to the Plan, the PHA will use the burden of the preponderance of the evidence as the standard for making all admission decisions. *See* 24 C.F.R. § 982.553(c); Section 3 III.E. of the Plan.

47. Additionally, the Plan also requires that HHA consider all relevant circumstances including, the length of time since the violation occurred, the family's recent history, and the likelihood of favorable conduct in the future. *See* Section 3 III. E. of the Plan.

48. The hearing officer's decision must be based on evidence presented at the hearing. *See* 24 C.F.R. § 982.555(e).

E. Defendants' Discriminatory and Unlawful Customs and Practices

49. Defendants have discriminated against Plaintiffs and unlawfully denied them housing benefits by failing to follow the procedures outlined in the Plan and by failing to abide by federal law when assessing Plaintiffs' eligibility for the Section 8 Program.

50. Specifically, Defendants have requested documents from the Plaintiffs that are outside the scope of those required by the Plan and/or federal law, including documents that the Plaintiffs could not provide; the Defendants have illegally refused to verify the information furnished by Plaintiffs, despite the fact that Plaintiffs have supplied Defendants with documents, oral representations, and self certifications that satisfy the Plan and federal law; Defendants failed to consider relevant evidence and/or documents presented at informal hearings; Defendants have failed to afford certain Plaintiffs an informal hearing upon the denial of their respective applications; Defendants failed to

provide an impartial hearing officer and hearing process, as required by law; and Defendants have failed to provide certain Plaintiffs with a reasonable accommodation for their disabilities.

51. Additionally, HHA had a policy and practice of allowing and encouraging *ex parte* communications between hearing officers and counsel representing HHA during hearings, whereby hearing officers would send certain decisions to HHA counsel for review and input before issuing their rulings. Decisions were never sent to Plaintiffs or their attorneys for review or input prior to being issued. Plaintiffs and their attorneys were never told that HHA's counsel was receiving decisions prior to issuance.

52. As a result of Defendants' widespread discriminatory and unlawful customs and practices, Plaintiffs' applications for the Section 8 Program have been unjustly denied.

Specific Factual Allegations

A. Discrimination Perpetrated by Defendants Against Ms. Villarta

Ms. Villarta's Background

53. Plaintiff, Ms. Aida Villarta is a 65-year-old disabled woman, who lives alone. She suffers from Tachycardia, severe Xerosis, Poly-Arthritis, Clinical Depression, Anxiety Disorder, hearing impairment, and Tinnitus. As a result of her conditions, Ms. Villarta experiences severe pain, shortness of breath, difficulty walking, extremely itchy skin, difficulty understanding verbal communication, melancholy, and tension. Due to these disabilities, Ms. Villarta is limited in her daily life activities. Therefore, Ms. Villarta is disabled as defined by Exhibit 2-1 of Chapter 2 of the Plan.

54. Ms. Villarta receives disability related benefits from a program administered by the Social Security Administration. Proof of receipt of such benefit serves as verification of her disability pursuant to Section 7- II.F of the Plan.

55. Ms. Villarta's only income is \$674 per month in Supplemental Security Income, and \$129 per month in food stamps. Due to her limited income, Ms. Villarta is unable to find decent affordable housing in southern Florida.

56. As a result of her low income and her disabilities, Ms. Villarta is eligible to participate in the Section 8 Program.

Defendants shirk their legal obligations and place roadblocks between Ms. Villarta and her ability to secure the safe housing she is entitled to under the laws of the United States

57. In 2005, Ms. Villarta submitted an application for the Section 8 Program to the Defendant. On her application, she indicated that a member of her family was disabled.

58. Upon receipt of Ms. Villarta's application, Defendants were required to attempt verification of Ms. Villarta's disability by accessing the HUD Systems. *See* Section 7- II.F of the Plan.

59. Instead of adhering to its own legal requirements, Defendants, after years of delay, sent Ms. Villarta a letter on May 14, 2007, wherein the Defendants inappropriately requested that Ms. Villarta submit proof of her disability. Contrary to the requirements of law, Defendants failed to indicate what type of documentation would be acceptable, nor did Defendants indicate how Ms. Villarta could obtain acceptable documentation. *See* Section 7- II.F of the Plan.

60. In turn, Ms. Villarta submitted a printout showing the assistance she receives through Supplemental Security Insurance (hereinafter "SSI"). This documentation indicated that Ms. Villarta receives benefits because she is disabled.

61. On June 8, 2007, the Defendants sent another letter to Ms. Villarta advising her that the printout of her SSI was not sufficient. The letter indicated that she had 30 days to submit additional documentation, but failed to indicate what documentation would be acceptable.

62. On June 15, 2007, Ms. Villarta submitted letters from two doctors and documentation from Palmetto General Hospital substantiating her disability.

63. On June 15, 2007, Ms. Villarta was orally advised by the Defendants that the documentation she submitted on that day was not adequate, because the documentation did not confirm that she was permanently disabled.

64. That same day, Ms. Villarta phoned her doctor and asked him to write another letter indicating that she was permanently disabled.

65. This new letter from Ms. Villarta's doctor, written to verify that she suffered from a permanent disability, was faxed to the Defendants on June 16, 2007.

66. Outrageously, the Defendants never contacted Ms. Villarta to advise her as to whether the documentation she provided to them was acceptable. Instead, on July 20, 2007, Defendants sent a letter to Ms. Villarta informing her that the documentation she submitted was not acceptable and that she would be denied housing assistance.

67. Ms. Villarta should not have had to provide the Defendants with any information regarding her disabilities, as all the information Defendants needed to verify Ms. Villarta's status was obtainable through the HUD Systems, and Defendants were mandated by law to attempt verification of Ms. Villarta's disabilities through the HUD Systems before requesting any documentation from Ms. Villarta. *See* Section 7- II.F of the Plan.

68. Even if the Defendants were unable to obtain the requisite information from the HUD Systems, Defendants still failed to live up to its legal obligations, as they were required to request an SSA benefit verification letter from Ms. Villarta, and inform her as to how to obtain one in the event that she did not possess one—Defendants did neither. *See* Section 7- II.F of the Plan.

69. Despite Defendants' illegal actions, Ms. Villarta had submitted sufficient proof of her disability on June 16, 2007, when she submitted the letter from her doctor, which indicated that she was permanently disabled.

70. On July 23, 2007, Ms. Villarta submitted another letter to the Defendants explaining that she had already submitted proof of her disability and attached the previously-submitted medical documentation.

71. Ms. Villarta never received any information regarding her right to an informal hearing.

72. Ms. Villarta was denied her right to a hearing in violation of federal law.

73. Ms. Villarta was allegedly sent a letter on August 27, 2007, informing her that her Section 8 application was denied, because she did not provide the proper documentation, and did not appear for her scheduled hearing.

74. On March 5, 2008, and August 4, 2008, Ms. Villarta, sent letters to the defendant HHA's Executive Director at the time, Alex Morales. The letters outlined the foregoing facts and requested that Ms. Villarta be reinstated to the waiting list or given a hearing.

75. Former HHA Executive Director Alex Morales (hereinafter referred to as Mr. Morales) intentionally and deliberately ignored these requests.

76. Ms. Villarta has suffered emotional and mental distress, humiliation, shame, and degradation as result of Defendants' actions.

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77. In sum, Defendants inappropriately denied Ms. Villarta's application for the Section 8 Program, and violated the law by, among other things, 1) failing to verify Ms. Villarta's disabilities through the HUD Systems; 2) failing to advise Ms. Villarta as to what documentation Defendants needed to process her application for the Section 8 Program; 3) failing to advise Ms. Villarta as to how to obtain the necessary documentation; 4) failing to provide Ms. Villarta with an informal hearing; and 5) discriminating against Ms. Villarta on the basis of her disabilities and failing to provide a reasonable accommodation.

B. Discrimination Perpetrated by Defendants Against Mr. Lopez

Mr. Lopez's background

78. Plaintiff Mr. Manuel Lopez is a 67-year-old disabled man, who lives with his daughter.

79. Mr. Lopez has several disabilities, including, incurable Insulin Dependent Diabetes Mellitus, Peripheral Vascular Disease, Chronic Obstructive Pulmonary Disease, Global Cognitive Impairment, Depression, and Generalized Anxiety Disorder. As a result of his disabilities, Mr. Lopez suffers from chronic pain, weakness, cramping in muscles, increased urination, weight loss, fatigue, cramping in the stomach, vomiting, persistent cough, shortness of breath, and wheezing, which can lead to respiratory failure.

80. Mr. Lopez's conditions require constant treatment, and as a result, a nurse must see Mr. Lopez in his home twice per day to, among other things, administer Insulin. Additionally, Mr. Lopez must wear an oxygen mask while sleeping.

81. Mr. Lopez has difficulty performing everyday tasks such as walking and going grocery shopping. Mr. Lopez is also limited in his daily life activities, as he is unable to seek employment,

run basic errands, and travel long distances. Therefore, Mr. Lopez is disabled as defined by Exhibit 2-1 of Chapter 2 of the Plan.

82. Mr. Lopez receives disability related benefits from a program administered by the Social Security Administration. Proof of receipt of such benefit serves as verification of his disability pursuant to Section 7- II.F of the Plan.

83. The total monthly income of the family is \$844 per month in Supplemental Security Income and Disability Benefits. Due to the family's limited income, Mr. Lopez is unable to find decent affordable housing in southern Florida.

84. As a result of his family's low income and his disabilities, Mr. Lopez is eligible to participate in the Section 8 Program.

Defendants, who are legally charged with providing assistance to those in need, obstruct Mr. Lopez's valid application for the Section 8 Program contrary to the letter and spirit of the law

85. Mr. Lopez applied for admittance into the Section 8 Program in August of 2005.

86. On his application, Mr. Lopez properly indicated that he was a disabled individual.

87. Upon receipt of Mr. Lopez's application, Defendants were required to attempt verification of Mr. Lopez's disabilities by accessing the HUD Systems. *See* Section 7- II.F of the Plan.

88. Instead of adhering to its legal requirements, Defendants, after years of delay, sent Mr. Lopez a letter on June 8, 2007, wherein Defendants inappropriately requested "documentation that substantiates that a member of [Mr. Lopez's] family is disabled." Contrary to the requirements of law, Defendants failed to indicate what type of documentation would be acceptable, nor did Defendants indicate how Mr. Lopez could obtain acceptable documentation. *See* Section 7- II.F of the Plan.

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89. Regardless, Mr. Lopez submitted legally sufficient documentation of his disability to Defendants within the time-frame prescribed by Defendants. The documentation included, among other things, a letter from his doctor confirming that he suffers from Dependent Diabetes Mellitus, Neuropathy of Lower Extremity, Peripheral Vascular Disease, and Chronic Obstructive Pulmonary Disease; and documentation from the SSA, which indicated that Mr. Lopez receives Social Security benefits.

90. In clear violation of the law, Defendants never contacted Mr. Lopez to advise him as to whether the documentation he provided to Defendants was acceptable, nor did they ever advise him as to what documentation he needed to provide. *See* Section 7- II.F of the Plan.

91. In June of 2008, Mr. Lopez went to defendant HHA's office to inquire as to the status of his application, and he was advised that his application had been closed without an explanation.

92. Upon information and belief, Mr. Morales made the final decision to deny Mr. Lopez's Section 8 application.

93. Upon information and belief, HHA had a pattern and practice of having Mr. Morales, make final decisions regarding Section 8 denials.

94. In January of 2008, Mr. Lopez sent a letter to Mr. Morales, stating that Mr. Lopez's application should be reinstated because he had properly submitted documentation of his disability.

95. In response, the Defendants agreed to provide Mr. Lopez with an informal hearing. An informal hearing occurred before HHA's Director of Client Services David Bustamonte, who improperly served as the hearing officer on April 14, 2009.

96. At the hearing, Mr. Lopez argued that he submitted enough documentation to substantiate his disabilities.

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97. The HHA hearing officer, David Bustamonte, did not consider the evidence or testimony offered at the hearing.

98. At the hearing, Tenant Selection Specialist, Yanet Estopinales, provided testimony that the documents provided by Mr. Lopez were not sufficient to establish his disability.

99. Ms. Estopinales was unknowledgeable as to what documents were sufficient to determine disability.

100. Upon information and belief, Ms. Estopinales was not a proper witness and HHA coached her on what to say at Mr. Lopez's hearing.

101. The HHA hearing officer David Bustamonte failed to consider Mr. Lopez's age, need for housing assistance, his medical disabilities, and the multiple documents he submitted to HHA to substantiate his disabilities.

102. The HHA hearing officer David Bustamonte ignored the facts presented by Mr. Lopez because he made a predetermination before the hearing to uphold HHA's decision to deny Mr. Lopez's application.

103. The HHA hearing officer's actions demonstrate Defendants' widespread custom and practice of having an unlawful, improper, and unfair hearing process, which violates Mr. Lopez's rights under federal law.

104. At no time prior to the hearing did Defendants request proof that Mr. Lopez was disabled at the time of his original application.

105. The Defendants issued a hearing decision on April 21, 2009, upholding the decision to deny housing assistance to Mr. Lopez. The hearing decision states specifically that, "the applica-

tion was properly denied because the applicant could not provide proof that he met the disabled preference *in 2005*,” proof that was never requested from Mr. Lopez. (emphasis added).

106. The hearing officer David Bustamonte ignored the facts and evidence in blatant disregard for the law, and upheld the denial of the Mr. Lopez’s Section 8 Program application.

107. In clear violation of law, David Bustamonte, who was a subordinate of Mr. Morales, the person who made the decision to deny Mr. Lopez’s application, served as a hearing officer.

108. In a continued effort to provide the Defendants with every piece of documentation requested by them, on April 23, 2009, Mr. Lopez submitted documentation from the Social Security Administration to the HHA hearing officer confirming that Mr. Lopez was disabled at the time of his application. In a letter that accompanied the SSA documentation, Mr. Lopez requested that the Defendants reconsider their decision to deny Mr. Lopez’s application in light of this new evidence demonstrating that Mr. Lopez was disabled before the time of his original Section 8 application. The letter further describes the numerous disabilities that Mr. Lopez suffers from, and requests that this new evidence be considered as a “reasonable accommodation.”

109. The HHA hearing officer, David Bustamonte, responded to this letter advising Mr. Lopez that he would not reverse the original hearing decision, because the letter “did not provide any new evidence for my consideration.” The letter from the HHA hearing officer is not dated, but was received by counsel for Mr. Lopez on April 30, 2009.

110. The letter further advises Mr. Lopez that the Defendants would be contacting him to process the reasonable accommodation request made in the April 23, 2009, letter. As of the date of this filing, the Defendants have not contacted Mr. Lopez regarding Mr. Lopez’s request for a reasonable accommodation.

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111. Mr. Lopez has suffered emotional and mental distress, humiliation, shame, and degradation as result of Defendants' actions.

112. In sum, Defendants inappropriately denied Mr. Lopez's application for the Section 8 Program, and violated the law by, among other things, 1) failing to verify Mr. Lopez's disabilities through the HUD Systems; 2) failing to advise Mr. Lopez as to what documentation Defendant needed to process Mr. Lopez's application for the Section 8 Program; 3) failing to advise Mr. Lopez as to how to obtain the necessary documentation; 4) discriminating against Mr. Lopez on the basis of his disabilities and failing to provide a reasonable accommodation; and 5) failing to provide Mr. Lopez with an unbiased and fair hearing as required by law.

C. Unlawful Denial of Benefits Perpetrated by Defendants Against Ms. De Leon

Ms. De Leon's background

113. Plaintiff, Ms. Georgina De Leon is 75 years old and lives alone. Ms. De Leon's only income is \$637 per month in Supplemental Security Insurance, and \$64 per month in food stamps. Due to Ms. De Leon's limited income she is unable to find decent affordable housing in Southern Florida.

114. Ms. De Leon is eligible to participate in the Section 8 Program and applied for Section 8 Housing Assistance with the Defendants.

115. Ms. De Leon submitted her application to the Hialeah Housing Authority in August of 2005.

Under the auspices of verification, Defendants once again hinder an otherwise eligible applicant by requesting unreasonable documentation and failing to advise the applicant that she could submit a self-certification

116. In January of 2008, more than two years after her initial application for assistance, HHA began processing her application. On Monday, February 19, 2008, HHA sent Ms. De Leon a Notification of Pending Documents letter, wherein Defendants demanded that Ms. De Leon provide them with the last three statements for the telephone numbers on her original application, (305) 669-5359 and (786) 488-0528.

117. At the time of Ms. De Leon's application to the Section 8 Program, she was renting a room in the home of Belkys Mercado, located at 6140 SW 62nd Place, Miami Fl 33143. Ms. De Leon did not have a phone at this time, and her landlord allowed Ms. De Leon to use her phone. On Ms. De Leon's original application for the Section 8 Program, she listed her landlord's land-line phone number (305-669-5359) and her landlord's cell phone number (786-488-0528) as contact numbers. Ms. De Leon never used these numbers as her own numbers, and never made payments on or had any involvement with the phone accounts. In June of 2007, Ms. De Leon moved out of the home and rented a new unit.

118. Ms. De Leon did not obtain her own phone line until months after moving out of Ms. Mercado's home. Her phone number is currently (305) 861-7985.

119. Tenant Selection Specialist Samuel Fernandez handled Ms. De Leon's application and should have made the final decision regarding her Section 8 benefits.

120. Mr. Fernandez believed the documents submitted by Ms. De Leon were sufficient for her Section 8 application to have been approved. However, his determination was overruled.

121. Mr. Fernandez never told Ms. De Leon what documents she needed to submit, that the documents she had already submitted were insufficient, or that they needed to be notarized.

122. Ms. De Leon explained to Mr. Fernandez that she did not have her own phone service and because of that, could not obtain the phone bills requested.

123. The phone numbers on Ms. De Leon's original application belonged to Ms. Mercado, not Ms. De Leon. Accordingly, Ms. De Leon did not have access to the documents requested by the Defendants. Regardless, Ms. De Leon made every effort to comply with Defendants' request by asking Ms. Mercado to provide her with her phone records. Unfortunately, Ms. Mercado did not have all the copies of her old phone bills and was unable to procure them from the companies that she contracted with.

124. Ms. De Leon informed the Defendants in person that she could not obtain the phone records that they requested. Ms. De Leon also submitted a letter from Ms. Mercado to the Defendants explaining that the phone numbers listed on the original application were Ms. Mercado's phone numbers. The letter explains that Ms. Mercado does not have copies for her old phone bills and that one of the numbers has been changed. The letter further states, "[i]f you need any further information, please feel free to contact me via my cell phone (786) 488-0528."

125. Defendants contacted Ms. Mercado by telephone, and Ms. Mercado advised Defendants of the situation.

126. At no time did Defendants make any other efforts to contact any additional third-parties to verify the information provided to them by Ms. De Leon and/or Ms. Mercado.

127. Ms. De Leon also provided Defendants with a letter, which substantiated that Ms. De Leon did not have her own telephone service during the time-frame Defendants requested phone bills from her.

128. Tenant Selection Specialist Samuel Fernandez handled Ms. De Leon's application and should have made the final decision regarding her Section 8 benefits.

129. Mr. Fernandez believed the documents submitted by Ms. De Leon were sufficient for her Section 8 application to have been approved. However, his determination was overruled.

130. Mr. Fernandez never told Ms. De Leon what documents she needed to submit, that the documents she had already submitted were insufficient, or that they needed to be notarized.

131. Ms. De Leon explained to Mr. Fernandez that she did not have her own phone service and because of that, could not obtain the phone bills requested.

132. On March 18, 2008, Defendants sent a notice to Ms. De Leon, explaining that she was being denied admittance into the Section 8 Program, because she failed to provide requested documentation. The letter went on to state that Ms. De Leon did not provide Defendants with "a statement from the AT&T Company for the Month of November, 2007."

133. After the March 18 2008, denial letter, Ms. Mercado received the phone bill statements from Bell South. This documentation included bill statements for the land-line phone number from April 2007 through October 2007.

134. The November 2007 AT&T statement was not requested in the Notification of Pending Documentation letter, which was sent to Ms. De Leon on February 19, 2008.

135. Upon information and belief, Mr. Morales made the final decision to deny Ms. De Leon's Section 8 application.

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136. Upon information and belief, HHA had a pattern and practice of having Mr. Morales, make final decisions regarding Section 8 denials.

137. The Notice of Denial also states that Ms. De Leon failed to provide "the last three statements for the numbers on your original application, which are (305) 669-5359 and (786) 488-0528."

138. Ms. De Leon timely requested an informal hearing on her denial.

139. This informal hearing was held on April 17, 2008, in front of HHA's Director of Client Services David Bustamonte, who inappropriately served as the hearing officer.

140. At the hearing, Ms. De Leon explained that the documentation could not be provided timely by her as the listed phone numbers were not her phone numbers and she was never in charge of the accounts. Ms. De Leon did attempt to provide the documentation Ms. Mercado received from the telephone company, but was informed that this documentation could not be accepted at the hearing, as it was due on February 22, 2008.

141. The HHA hearing officer, David Bustamonte, issued a decision on April 25, 2008, upholding the denial of assistance to Ms. De Leon, because Ms. De Leon had failed to provide the documentation requested by the Defendants.

142. The HHA hearing officer, David Bustamonte, failed to take Ms. De Leon's age, need for housing assistance, documents, and common-sense explanations into consideration when making the decision to uphold HHA's denial decision.

143. The hearing officer David Bustamonte ignored the facts and evidence in blatant disregard for the law, and upheld the denial of the Ms. De Leon's Section 8 Program application.

144. The HHA hearing officer's actions demonstrate Defendants' widespread custom and practice of having an unlawful, improper, and unfair hearing process, which violates Ms. De Leon's rights under federal law.

145. In clear violation of law, David Bustamonte, a subordinate Mr. Morales, who made the decision to deny Ms. De Leon's application, served as a hearing officer.

146. The hearing officer failed to consider evidence presented at the hearing in violation of federal law.

147. The hearing officer made a predetermination before the hearing to uphold HHA's decision to deny Ms. De Leon's Section 8 application.

148. Ms. De Leon has suffered emotional and mental distress, humiliation, shame, and degradation as result of Defendants' actions.

149. In sum, Defendants inappropriately denied Ms. De Leon's application for the Section 8 Program, and violated the law by, among other things, 1) ignoring the written verification provided to them; 2) ignoring the oral verification provided to them; 3) failing to procure third-party written verification beyond what was supplied to them by Ms. De Leon and Ms. Mercado; 4) failing to procure third-party oral verification beyond the phone conversation Defendants had with the landlord; 5) failing to advise Ms. De Leon that she could submit a self certification; 6) failing to advise Ms. De Leon of all the documents which were being requested; 7) requesting documents which were not rationally related to a determination of her Section 8 eligibility; and 8) failing to give Ms. De Leon a proper, fair, and unbiased hearing.

D. Unlawful Denial of Benefits Perpetrated by Defendants Against Ms. Flores

Ms. Flores's background

150. Plaintiff, Ms. Aida Flores is an 86-year-old disabled woman, who lives alone.

151. Ms. Flores suffers from several disabilities including, among others, Coronary Artery Disease and Heart Disease.

152. Ms. Flores receives \$343 per month in Social Security benefits and \$390 from a pension. Ms. Flores also receives \$59 per month in food stamps. Ms. Flores will sporadically receive financial assistance from members of her family. Due to Ms. Flores's limited income she is unable to find decent affordable housing in southern Florida.

153. Ms. Flores is eligible to participate in the Section 8 Program and applied for admittance into the Section 8 Program in 2005.

Defendants unjustly curtail Ms. Flores's constitutionally protected rights and deny her application for the Section 8 Program

154. On January 25, 2008, nearly four (4) years after Ms. Flores submitted her application for the Section 8 Program, Defendants sent Ms. Flores a letter requesting that she provide Defendants with multiple documents, including a letter from her landlord, either notarized or on letterhead, indicating who lived in the unit, how much rent is paid, and what is included in the rent.

155. Upon receipt of this letter, Ms. Flores immediately asked her landlord for such a letter.

156. The property manager of Ms. Flores's apartment building provided Ms. Flores with a letter, which confirmed that Ms. Flores was a tenant in the property. The letter confirmed Ms. Flores's address and monthly rent and indicated that "[r]ent has always been paid on time." The letter

states, “[i]f I can be of further assistance, please contact me at the number below.” The letter then provides a contact phone number.

157. Ms. Flores timely submitted this document to the Defendants.

158. On February 1, 2008, the Defendants again sent a letter to Ms. Flores requesting that she provide them with a letter from her landlord indicating who lived in the unit, how much rent is paid, and what is included in the rent. The letter required that this documentation be provided to Defendants in one week’s time—February 8, 2008.

159. Ms. Flores asked her landlord for a second letter including the requested information.

160. Ms. Flores’s landlord wrote a second letter again confirming the rent and address of Ms. Flores. The letter further states that Ms. Flores’s rent includes “washer/dryer and alarm.” This letter was submitted timely to the Defendants.

161. On February 15, 2008, Ms. Flores received a notice of denial of assistance from the Defendants for failure to provide documents, which were requested by the Defendants. Among the documents Ms. Flores allegedly did not provide was a letter from her landlord indicating who lived in the unit, how much rent is paid, and what is included in the rent.

162. Upon information and belief, Mr. Morales, made the final decision to deny Ms. Flores’s Section 8 application.

163. Upon information and belief, HHA had a pattern and practice of having Mr. Morales, make final decisions regarding Section 8 denials.

164. At the request of Ms. Flores, her landlord wrote a third letter to the Defendants, dated April 1, 2008. The letter again indicated Ms. Flores’s address and rent, and goes on to state that the tenancy includes “water, sewer, garbage, and washer/dryer.”

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165. This documentation was not accepted by the Defendants, and Ms. Flores's landlord submitted a fourth letter confirming the same information. This letter confirmed that "Ms. Flores is the only person living in the unit and on the lease". The fourth letter is dated April 9, 2008.

166. Ms. Flores timely requested an administrative hearing to contest her denial of assistance and an administrative hearing was held on May 21, 2008, in front of HHA's Director of Client Services David Bustamonte, who served as an HHA hearing officer.

167. At the hearing, Ms. Flores argued that she had presented all necessary information, and tried to submit the letter HHA requested. However, the HHA hearing officer David Bustamonte refused to accept it.

168. On June 5, 2008, the Defendant HHA's hearing officer issued a hearing decision upholding the decision to deny Ms. Flores. Specifically, the hearing officer found that "Applicant did not provide acceptable landlord letter despite two written requests."

169. The HHA hearing officer David Bustamonte failed to take Ms. Flores's age, need for housing assistance, and documents into consideration when making the decision to uphold HHA's denial decision. Also, the HHA hearing officer improperly refused to accept and consider the evidence and testimony submitted by Ms. Flores at the hearing.

170. The hearing officer David Bustamonte ignored the facts and evidence in blatant disregard for the law, and upheld the denial of the Ms. Flores's Section 8 Program application.

171. In clear violation of law, David Bustamonte, a subordinate of Mr. Morales, the person who made the decision to deny Ms. Flores's application, served as a hearing officer.

172. The hearing officer made a predetermination before the hearing to uphold HHA's decision to deny Ms. Flores's Section 8 application.

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173. The HHA hearing officer's actions demonstrate Defendants' widespread custom and practice of having an unlawful and improper hearing process, which violates Ms. Flores's rights under federal law.

174. On June 26, 2008, Ms. Flores sent an appeal letter to Mr. Morales, asking that the hearing decision be overturned. The appeal letter explains that Ms. Flores submitted the documentation requested by the Defendants.

175. Defendants have not made a decision regarding this appeal letter despite numerous requests for a response from Ms. Flores.

176. Ms. Flores has suffered emotional and mental distress, humiliation, shame, and degradation as result of Defendants' actions.

177. In sum, Defendants inappropriately denied Ms. Flores' application for the Section 8 Program, and violated the law by, among other things, 1) ignoring the written verification provided to them; 2) failing to procure third-party written verification beyond what was supplied to them by Ms. Flores; 3) failing to procure third-party oral verification; 4) failing to advise Ms. Flores that she could submit a self certification; 5) requesting documents which were not rationally related to a determination regarding her Section 8 eligibility; and 6) failing to provide Ms. Flores a fair, proper, and unbiased hearing required by law.

E. Discrimination Perpetrated by Defendants Against Mr. Wiseman

Mr. Wiseman's background

178. Plaintiff, Mr. Michael Wiseman is a 31-year-old disabled man, who was born and raised in Hialeah, Florida, and currently lives with his parents.

179. Mr. Wiseman suffers from blindness due to Stargardt's disease and trauma from an accident.

180. Mr. Wiseman has difficulty performing everyday tasks and is also limited in his daily life activities, as he is unable to run basic errands or travel by car without 24-hour notice to the Special Transportation Service (hereafter "STS"). Therefore, Mr. Wiseman is disabled as defined by Exhibit 2-1 of Chapter 2 of the Plan.

181. Mr. Wiseman receives disability related benefits from a program administered by the Social Security Administration. Proof of receipt of such benefits serves as verification of his disability pursuant to Section 7-II.F of the Plan.

182. Mr. Wiseman's sole source of income is the \$1,560 a month he receives from the SSA. Due to Mr. Wiseman's limited income, Mr. Wiseman is unable to find decent affordable housing in southern Florida.

183. As a result of his low income and his disability, Mr. Wiseman is eligible to participate in the Section 8 Program.

Defendants have failed to provide Mr. Wiseman with a reasonable accommodation for his disability, and as a consequence, have caused Mr. Wiseman humiliation, shame, degradation, and emotional and mental distress

184. In January of 2008, Mr. Wiseman contacted the Defendants, and inquired as to how to apply for the Section 8 Program. He was told that there would be a single day event, during which people would be permitted to apply for the Section 8 Program. Defendants refused to provide Mr. Wiseman with the date or location of the event; instead, Defendants told Mr. Wiseman that the date and location would be printed in the newspaper and advertised on the radio. Mr. Wiseman informed

Defendants that he was blind and would not be able to access information in the newspaper—
Defendants refused to provide Mr. Wiseman with a reasonable accommodation.

185. In March of 2008, Mr. Wiseman once again contacted Defendants to inquire about how to apply for the Section 8 Program, and was once again told that the information would be advertised in the newspaper and on the radio. Mr. Wiseman then asked if someone from the HHA could contact him once the date and location was known—his request was denied.

186. On July 3, 2008, a family friend informed Mr. Wiseman that Defendants were dispersing applications at Hialeah Race Track (hereafter the “Race Track”) on that day. As a result of Mr. Wiseman’s disability, he was incapable of walking 19 blocks to the Race Track, and considering he only found out about the event the day of, he was unable to secure STS transportation, as STS requires 24 hour advance notice. Even if Mr. Wiseman was able to get to the Race Track, it would have been impossible for him to navigate through the thousands of other applicants.

187. Mr. Wiseman called Defendants to explain the situation and to ask that the application be provided to him at the HHA office, as opposed to the Race Track. Mr. Wiseman also asked that an application be provided to him in electronic format, as he would not be able to fill out a paper application, because of his disability. Defendants told Mr. Wiseman that no accommodation would be made for him.

188. On the same day, Mr. Wiseman, distraught about the situation, called his mother and ask her to drive him to the HHA office. Mr. Wiseman and his mother arrived at the HHA office that afternoon, where HHA, again, told Mr. Wiseman, in front his mother, that no accommodation would be made for him, that he had to be present at the Race Track like the rest of the applicants, and that providing him an application in another format would be unfair to the rest of the applicants. Mr.

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Wiseman felt shame and embarrassment, as he had been trying to convince his parents that he was capable of surviving on his own, and here, individuals charged with assisting people like Mr. Wiseman do just that, were making it impossible for Mr. Wiseman to fend for himself.

189. On July 7, 2008, Mr. Wiseman called the HHA and asked to speak to the supervisor. He was told that one was not available, but he could leave a message. Mr. Wiseman's message was never returned.

190. Mr. Wiseman later found out that Alex Morales was the Executive Director of HHA. Hoping that Defendant Morales would help, Mr. Wiseman called HHA on several occasions requesting to speak with Defendant Morales. Defendant Morales never returned Mr. Wiseman's calls, and on one occasion, Mr. Wiseman heard a male voice in the background say "tell that guy I am not talking to him, and to stop calling."

191. During these various visits and phone calls to the HHA office, Mr. Wiseman was spoken to rudely, HHA staff refused to provide their names, he was told not call back, and Defendants even questioned whether Mr. Wiseman was in fact blind.

192. Mr. Wiseman has yet to receive an application for the Section 8 housing program.

193. Mr. Wiseman has suffered emotional and mental distress, humiliation, shame, and degradation as a result of Defendants' actions.

194. In sum, Defendants inappropriately denied Mr. Wiseman an application for the Section 8 Program, and violated the law by, among other things, 1) refusing to provide Mr. Wiseman with the date and location of the event where applications for the Section 8 Program were going to be distributed; 2) failing to provide Mr. Wiseman with an application for the Section 8 Program at the HHA office; 3) failing to provide Mr. Wiseman with an electronic application for the Section 8 Program;

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and 4) discriminating against Mr. Wiseman on the basis of his disabilities and failing to provide him with a reasonable accommodation.

F. Unlawful Denial of Benefits Perpetrated by Defendants Against Ms. Campos

Ms. Campos's background

195. Ms. Gloria Campos is a 55 year old woman, who lives alone in public housing in Hialeah, Florida.

196. In 2005, Ms. Campos applied for the Section 8 Program with Defendants. At the time, her sixteen year old son Jose Carbelledo lived with her.

197. Ms. Campos is eligible to participate in the Section 8 Program and applied for Section 8 Housing Assistance with the Defendants.

Defendants assume the worst and fail to follow their legally mandated verification procedures

198. In August 2008, Ms. Campos's son, Jose Carbelledo, moved out of Ms. Campos's apartment.

199. Immediately, Ms. Campos advised Defendants that her son was no longer living with her, and that she wanted her son's name removed from her lease and her Section 8 Program application. When there is a change in family composition, written notification of the change is the only requirement outlined in the Plan. *See* Section 4-II. E. of the Plan.

200. At the urging of Defendants, Ms. Campos submitted letters from herself and her son advising Defendants that her son was no longer living with her.

201. In September 2008, Ms. Campos submitted a personal declaration to Defendants, wherein Ms. Campos was listed as the lone member of her household. On the personal declaration

Ms. Campos indicated that a member of her household had been arrested—she was referring to a traffic infraction, which she had been arrested for in or around 2000.

202. In October 2008, Defendants sent a letter to Ms. Campos asking for “[p]roof of current address for Jose Carballedo. For example, electric service account statement or gas, or water, in the name of Jose Carballedo, that shows his name, address and date....” The letter states that this documentation is necessary in order for Defendants to continue processing Ms. Campos’s Section 8 application.

203. Ms. Campos timely provided to Defendants 1) a letter from the Clerk of the Court for Miami Dade County to Jose Carballedo, which indicated Jose Carballedo’s new address; 2) a copy of a check issued to Jose Carballedo from his employer, Aerotek Commercial Staffing, dated September 11, 2008, which also indicated his new address; and 3) the first page of a lease agreement, beginning August 1, 2008, which lists Jose Carballedo as a resident of a different property than the one Ms. Campos resided at. All of the documents provided to Defendants confirm that Jose was residing at a different address from Ms. Campos.

204. Defendants never requested third party verification from anyone, or ever tried to confirm any of the information provided to them by Ms. Campos on their own.

205. On December 19, 2008, Ms. Campos received a letter from Defendants denying her application to the Section 8 Program. The denial letter states that “[y]ou indicated in your personal statement that a member of your household had been arrested. Because of the Criminal Record of your son, Jose Javier Carvelledo, you are not eligible to participate in this program.”

206. Upon information and belief, Mr. Morales, made the final decision to deny Ms. Campos’s Section 8 application.

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207. Upon information and belief, HHA had a pattern and practice of Mr. Morales, make final decisions regarding Section 8 denials.

208. Ms. Campos timely requested an appeal in her case and a hearing was held on January 22, 2009 in front of HHA's Director of Client Services, David Bustamonte.

209. At the hearing, Ms. Campos testified that 1) her son had not lived with her since August 2008; 2) she informed Defendants of that fact in August 2008; 3) she had provided Defendants with all the documentation Defendants requested of her; and 4) she had taken all action necessary to remove her son from her Section 8 application. Ms. Campos also presented her son's driver's license and voter registration card, which indicated that Jose Carballedo lived at a different address than Ms. Campos.

210. The hearing officer David Bustamonte ignored the facts and evidence in blatant disregard for the law, and upheld the denial of the Ms. Campos's Section 8 Program application.

211. The HHA hearing officer failed to consider Ms. Campos's efforts to comply with HHA's requests and her need for housing assistance when making the decision to uphold HHA's denial decision.

212. In clear violation of law, David Bustamonte, a subordinate of Mr. Morales, the person who made the decision to deny Ms. Campos's application, served as a hearing officer.

213. The HHA hearing officer's actions demonstrate Defendants' widespread custom and practice of having an unlawful and improper hearing process, which violates Ms. Campos's rights under federal law.

214. In sum, Defendants inappropriately denied Ms. Campos's application for the Section 8 Program, and violated the law by, among other things, 1) ignoring the written verification provided

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to them; 2) failing to procure third-party written verification beyond what was supplied to them by Ms. Campos; 3) failing to procure third-party oral verification 4) failing to advise Ms. Campos that she could submit a self certification 4) failing to remove Jose Carballo from the Section 8 application; 5) denying Ms. Campos's admission into the Section 8 Program for the actions of a person who was not a part of Ms. Campos's Section 8 Program application; and 6) failing to provide Ms. Campos with a proper, fair, and unbiased hearing.

COUNT ONE

Violation of the United States Housing Act
(42 U.S.C. §1983)

215. Paragraphs 1 through 214 are incorporated by reference herein the same as though fully set forth herein.

216. Defendants subjected the Plaintiffs or caused the Plaintiffs to be subjected to the deprivation of rights secured by the Constitution and/or laws of the United States, namely rights secured by 42 U.S.C. § 1437 *et. seq.* and regulations adopted pursuant thereto and 42 U.S.C. § 1983, by, among other things, intentionally failing to follow legally mandated verification procedures, inappropriately denying Plaintiffs' applications for the Section 8 Program and/or inhibiting Plaintiffs' ability to apply for the Section 8 Program, and utilizing an unfair hearing process.

217. Defendants were acting under the color of state law when they deprived Plaintiffs of their rights.

218. Defendants have wrongfully denied Plaintiffs access to a program that they are eligible for which would have provided them with access to affordable housing.

219. Plaintiffs have suffered economic losses as a direct result of Defendants' intentional

deprivation of Plaintiffs' rights.

WHEREFORE, Plaintiffs respectfully request this Court to:

- A. assume jurisdiction over this matter;
- B. declare the Defendants' actions or inactions violate the United States Housing Act of 1937, as amended, 42 U.S.C. § 1437, regulations adopted pursuant thereto, and 42 U.S.C. § 1983;
- C. enter preliminary and permanent injunctive relief ordering the Defendant, their successors in office, and their servants, agents and employees, and those acting in concert with them, to immediately admit Plaintiffs into the Section 8 Program; refrain from taking any further action to deny, limit, or terminate Plaintiffs' participation in the Section 8 Program; and refrain from denying Section 8 assistance to applicants for reasons not authorized by law;
- D. award Plaintiffs compensatory damages for their economic losses incurred as a result of Defendants' unfair hearing process and the delay in providing Plaintiffs with Section 8 assistance due to Defendants' unlawful actions;
- E. award Plaintiffs their attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
- F. grant Plaintiffs such other relief as the Court may deem just and equitable.

COUNT TWO

Violation of Procedural Due Process
(42 U.S.C. §1983)
(Failure to Follow Verification Procedures)

220. Paragraphs 1 through 214 are incorporated by reference herein the same as though fully set forth herein.

221. Pursuant to the 14th Amendment to the United States Constitution, applicants to Defendants' Section 8 Program are entitled to procedural Due Process of law.

222. Pursuant to the United States Housing Act, the Hialeah Housing Authority is required to follow the procedures in its own Administrative Plan, as well as the federal regulations governing the Section 8 Program.

223. Defendant Hialeah Housing Authority's Administrative Plan, as well as the federal regulations governing the Section 8 Program, were enacted to ensure that applicants to and participants in PHA subsidized housing receive the housing assistance they are eligible for.

224. Defendants' intentional failure to abide by its own Verification Procedures and Application Process, in its own Administrative Plan, as well as the federal laws and regulations governing the Section 8 Program, resulted in an unfair process and an arbitrary denial of Plaintiffs' application in violation of the Due Process Clause to the 14th Amendment to the United States Constitution.

225. Plaintiffs were deprived of a federal right, including but not limited to the loss of property and liberty, by the Defendants while acting under color of state law, in that Defendants denied Plaintiffs' access to the Section 8 Program by requesting documents and using an application process which violates the Due Process Clause of the 14th Amendment to the United States Constitution.

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226. Plaintiffs have suffered irreparable harm by being denied access to a program that they are eligible for which would have provided them with access to affordable housing.

227. Plaintiffs have suffered economic losses associated with wrongfully being denied Section 8 subsidized housing, and have endured hardships such as substandard housing.

228. Defendants' practice of ignoring their own application and verification procedures, in violation of Federal law and the applicable federal regulations, has become a widespread custom and practice of the Defendants.

WHEREFORE, Plaintiffs respectfully request this Court to:

- A. assume jurisdiction over this matter;
- B. enter a declaratory judgment that Defendants, by denying Section 8 Housing Assistance to these Plaintiffs arbitrarily and in violation of federal law and its own administrative plan, violates Plaintiffs' right to due process under the Fourteenth Amendment of the United States Constitution as well as the statutes and regulations governing the Section 8 Program, and 42 U.S.C. § 1983;
- C. enter preliminary and permanent injunctive relief ordering the Defendant, their successors in office, and their servants, agents and employees, and those acting in concert with them, to immediately admit Plaintiffs into the Section 8 Program; refrain from taking any further action to deny, limit, or terminate Plaintiffs' participation in the Section 8 Program; and refrain from denying Section 8 assistance to the Plaintiffs for reasons not authorized by law;
- D. compensate all Plaintiffs for their economic losses incurred as a result of the delay in providing Plaintiffs with Section 8 assistance due to Defendants' unlawful actions;

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- E. award all Plaintiffs their attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
- F. grant all Plaintiffs such other relief as the Court may deem just and equitable.

COUNT THREE

Violation of Substantive Due Process
(42 U.S.C. §1983)
(Plaintiffs De Leon and Flores Only)

229. Paragraphs 1 through 214 are incorporated by reference herein the same as though fully set forth herein.

230. Pursuant to the 14th Amendment to the United States Constitution, applicants to Defendants' Section 8 Program are entitled to substantive Due Process of law.

231. The phone records HHA requested from Ms. De Leon's former landlord, an individual not on Ms. De Leon's application, and not a member of her household, were not within Ms. De Leon's ability to provide.

232. These phone records would not affect Ms. De Leon's Section 8 status in any way, and were not rationally related to her Section 8 application.

233. The letter HHA requested from Ms. Flores's landlord, an individual not on Ms. Flores's application, and not a member of her household, were not within Ms. Flores's ability to provide.

234. This requested documentation would not affect Ms. Flores's Section 8 status in any way, and as such was not rationally related to her Section 8 application or to any other legitimate state interest or governmental objective.

235. The request for these documents and the subsequent denial based on failure to provide documents which were not rationally related to Ms. De Leon's and Ms. Flores's eligibility for the

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Section 8 Program were a violation of the Due Process Clause of the United States Constitution.

236. Ms. Flores and Ms. De Leon were deprived of a federal right by the Hialeah Housing Authority, and acting under color of state law, in that HHA denied Plaintiffs access to the Section 8 Program by requesting documents which were not rationally related to their eligibility for the federal program for which they were applying for.

237. Ms. Flores and Ms. De Leon have suffered irreparable harm by being denied access to a program which they are eligible for which would have provided them with access to affordable housing.

238. Ms. De Leon and Ms. Flores have suffered economic losses associated with wrongfully being denied Section 8 subsidized housing, and have endured hardships such as substandard housing.

239. Defendants' practice of requesting documentation of applicants which is not rationally related to an applicant's eligibility and/or not within the ability of the applicant to obtain, in violation of Federal law and the applicable federal regulations, has become a widespread custom and practice of the Hialeah Housing Authority.

WHEREFORE, Plaintiffs De Leon and Flores respectfully request this Court to:

- A. assume jurisdiction over this action;
- B. pursuant to 28 U.S.C. §2201 and Fed. R. Civ. P. 57, enter a judgment declaring that Defendants, by intentionally denying Section 8 Housing Assistance to Applicants arbitrarily and in violation of federal law and its own administrative plan, violates Plaintiffs' right to substantive due process under the Fourteenth Amendment of the United States Constitution as well as the statutes and regulations governing the Sec-

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- tion 8 Program;
- C. enter a permanent injunction ordering Defendants to follow their own housing assistance application procedures as established in the Hialeah Housing Authority Administrative Plan;
 - D. enter a permanent injunction ordering Defendants to follow the Procedures outlined in Chapter 7 of its own Administrative Plan in relation to the procedures for verification of documents;
 - E. enter a permanent injunction prohibiting Defendants from requesting documents related to the income, assets, or status of persons not in the applicant's household or persons not on the housing application, unless those documents are directly related to the Plaintiffs' eligibility in the Section 8 Program;
 - F. enter a permanent injunction prohibiting Defendants from denying applications to the Section 8 housing program for failure to provide documents which are not possible for Plaintiffs to provide;
 - G. enter a permanent injunction requiring Defendants to comply with federal regulations to have and utilize an unbiased hearing process;
 - H. pursuant to 28 U.S.C. §2202, 42 U.S.C. §1983 and Fed.R.Civ.P. 65, enter a permanent injunction ordering Defendant to reinstate Plaintiffs' application to the Section 8 Program and prohibiting them from taking any further action denying, limiting or terminating their participation in the Section 8 Program without due process or compliance with federal law, and permanently enjoining Defendants from denying housing assistance for applicants for reasons not authorized by law;

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- I. order Plaintiff to reevaluate the Section 8 applications of Plaintiffs and re-determine if they are eligible for Section 8 Housing Assistance;
- J. compensate Plaintiffs for their losses associated with their inability to obtain subsidized housing due to Defendants' unlawful actions.
- K. grant Plaintiffs their reasonable attorneys' fees and costs pursuant to 42 U.S.C. 1988, and Fed.R.Civ.P54(d), and;
- L. grant such other and further relief as the Court deems just and equitable.

COUNT FOUR

Violation of the Fair Housing Act (Plaintiffs Lopez , Villarta, and Wiseman only)

240. Paragraphs 1 through 214 are incorporated by reference herein the same as though fully set forth herein.

241. Plaintiffs Lopez, Villarta, and Wiseman are disabled within the meaning as defined by the Fair Housing Act.

242. Defendant HHA acknowledged that its agents and employees were authorized to act for defendant HHA when they committed the Fair Housing Act violations alleged herein. Defendant HHA's agents and employees accepted the undertaking of acting on behalf of defendant HHA when they committed the Fair Housing Act violations alleged herein. Defendant HHA had control over its agents and employees when they committed the Fair Housing Act violations alleged herein.

243. Defendants have discriminated and are continuing to discriminate against Plaintiffs Lopez, Villarta, and Wiseman on the basis of their disabilities by, among other things, failing to follow legally mandated verification procedures, inappropriately denying Plaintiffs Lopez, Villarta, and

Wiseman's applications for the Section 8 Program and/or inhibiting Plaintiffs' ability to apply for the Section 8 Program, and failing to make reasonable accommodations for Plaintiffs Lopez, Villarta, and Wiseman in light of their disabilities, and thereby deny them housing in violation of the Fair Housing Act, 42 U.S.C. § 3604 *et seq.*

244. Plaintiffs Lopez, Villarta, and Wiseman have been wrongfully denied access to a program that they are eligible for which would have provided them with access to affordable housing.

245. As a result of Defendants' discriminatory actions in violation of the Fair Housing Act, disabled Plaintiffs Lopez, Villarta, and Wiseman have suffered economic losses associated with moving, delay in securing housing, substandard housing, the loss of housing, humiliation, shame, degradation, and emotional and mental distress.

WHEREFORE, Plaintiffs Lopez, Villarta, and Wiseman respectfully request this Court to:

- A. assume jurisdiction over this matter;
- B. declare that Defendants' actions discriminate against persons with disabilities in violation of Fair Housing Act, 42 U.S.C. § 3604 *et seq.* and implementing regulations;
- C. enter preliminary and permanent injunctive relief requiring Defendants to immediately admit Plaintiffs into the Section 8 Program; refrain from taking any further action to deny, limit, or terminate Plaintiffs' participation in the Section 8 Program; and refrain from denying Section 8 assistance to applicants for reasons not authorized by law;
- D. award Plaintiffs Lopez, Villarta, and Wiseman damages for emotional and mental distress, humiliation, shame, and degradation;

- E. award Plaintiffs attorneys' fees and costs in this action pursuant to 29 U.S.C. § 794a(b); and
- F. grant such other and further relief as the Court deems just and equitable.

COUNT FIVE

Violation of Section 504 of the Rehabilitation Act
(Plaintiffs Lopez, Villarta, and Wiseman only)

246. Paragraphs 1 through 214 are incorporated by reference herein the same as though fully set forth herein.

247. Defendant HHA is a public entity that has violated Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 with respect to Plaintiffs Lopez, Villarta, and Wiseman.

248. Defendant HHA acknowledged that its agents and employees were authorized to act for defendant HHA when they committed the Rehabilitation Act violations alleged herein. Defendant HHA's agents and employees accepted the undertaking of acting on behalf of defendant HHA when they committed the Rehabilitation Act violations alleged herein. Defendant HHA had control over its agents and employees when they committed the Rehabilitation Act violations alleged herein.

249. Plaintiffs Lopez, Villarta, and Wiseman are disabled within the meaning as defined by the Rehabilitation Act.

250. Plaintiffs Lopez, Villarta, and Wiseman are qualified to be admitted into the Section 8 Program.

251. Defendant HHA intentionally or with deliberate indifference discriminated against Lopez, Villarta, and Wiseman by, among other things, failing to follow legally mandated verification procedures, inappropriately denying Plaintiffs Lopez, Villarta, and Wiseman's applications for the

Section 8 Program and/or inhibiting Plaintiffs' ability to apply for the Section 8 Program, and failing to make reasonable accommodations for Plaintiffs Lopez, Villarta, and Wiseman in light of their disabilities.

252. Defendant HHA knew or should have known of a need to accommodate Plaintiffs Lopez, Villarta, and Wiseman's disabilities and consciously and knowingly failed to provide the accommodation. Defendant HHA indifference is more than negligence.

253. Defendant HHA receives federal financial assistance.

WHEREFORE, Plaintiffs Lopez and Villarta respectfully request this Court to:

- A. assume jurisdiction over this matter;
- B. declare that defendant HHA's actions discriminate against persons with disabilities in violation of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and implementing regulations;
- C. enter preliminary and permanent injunctive relief requiring defendants to immediately admit Plaintiffs into the Section 8 Program; refrain from taking any further action to deny, limit, or terminate Plaintiffs Lopez, Villarta, and Wiseman's participation in the Section 8 Program; and refrain from denying Section 8 assistance to applicants for reasons not authorized by law;
- D. award Plaintiffs Lopez, Villarta, and Wiseman damages for emotional and mental distress, humiliation, shame, and degradation;
- E. award Plaintiffs compensatory damages;
- F. award Plaintiffs attorneys' fees and costs in this action pursuant to Section 505 of the Rehabilitation Act of 1973, 29 U.S.C. § 794a; and

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G. grant such other and further relief as the Court deems just and equitable.

COUNT SIX

Violation of Americans with Disabilities Act
(Plaintiffs Lopez, Villarta, and Wiseman only)

254. Paragraphs 1 through 214 are incorporated by reference herein the same as though fully set forth herein.

255. Defendant HHA is a public entity that has violated Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213 with respect to Plaintiffs Lopez, Villarta, and Wiseman.

256. Defendant HHA acknowledged that its agents and employees were authorized to act for defendant HHA when they committed the ADA violations alleged herein. Defendant HHA's agents and employees accepted the undertaking of acting on behalf of defendant HHA when they committed the ADA violations alleged herein. Defendant HHA had control over its agents and employees when they committed the ADA violations alleged herein.

257. Plaintiffs Lopez, Villarta, and Wiseman are disabled.

258. Plaintiffs Lopez, Villarta, and Wiseman are qualified to be admitted into the Section 8 Program.

259. Defendant HHA intentionally or with deliberate indifference discriminated against Lopez, Villarta, and Wiseman by, among other things, failing to follow legally mandated verification procedures, inappropriately denying Plaintiffs Lopez, Villarta, and Wiseman's applications for the Section 8 Program and/or inhibiting Plaintiffs' ability to apply for the Section 8 Program, and failing to make reasonable accommodations for Plaintiffs Lopez, Villarta, and Wiseman in light of their disabilities.

260. Defendant HHA knew or should have known of a need to accommodate Plaintiffs Lopez, Villarta, and Wiseman's disabilities and consciously and knowingly failed to provide the accommodation. Defendant HHA indifference is more than negligence.

WHEREFORE, Plaintiffs Lopez, Villarta, and Wiseman respectfully request this Court to:

- A. assume jurisdiction over this matter;
- B. declare that defendant HHA's actions discriminate against persons with disabilities in violation of Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213 and implementing regulations;
- C. enter preliminary and permanent injunctive relief requiring defendants to immediately admit Plaintiffs Lopez and Villarta into the Section 8 Program; refrain from taking any further action to deny, limit, or terminate Plaintiffs Lopez, Villarta, and Wiseman's participation in the Section 8 Program; and refrain from denying Section 8 assistance to applicants for reasons not authorized by law;
- D. award Plaintiffs Lopez, Villarta, and Wiseman damages for emotional distress, humiliation, shame, degradation and mental anguish;
- E. award Plaintiffs compensatory damages;
- F. award Plaintiffs attorneys' fees and costs in this action pursuant to 42 U.S.C. § 12205; and
- G. grant such other and further relief as the Court deems just and equitable.

COUNT SEVEN

Violation of Procedural Due Process
(42 U.S.C. § 1983)
(For Failure to Provide Fair Hearings)
(Plaintiffs De Leon, Lopez, Flores, and Campos only)

261. Plaintiffs re-allege Paragraphs 1 through 214, as if fully stated herein.

262. Plaintiffs have a due process right to an impartial hearing officer. United States Housing Act, 42 U.S.C. § 1437d(k)(2).

263. Federal regulations also require impartiality in the hearing process. Section 8 informal hearings may not be conducted by any person who made or approved the decision under review or a subordinate of this person. *See* 24 C.F.R. § 982.55(e)(4)(ii).

264. HHA's decision to uphold the denial of assistance to Plaintiffs De Leon, Lopez, Flores, and Campos was arbitrary and capricious, as HHA failed to consider all relevant circumstances, including, but not limited to, the seriousness of the case, the extent of participation or culpability of individual family members, and mitigating circumstances related to the disability of a family member.

265. Plaintiffs De Leon, Lopez, Flores, and Campos's due process rights were also violated, as a result of:

- (i) their hearings being conducted by a subordinate of Defendant Morales, the individual who ultimately made the denial decisions;
- (ii) the fact that HHA had a policy and practice of allowing and encouraging *ex parte* communications between hearing officers and counsel representing HHA during hearings, whereby hearing officers would send certain decisions to HHA counsel for review and input before issuing their rulings.

- (iii) the fact that HHA hearing officers failed to consider the individual circumstances as to each Plaintiff and any evidence provided at hearings by Plaintiffs.

266. Decisions were never sent to Plaintiffs or their attorneys for review or input prior to being issued. Plaintiffs and their attorneys were never told that HHA's counsel was receiving decisions prior to issuance.

267. This unlawful conduct by HHA hearing officers demonstrated the hearing officers' deference and partiality to HHA, in blatant disregard to Plaintiffs' due process right to an impartial hearing officer and a meaningful hearing.

268. Because of the aforementioned violations of due process, the hearings given to Plaintiffs were merely a sham.

269. Defendants' termination and/or denial of Plaintiffs' participation in the Section 8 program, without giving them a meaningful opportunity to be heard by an impartial hearing officer, violated Plaintiffs' right to due process of law under the Fourteenth Amendment of the United States Constitution and the United States Housing Act, as amended, 42 U.S.C. § 1437d(k)(2).

270. Plaintiffs were deprived of a federal right by Defendants, acting under color of state law, in that HHA terminated and/or denied Plaintiffs' participation in the Section 8 program without giving Plaintiffs a meaningful opportunity to be heard by an impartial hearing officer, which violates Plaintiffs' right to due process of law under the Fourteenth Amendment of the United States Constitution and the United States Housing Act, 42 U.S.C. § 1437d(k)(2), and Plaintiffs therefore have a cognizable claim under 42 U.S.C. § 1983.

WHEREFORE, Plaintiffs respectfully request this Court to:

- A. assume jurisdiction over this matter;

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- B. enter a declaratory judgment that Defendants, by denying Section 8 Housing Assistance to these Plaintiffs arbitrarily and in violation of federal law and its own administrative plan, violates Plaintiffs' right to due process under the Fourteenth Amendment of the United States Constitution as well as the statutes and regulations governing the Section 8 Program, and 42 U.S.C. § 1983;
- C. enter preliminary and permanent injunctive relief ordering the Defendants, their successors in office, and their servants, agents and employees, and those acting in concert with them, to immediately admit Plaintiffs into the Section 8 Program; refrain from taking any further action to deny, limit, or terminate Plaintiffs' participation in the Section 8 Program; refrain from denying Section 8 assistance to the Plaintiffs for reasons not authorized by law; and comply with federal requirements to provide a fair hearing;
- D. enter preliminary and permanent injunctive relief ordering Defendants, their successors in office, and their servants, agents and employees, and those acting in concert with them, to immediately refrain from allowing hearings to be conducted by subordinates of the person or persons making the initial decision to deny Section 8 Program applicants.
- E. enter preliminary and permanent injunctive relief ordering Defendants, their successors in office, and their servants, agents and employees, and those acting in concert with them, to immediately refrain from allowing hearings officers to send *ex parte* communications to HHA counsel.

- F. enter preliminary and permanent injunctive relief ordering Defendants, their successors in office, and their servants, agents and employees, and those acting in concert with them, to immediately require hearing officers to consider the individual circumstances of those before them and the evidence provided to them.
- G. compensate all Plaintiffs for their economic losses incurred as a result of the delay in providing Plaintiffs with Section 8 assistance due to Defendants' unlawful actions.
- H. award all Plaintiffs their attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
- I. grant all Plaintiffs such other relief as the Court may deem just and equitable.

DEMAND FOR ATTORNEYS' FEES AND COSTS

Plaintiffs are seeking their entire attorneys' fees and costs.

JURY DEMAND

Plaintiffs demand trial by jury on all issues which can be heard by a jury.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 8, 2010, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document was served on all counsel of record identified on the attached Service List via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Sean Rowley
Sean Rowley, Esq.

SERVICE LIST

DeLeon, et al. vs. Hialeah Housing Authority, et al.
Case No. 09-22087--CIV-Gold/McAliley
United States District Court, Southern District of Florida

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