

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

Nov 24 4 14 PM '03

BY Aw  
CLERK  
DEPUTY CLERK

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

QUINN BOULEY, )  
ON HER OWN BEHALF AND )  
AS GUARDIAN AD LITEM FOR )  
HER MINOR CHILDREN, )  
SAGE HARPLE AND EROS )  
BOULEY-SWEDO, )  
Plaintiffs, )  
 )  
v. )  
 )  
JACQUELINE YOUNG-SABOURIN, )  
Defendant. )

2:03-cv-320

COMPLAINT

**I. PRELIMINARY STATEMENT**

1. This is a civil rights action. Plaintiffs Quinn Bouley and her minor children, Sage Harple and Eros Bouley-Swedo, seek a declaratory judgment, preliminary and permanent injunctive relief and damages. Plaintiffs allege that defendant intentionally and illegally discriminated against them in the course of renting a dwelling: by treating them less favorably because of their religion; and by attempting to terminate Ms. Bouley's tenancy because she was a victim of domestic violence and because she refused to accept the defendant's religion.

2. Defendant's practices violate the Fair Housing Act of 1968, as amended, 42 U.S.C. §§3601, *et seq.*, which protects individuals and families from housing discrimination.

J.

## **II. JURISDICTION**

3. Jurisdiction over plaintiffs' federal Fair Housing Act claims is conferred on this Court by 28 U.S.C. §§1331 and 1337.

4. Plaintiffs seek declaratory relief pursuant to 28 U.S.C. §§2201 and 2202.

## **III. VENUE**

5. Venue is proper in this district because the claims arose in the District of Vermont and all parties reside or have their principal place of business in Vermont.

## **IV. PARTIES**

6. Plaintiff Quinn Bouley is a twenty-three-year-old woman who resides in a three-bedroom apartment in St. Albans, Vermont with her two children, Sage Harple and Eros Bouley-Swedo. Ms. Bouley has been and continues to be harmed by the acts and practices of defendant.

7. Plaintiff Sage Harple is Ms. Bouley's six-year-old daughter. Sage Harple has been and continues to be harmed by the acts and practices of defendant.

8. Plaintiff Eros Bouley-Swedo is Ms. Bouley's three-old son. Eros Bouley-Swedo has been and continues to be harmed by the acts and practices of defendant.

9. Defendant, Jacqueline L. Young-Sabourin, resides at 59 Aurielle Drive, Colchester, Vermont. She is the owner of a two-unit rental apartment house at 63 Fairfield Street, St. Albans, Vermont.

## **V. FACTUAL ALLEGATIONS**

10. On August 1, 2003, Plaintiff Quinn Bouley and her husband, Daniel Swedo,

entered into a one-year written lease for the rental of a second floor three-bedroom apartment at 63B Fairfield Street, St. Albans, Vermont.

11. During the evening of October 15, 2003, Plaintiff Quinn Bouley called 911 because her husband was physically assaulting her.

12. The St. Albans City Police responded to this call and found Ms. Bouley outside of the apartment.

13. Ms. Bouley was crying and informed the police that her husband had hit her. The police observed blood on Ms. Bouley and went into the apartment.

14. Ms. Bouley's husband, Daniel Swedo, was there. The police observed that a pile of video tapes and DVDs had been smashed and that the phone had been ripped off of the wall. Mr. Swedo told the police he had broken the tapes and ripped the phone off the wall.

15. The police then arrested Mr. Swedo and transported him to the police station.

16. On or about October 18, 2003, the defendant, Ms. Bouley's landlord, came to Ms. Bouley's apartment to "try to work things out."

17. Ms. Bouley acknowledged the incident of October 15, 2003, and told defendant that it would not happen again because she was in the process of obtaining a restraining order to prohibit her husband from returning to the apartment.

18. During the course of this conversation, defendant, who is a Christian, asked Ms. Bouley if she was a "religious" person.

19. Ms. Bouley indicated that this was a personal subject and she did not want to discuss it with her landlord.

20. Defendant then stated that "her" God had helped her. She suggested that Ms. Bouley should convert to the Christian religion and "come over to our side."

21. This upset Ms. Bouley, who said "no thank you." She then informed defendant that she was not a Christian and that she was not interested in the Christian religion.

22. Defendant was offended by this response and terminated the conversation stating that "this is not going to work."

23. The same day, October 18, 2003, defendant sent Ms. Bouley a notice purporting to terminate her tenancy on November 30, 2003.

24. The notice referred to the violence that had taken place between Ms. Bouley and her husband as the primary reason for the eviction.

25. On or about October 25, 2003, Ms. Bouley obtained a final Relief from Abuse Order which, among other things, requires her husband to stay away from Ms. Bouley's apartment.

26. The overwhelming majority of victims of domestic violence are female.

27. Defendant's policy of evicting the victims of domestic violence has an adverse, or disparate, impact on Ms. Bouley because of her sex.

28. In attempting to enforce a policy of evicting the victim of domestic violence, which has a disparate impact on females, defendant has discriminated against plaintiffs in the terms, conditions, or privileges of the rental of a dwelling, because of Ms. Bouley's sex, in violation of 42 U.S.C. §3604(b).

29. In attempting to enforce a policy of evicting the victim of domestic violence, who rejects defendant's religious beliefs, defendant has discriminated against plaintiffs by refusing to rent or otherwise making a dwelling unavailable to plaintiffs because of Ms. Bouley's religion, in violation of 42 U.S.C. §3604(a).

30. On information and belief, the tenants residing in the first-floor apartment at 63 Fairfield Street, St. Albans, Vermont, belong to the same church as defendant.

31. On information and belief, the tenants residing in the first floor apartment at 63 Fairfield Street, St. Albans, Vermont, receive preferential treatment in the form of lower rent, reserved parking, and other privileges, from defendant on account of their religion.

32. By treating plaintiffs less favorably than other tenants who are members of defendant's church, defendant has discriminated against Ms. Bouley and her minor children in the terms, conditions, or privileges of the rental of a dwelling, because of their religion, in violation of 42 U.S.C. §3604(b).

33. By making statements indicating that she preferred that Ms. Bouley accept Christian doctrines, defendant has discriminated against plaintiffs in violation of 42 U.S.C. §3604(c).

34. As a result of defendant's intentional actions in attempting to evict Ms. Bouley and her children on the grounds of Ms. Bouley's sex and religion, plaintiffs have suffered violations of their civil rights, embarrassment, humiliation and emotional distress.

35. As a result of defendant's disparate treatment of plaintiffs because of Ms. Bouley's sex and religion, plaintiffs have suffered violations of their civil rights, loss of housing privileges, higher rental charges, embarrassment, humiliation and emotional distress.

36. As a result of defendant's statements indicating that she would not evict plaintiffs if they adopted the Christian religion, plaintiff Quinn Bouley has suffered violations of her civil rights, embarrassment, humiliation, and emotional distress.

37. Defendants' illegal actions were, and are, intentional and willful, and have been, and are, implemented with callous and reckless disregard for the civil rights of Ms. Bouley and her minor children.

38. Since there exists an actual controversy between the parties regarding defendant's obligations under federal fair housing laws, plaintiffs are entitled to declaratory relief.

39. Plaintiffs are entitled to injunctive relief to enjoin defendants from engaging in the unlawful acts and practices of discrimination described above.

40. Plaintiffs have no adequate remedy at law. Ms. Bouley and her minor children are now suffering and will continue to suffer irreparable harm as a result of defendant's attempt to evict them based on Ms. Bouley's sex and religion.

#### **VI. COUNT I**

##### **Violation of 42 U.S.C. §3604(a) - Attempted Eviction Based on Sex.**

41. Plaintiffs repeat the allegations of paragraphs 1-40 as if fully set forth herein.

42. Defendant's attempt to evict Ms. Bouley because she has been the victim of domestic violence is an act of illegal housing discrimination on account of Ms. Bouley's sex.

#### **VII. COUNT II**

##### **Violation of 42 U.S.C. §3604(a) - Attempted Eviction Based on Religion**

43. Plaintiffs repeat the allegations of paragraphs 1-42 as if fully set forth herein.

44. Defendant would have refrained from evicting plaintiffs for domestic violence, if Ms. Bouley had indicated that she would accept defendant's religion on October 18, 2003, when defendant visited Ms. Bouley to "work things out."

45. Defendant has violated the plaintiffs' rights under 42 U.S.C. §3604(a) by seeking to evict them on the basis of religion.

#### **VIII. Count III**

##### **Violation of 42 U.S.C. §3604(b) - Disparate Treatment (Sex)**

46. Plaintiffs repeat the allegations of paragraphs 1-45 as if fully set forth herein.

47. Defendant has violated the plaintiffs' rights under 42 U.S.C. §3604(b) by discriminating against them in the terms, conditions and privileges of renting a dwelling because Ms. Bouley is a female victim of domestic violence.

**IX. Count IV  
Violation of 42 U.S.C. §3604(b) - Disparate Treatment (Religion)**

48. Plaintiffs repeat the allegations of paragraphs 1-47 as if fully set forth herein.

49. Defendant has violated the plaintiffs' rights under 42 U.S.C. §3604(b) by discriminating against them in the terms, conditions and privileges of renting a dwelling because they do not belong to or accept defendant's religion.

**X. Count V  
Violation of 42 U.S.C. §3604(c) - Discriminatory Statements**

50. Plaintiffs repeat the allegations of paragraphs 1-49 as if fully set forth herein.

51. Defendant has violated the plaintiffs' rights under 42 U.S.C. §3604(c) by making statements with respect to the rental of a dwelling that indicate a preference and an intention to make a preference based on defendant's religion.

**RELIEF**

**WHEREFORE**, plaintiffs respectfully request that the Court grant the following relief against defendants:

(a) A declaration that the actions of defendant complained of in Courts I - V above were in violation of the Fair Housing Act of 1968, as amended, 42 U.S.C. §3601 *et seq.* because defendant has attempted to evict plaintiffs based on Ms. Bouley's sex and religion.

(b) An order that defendant take appropriate affirmative actions to ensure that the actions complained of in Counts I - V above are not engaged in again by them or any of their agents.

(c) An injunction temporarily and permanently enjoining defendant from discriminating on the basis of sex or religion or any other ground prohibited by the Fair Housing Act of 1968 as amended, 42 U.S.C. §3601 *et seq.*

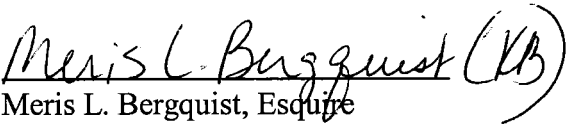
(d) Compensatory and punitive damages in an amount appropriate to proof at trial.

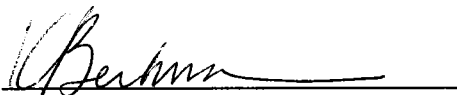
(e) An award of reasonable attorneys' fees and costs in this action as contemplated by 42 U.S.C. § 3613(c)(2) and 9 V.S.A. §4506(b); and

(f) Such other just and equitable relief as the Court deems just and proper.

Respectfully submitted,

Dated: 11/24/03

  
Meris L. Bergquist, Esquire  
Vermont Legal Aid  
56 Main Street  
Springfield, VT 051256  
802-885-5181

  
Katherine Berkman, Esquire  
Vermont Legal Aid  
264 North Winooski Avenue  
P.O. Box 1367  
Burlington, Vermont 05402  
802-863-5620