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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

AARONICA WARREN,

Plaintiff,

Civil Action No. 02-728-CZ

v.

Hon. **Timothy P. Connors**

YPSILANTI HOUSING COMMISSION  
and JANINE S. SCOTT, Executive  
Director of the Ypsilanti Housing Commission,

Defendants.

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COMPLAINT

A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in the United States District Court for the Eastern District of Michigan, where it was given docket number 01-40034 and was assigned to Judge Paul V. Gadola. The action remains pending.

Plaintiff, Aaronica Warren, by and through her attorneys, Dykema Gossett PLLC and the American Civil Liberties Union Fund of Michigan, for her complaint against Defendants, states as follows:

## PARTIES

1. At all times relevant to this action, Plaintiff was a tenant who resided in an apartment managed by the Ypsilanti Housing Commission in Ypsilanti, Michigan, in the County of Washtenaw.

2. At all times relevant to this action, Defendant, Ypsilanti Housing Commission (“YHC”), was the property management entity responsible for managing the Plaintiff’s apartment in Ypsilanti, Michigan.

3. At all times relevant to this action, Defendant, Janine S. Scott, was the executive director of the YHC.

## JURISDICTION AND VENUE

4. Jurisdiction and venue are proper with this Court because Plaintiff alleges a violation of the Elliott-Larsen Civil Rights Act, M.C.L. §37.2801(2), the amount in controversy exceeds \$25,000.00 and all of the events alleged in the Complaint occurred within Washtenaw County, Michigan.

## NATURE OF THE COMPLAINT

5. At all times relevant hereto, Plaintiff resided at 604 Armstrong Street, Ypsilanti, Michigan.

6. At all times relevant hereto, Plaintiff’s residence was an apartment. Accordingly, Plaintiff’s apartment is “real property” within the meaning of M.C.L. §37.2501.

7. At all times relevant to this action, Defendants established and implemented rental policies, rules and practices regarding Plaintiff’s apartment.

8. On or about February 29, 2000, Plaintiff was assaulted in her apartment by a

former boyfriend, Kinte Robinson.

9. On or about February 29, 2000, Plaintiff reported the assault to police.

10. On March 8, 2000, Plaintiff received a Notice of Termination of Tenancy issued March 8, 2000.

11. The Notice of Termination of Tenancy stated that: "As of March 8, 2000, your tenancy is terminated because of criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the Commission, or because of drug-related criminal activity occurring in or near the Commission's Property."

12. An eviction action was commenced against Plaintiff by the YHC in the Circuit Court for Washtenaw County, Michigan, on April 13, 2000.

13. The YHC, in its Complaint for Termination of Tenancy, cited paragraph 22 of the parties' lease agreement as the basis for Plaintiff's eviction.

14. Paragraph 22 of the Plaintiff's lease agreement is captioned "One Strike Policy" and provides in relevant part: "In accord with these goals, the resident covenants to assure that their household is a crime-free household and that they will be responsible for the household regardless of whether or not he or she was personally engaged in the prohibited drug or criminal action on the premises."

15. The eviction action in Washtenaw County Circuit Court was later dismissed due to procedural errors.

16. The Defendants moved to evict Ms. Warren only because she had been a victim of domestic violence and because of her sex.

17. The eviction process has caused considerable harm to Plaintiff.

**COUNT I**  
**(Violation of Elliott Larsen Civil Rights Act, M.C.L. §37.2502 (b))**

18. Plaintiff repeats and realleges the allegations in paragraphs 1 through 17 of this complaint.

19. By adopting a policy of terminating the tenancy of victims of domestic violence, the vast majority of whom are women, after an incident of domestic violence at apartments controlled and managed by the YHC, Defendants engaged in a practice that has a disparate impact on women and therefore discriminates on the basis of sex in violation of the Elliott Larsen Civil Rights Act, M.C.L. §37.2502 (b).

20. Because Defendants applied that policy to Ms. Warren, she was injured by Defendants' discriminatory conduct.

**COUNT II**  
**(Intentional Infliction of Emotional Distress)**

21. Plaintiff repeats and realleges the allegations in paragraphs 1 through 20 of this complaint.

22. Defendants' conduct in discriminating against Plaintiff and refusing to make available to her an apartment or otherwise discriminating against her because she was a victim of domestic violence and because of her sex was extreme, outrageous, egregious and of such a character as not to be tolerated by a civilized society.

23. Defendants acted willfully and intentionally or recklessly to cause Plaintiff extreme emotional distress.

24. As a result of Defendants' conduct, Plaintiff suffered extreme emotional distress and injury.

**JURY DEMAND**

25. Plaintiff, Aaronica Warren, demands a trial by jury on each and every claim to which she is so entitled.

**RELIEF REQUESTED**

WHEREFORE, Plaintiff requests that this Court grant the following relief:

1. Declare that the discriminatory practices of the Defendants, as set forth above, violate the Elliott Larsen Civil Rights Act, M.C.L. §37. 2501 et seq.
2. Enjoin Defendants, their agents, employees, and successors, and all other persons in active concert or participation with any of them, from continuing to evict tenants because they are victims of domestic violence and from discriminating on the basis of sex against any person in any aspect of the rental of a dwelling;
3. Award Plaintiff actual damages for the injuries caused by Defendants' discriminatory actions, pursuant to M.C.L. §37.2502 (b), and Michigan common law;
4. Award reasonable attorneys' fees and costs pursuant to M.C.L. 37.2801 (3).
5. Award Plaintiff such additional relief as the interests of justice require.

DATED this 17<sup>th</sup> day of June, 2002.

Respectfully submitted,

**DYKEMA GOSSETT PLLC**

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FUND OF MICHIGAN

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