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V.

COMPLAINT

C70-969

DOCKETED
OCT 22 1970
CIVIL RIGHTS

1. This action is brought pursuant to 42 U.S.C. 3613 seeking to remedy violations of the fair housing provisions contained in Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 et seq.

2. This Court has jurisdiction of this action under 28 U.S.C. 1345 and 42 U.S.C. 3613.

3. The defendant Exclusive Multiple Exchange (hereinafter referred to as the "EME") is an unincorporated association of real estate firms which conducts its business

in the Northern District of Ohio. It is a multiple-listing service and a real estate brokers' organization within the meaning of 42 U.S.C. 3606 and a person within the meaning of 42 U.S.C. 3602(d).

4. The defendants Abelson and Carlson, Inc.; Guggenheim Realty; Hackett and Arnold, Inc.; Hilltop Realty, Inc.; The Kenny Company; Joseph Laronge, Inc.; John P. Malone and Company; Newton and Tritton, Inc.; The A. B. Smythe Company; Taylor Sutliff, Inc.; and E. C. Wilkinson, Inc., are Ohio corporations licensed to do business in the state. Each of their principal offices is located in the Northern District of Ohio. Each is a person within the meaning of 42 U.S.C. 3602(d).

5. The defendants W. I. White Company and William E. Woods and Company are partnerships, each of which maintains its principal place of business in the Northern District of Ohio. Each is a person within the meaning of 42 U.S.C. 3602(d).

6. The defendant Edith Bell O'Boyle resides in the Northern District of Ohio. She owns and operates Edith O'Boyle and Company, an unincorporated business which maintains its principal office in the Northern District of Ohio. Mrs. O'Boyle is a person within the meaning of 42 U.S.C. 3602(d).

7. The primary purpose of the EME is to facilitate the sale of dwellings by its member firms through the operation

of a listing service. Its membership is limited to 14 brokers, each of whom must be a Class A member of the Cleveland Real Estate Board. The ERE promulgates rules and regulations which govern the operation of the listing service and affect the business practices of its member firms.

8. The defendants are engaged in the real estate business, including the showing and selling of homes for residential use. Through the operation of their businesses, including the listing service, they participate in the sale of a substantial number of dwellings primarily in 29 communities in the eastern suburbs of Cleveland, namely, Aurora, Bainbridge, Beachwood, Bentleyville, Chagrin Falls Village, Chesterland, Cleveland (Shaker Heights School District), Cleveland Heights, Forest Hill, Gates Mills, Highland Heights, Hunting Valley, Kirtland, Lyndhurst, Mayfield Heights, Mayfield Village, Moreland Hills, Orange Village, Pepper Pike, Richmond Heights, Russell, Shaker Heights, Solon, South Euclid, South Russell, University Heights, Waite Hill, Warrensville Heights, and Woodmere Village..

9. The defendants have pursued and continue to pursue a policy and practice of maintaining and perpetuating racially segregated residential patterns in the Cleveland area. This policy and practice has the effect of making dwellings unavailable to persons because of race or color and has been implemented, among other ways, as follows:

- (a) By establishing and implementing exchange-wide rules which severely limit the opportunities of black persons to secure housing because of their race or color;
- (b) By representing to black persons on account of their race or color that dwellings are unavailable when, in fact, they are available;
- (c) By failing and refusing to show and sell dwellings to black persons on the same basis as dwellings are shown and sold to white persons;
- (d) By making and causing to be made statements with respect to the sale of dwellings which indicate a preference or discrimination based on race or color;
- (e) By discouraging white persons from moving into areas because of the presence of black persons;
- (f) By failing and refusing to deal with black brokers and white brokers with black customers on the same basis as white brokers who have white clients;
- (g) By employing and maintaining all-white sales forces;

(b) By imposing rules of admission to the ENE which have the effect of excluding from membership black brokers and white brokers with black clients; and

(i) By failing and refusing to take reasonable steps to eliminate the effects of their past policies and practices of discriminating on the basis of race or color.

10. The conduct of the defendants described in the preceding paragraph constitutes a pattern or practice of resistance to the full enjoyment of the rights secured by Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601, et seq.

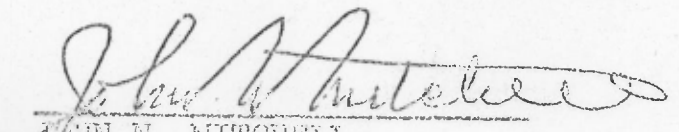
11. The denial to persons of the right to equal opportunity in housing described in this complaint raises an issue of general public importance.

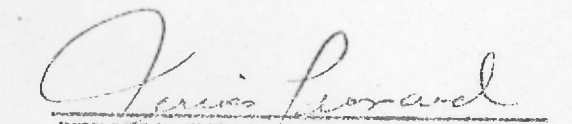
WHEREFORE, the plaintiff United States prays for an order enjoining the defendants, their officers, employees, and agents, and all other persons in active concert or participation with any of them, from:

(a) Discriminating against any person in any aspect of the sale or rental of a dwelling on account of race, color, religion or national origin; and

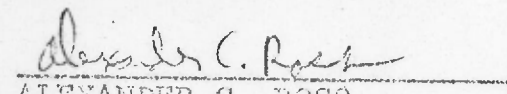
- (b) Failing or refusing to take all necessary and appropriate affirmative steps to correct the continuing effects of the discriminatory practices.

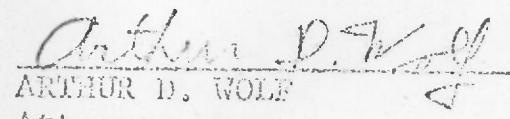
Plaintiff further prays for such additional relief as the interests of justice may require, together with the costs incurred in maintaining this action.


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