

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

RONALD WHITFIELD  
and WILLIAM SALEK,

Plaintiffs,

v.

PROPERTY OWNER NAMED "DANIEL",  
PARK NATIONAL BANK AND TRUST  
Trust # TR10216 and MANTANKY REALTY  
GROUP, INC.,

Defendants.

No.

Judge

PLAINTIFFS DEMAND  
TRIAL BY JURY

MAGISTRATE JUDGE ROSEMONI

OCT 08 1998  
MICHAEL W. DOBBINS  
CLERK, U. S. DISTRICT COURT

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COMPLAINT

The Plaintiffs Ronald Whitfield, ("Whitfield") and William Salek, ("Salek") by their attorneys F. Willis Caruso and Lewis W. Powell III, The John Marshall Law School Fair Housing Legal Clinic, complain of defendants property owner named "Daniel" ("Owner") Park National Bank And Trust Land Trust # TR10216. ("Land Trust") and the Matanky Realty Group Inc. as follows:

JURISDICTION

This claim arises under 42 U.S.C. § 3601 et seq., § 3604 (f) (1). Jurisdiction is conferred on this court by 28 U.S.C. § 1343 (4) and § 2201 and 42 U.S.C. § 3613.

PARTIES

1. Plaintiff, Whitfield, has the disability known as Acquired Immune Deficiency Syndrome (AIDS) and resides in Chicago, Illinois.
2. Plaintiff, Salek, resides in Chicago, Illinois.
3. Upon information and belief Defendant, "Daniel", is the owner of the Apartment Building

at 1050 Dakin Chicago, Illinois, (the "Building") which is held in trust at Park National Bank And Trust Land Trust # TR10216, Chicago, Illinois.

4. Defendant Matanky Realty Group, at 1332 N. Halsted Chicago, IL, is the rental agent for the Owner.

### FACTS

1. Plaintiff, Whitfield, suffers from AIDS, weight loss, and AIDS related dementia which impairs his ability to communicate but not his ability to live independently.

2. On August 28, 1998, Plaintiff, Whitfield, had been a resident in good standing of a studio apartment at 1050 Dakin, Chicago, Illinois for two years. For two years Plaintiff's rent was rendered promptly and paid in full.

3. Defendants, at all times relevant hereto, knew Plaintiff Whitfield to be a person with a disability. Defendants' behavior and treatment of Plaintiff became increasingly abusive and negative as the progression of Plaintiff's illness became more apparent.

4. On or about July of 1998 Plaintiff was told by an agent of Matanky Realty Group that his lease, which was due to end on September 1, 1998, would not be renewed.

5. Plaintiff was ready, willing and able to renew the lease and this was communicated to the Defendants and/or their agents.

6. On August 28, 1998, some three days before the end of Plaintiff's lease term, Defendants and/or their agents, without notice, unlawfully entered Plaintiff Whitfield's apartment.

7. On August 28, 1998, Defendants unlawfully forced Plaintiff to leave the apartment, depriving plaintiff of his home and property. Plaintiff was forced from his home and into a state of homelessness, confusion, extreme emotional and physical distress on the streets of Chicago.

8. On or about August 28, 1998, Plaintiff Whitfield's personal property was removed from the apartment and placed by Defendants and/or their agents into a garbage dumpster and disposed of.

9. Plaintiff's personal property included a futon, chairs, a valuable antique dresser, clothing, kitchen utensils, and household items.

10. On or about August 28, 1998, Plaintiff Salek, an acquaintance of Plaintiff Whitfield, discovered Whitfield living on the streets of Chicago. Salek rescued Whitfield from the dangers of homelessness by bringing Whitfield out of the elements and into his home.

11. Plaintiff Salek provided Plaintiff Whitfield with assistance, comfort, shelter and clothing at personal, emotional, and financial risk to himself and has sustained monetary and emotional damages.

12. Defendants, in doing the complained of acts, are in violation the Fair Housing Act and acted intentionally, maliciously, and unlawfully to deprive the defendant Whitfield of his home and belongings because he is a person with a disability.

13. The defendants are guilty of willful and wanton acts and careless disregard for the rights and feelings of the plaintiffs.

14. The complained of acts and omissions demonstrate that the Defendants' acted negligently and recklessly in the forceful eviction without due process, of Plaintiff Whitfield. Defendants caused the destruction and loss of Plaintiff Whitfield's property, as well as physical, emotional, and financial harm to the plaintiffs.

15. Plaintiffs have no adequate remedy at law or otherwise for the harm done by Defendants. Plaintiffs have suffered and are continuing to suffer great and irreparable loss and injury, including monetary damages, mental anguish, humiliation, and embarrassment, as a proximate result of the acts and conduct of the defendants herein complained of.

WHEREFORE, Plaintiffs Whitfield and Salek pray that this honorable Court:

A. Declare that plaintiff Whitfield cannot be denied the right to rent an apartment because he is a person with a disability;

B. Issue an injunction permanently restraining and enjoining defendants from refusing to rent to Plaintiff Whitfield because of disability;

C. That pending the final hearing and determination of this cause, issue a temporary restraining order and a preliminary injunction restraining and enjoining defendants, their officers, agents, employees, and all those persons in active concert or participation with them from refusing to rent to Plaintiff.

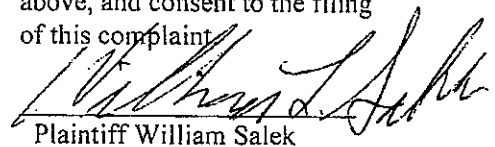
D. Grant Plaintiffs actual damages, punitive damages, reasonable attorney fees, and costs.

E. Grant such additional and further relief as may be just and proper.

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Attorney for Plaintiffs

I have read and understand the  
above, and consent to the filing  
of this complaint.



Plaintiff William Salek

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