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Federal District Court Awards Woman with Disabilities \$350,000 for Violation of Her Civil Rights

Connecticut Fair Housing Center Secures \$350,000 Judgment in Housing Discrimination Case

A U.S. District Court judge for the District of Connecticut awarded a Dayville woman nearly \$350,000 in damages and attorneys' fees for the violation of her civil rights and for unfair trade practices. The award includes punitive damages of \$150,000 against the defendants for their egregious conduct and to deter other landlords from violating fair housing laws. The plaintiff is represented by the Connecticut Fair Housing Center and the law firms of Bingham McCutchen LLP and Bracewell & Guiliani LLP.

“One rarely sees a fair housing case where a reasonable accommodation is turned on its head and used as the basis for a retaliatory eviction,” wrote Judge Magistrate Holly Fitzsimmons, in ordering the defendants to pay \$150,000 in punitive damages. “But that is exactly what the defendants did and it warrants punitive damages.”

The plaintiff, Donna Parris, lives in a mobile-home park in Dayville, Connecticut. She relies on the assistance of a live-in aide to help her with her disabilities. Her problems at the park began when her septic system began to chronically fail – sometimes filling her tub and sink with raw sewage – more than a dozen times in two years. When Ms. Parris requested that the park owners properly maintain the septic system, they instead demanded that she take responsibility for it or they would evict her because she had a live-in aide. When Ms. Parris stood her ground, the park owners filed an eviction.

“Not only did the defendants know Ms. Parris' live-in aide was medically necessary, but they chose to use that information against her,” noted Judge Fitzsimmons in her ruling.

Ms. Parris complained to the State Department of Consumer Protection and the State Department of Health before contacting the Connecticut Fair Housing Center, where attorneys Greg Kirschner and Timothy Bennett-Smyth investigated the case and agreed to represent Ms. Parris. The law firms of Bingham McCutchen and Bracewell & Guiliani joined the Center as *pro bono* trial counsel.

“Unfortunately, Ms. Parris’ story is not unique,” said Bennett-Smyth. “The Center frequently encounters denials of reasonable accommodations coupled with eviction proceedings. We continue to encounter landlords who do not respect the fair housing rights of persons with disabilities.

“We hope this strong statement by the Court will put all housing providers on notice of the importance of complying with the Fair Housing Act. If you are a landlord, it’s the right thing to do and the smart thing to do.”

The Center filed a federal lawsuit on behalf of Ms. Parris alleging that the park owners had violated her civil rights and engaged in unfair trade practices. The Court agreed. It ordered the defendants to stop harassing Ms. Parris and respect her right to have a live-in aide as a reasonable accommodation of her disability. It also found that the combination of the retaliatory eviction and the ongoing septic issues caused Ms. Parris significant physical and emotional suffering and other losses and awarded her \$112,000 in compensatory damages. The Court also found that the defendants’ attempts to use Ms. Parris’ need for a live-in aide as leverage to shift their financial obligations onto her to be reprehensible and outrageous.

“When I purchased my home, I thought it was perfect: two bedrooms, two full size baths and my first grandchild on the way. Two years later I became very ill, had two major surgeries, and became disabled. When this happened, I needed a live-in aide. That’s when the struggle with the park owners began. After contacting the Departments of Public Health and Consumer Protection, who provided no help, I was referred to Connecticut Fair Housing Center. When I explained to Attorney Bennett-Smyth that I was being evicted for having a medically necessary live-in aide and the problems with the septic, he immediately scheduled a meeting. The eviction was stopped, but the problems continued. The park owners ignored the fact that the septic needed to be replaced, and I continued to get sick every time it overflowed. I am so thankful that Connecticut Fair Housing continued to stand up for my rights,” said Ms. Parris after hearing the decision.

Bingham partner Ben Krowicki noted, “This case was a tremendous team effort and demonstrates Bingham’s commitment to pro bono and to the community. We’re thrilled to be part of the exceptional work the Center and its lawyers have done.” The Center’s legal director, Greg Kirschner, added, “The Center relies on the private bar’s commitment to pro bono work to further its mission of ensuring all of Connecticut’s citizens have access to housing of their choice free from discrimination. We cannot overstate the value added to our efforts in this case by Bingham McCutchen and Bracewell & Giuliani.”

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About the Legal Team

Ms. Parris was represented at trial by the Fair Housing Center’s staff attorney Timothy Bennett-Smyth and by Michael Coolican, formerly an associate at Bingham McCutchen LLP and currently an associate at Bracewell Guiliani LLP. Trial preparation was supervised by the Fair Housing Center’s legal director, Greg Kirschner, and by Bingham partner Ben Krowicki.

About the Connecticut Fair Housing Center The Connecticut Fair Housing Center is a statewide nonprofit fair housing organization dedicated to ensuring that all people, and principally those with scarce financial resources, have equal access to housing opportunities in Connecticut. We are located on the web at www.ctfairhousing.org.