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**FEDERAL JUDGE ORDERS MARION COUNTY LANDLORD
TO PAY OVER \$200,000 IN FAIR HOUSING LAWSUIT**

INDIANAPOLIS – Today, the Fair Housing Center of Central Indiana (FHCCI) announces a ruling in a fair housing case addressing disability and familial status discrimination by an Indianapolis landlord. The FHCCI and Carolyn McGuffin, represented by attorneys from Indiana Disability Rights and Brancart & Brancart, previously filed a lawsuit against Carolyn Smitley and the Smitley Family Trust in April 2016 alleging that the Defendants discriminated against Ms. McGuffin in violation of the federal Fair Housing Act. Last week, on July 3, 2018, Judge William T. Lawrence in the United States District Court for the Southern District of Indiana entered judgment requiring the Defendants to pay \$219,747.75 as a result of the discrimination.

The lawsuit alleged that around August 2015, Ms. McGuffin was recovering from an illness under a physician’s care while living in an apartment owned and managed by Ms. Smitley. Ms. Smitley repeatedly entered Ms. McGuffin’s apartment without notice or permission for the sole purpose of demanding that Ms. McGuffin vacate her home. Ms. Smitley made explicit discriminatory statements to Ms. McGuffin, such as: “I don’t want you living here in a hospital bed”; that Ms. McGuffin should be “in a facility” or “in a nursing home” and that she was “too sick to live here.”

Ms. Smitley also attempted to obtain Ms. McGuffin’s medical provider contact information to attempt to convince the provider to send Ms. McGuffin to a nursing home. In September 2015, Ms. Smitley refused to accept Ms. McGuffin’s rent and then filed an eviction action against Ms. McGuffin, citing “nonpayment of rent/living conditions/refusal to leave” as the grounds for eviction. During an investigation into these allegations, the FHCCI also found a large “Adults Only” sign on the exterior of the building, indicating that families with children were not welcome which discriminates on the basis of familial status under the federal Fair Housing Act.

“I desperately wish Ms. McGuffin was alive today to know that she won in this difficult fight for her fair housing rights,” stated Amy Nelson, Executive Director of the Fair Housing Center of Central Indiana. “Having worked with her for several months, I know the stress she endured due to these discriminatory acts that further emphasized the problem for so many in our community in finding safe, affordable, accessible housing free from unlawful discrimination.”

In addition to compensatory damages to the FHCCI and Ms. McGuffin's estate, Judge Lawrence found that punitive damages were appropriate as "[t]he evidence presented at the hearing established that the Defendants consciously and intentionally discriminated against [Ms.] McGuffin or, at a minimum, acted with reckless disregard of [Ms.] McGuffin's rights."

"I am extremely pleased that Judge Lawrence not only recognized the damage caused by Ms. Smitley's actions but also chose to award punitive damages in this case," states Dawn Adams, Executive Director of Indiana Disability Rights. "This landlord preyed upon our client through her intimidation and bullying tactics. Ms. McGuffin was in dire fear of being thrown out on the streets, a stressful situation for anyone let alone for someone with serious health concerns. We are grateful to have partnered with FHCCI on this issue so that we could work together for justice."

The Plaintiffs were represented by attorneys Thomas E. Crishon and Melissa L. Keyes of Indiana Disability Rights and Christopher Brancart of Brancart & Brancart. A copy of the ruling can be found on the [FHCCI's News Page](#). Additional information on the case, including the previously filed complaint, can be found on the [FHCCI's Advocacy Page](#).

The Fair Housing Center of Central Indiana (FHCCI) is a private, non-profit fair housing organization founded in 2011 and based in Indianapolis, Indiana. Its mission is to ensure equal housing opportunities by eliminating housing discrimination through advocacy, enforcement, education and outreach. For more information, visit: www.fhcci.org

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