

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

FAIR HOUSING CENTER OF
CENTRAL INDIANA, INC. AND
MEREDITH FORTNER,

Plaintiffs

v.

PINNACLE PROPERTIES
DEVELOPMENT GROUP, LLC,

Defendant.

NO. 4:16-cv-00195-RLY-DML

CONSENT DECREE AND FINAL ORDER

This action was brought by plaintiffs alleging that defendant violated the Fair Housing Act, 42 U.S.C. § 3601 *et seq.* and related state law by discriminating on the basis of familial status in connection with the ownership and operation of residential rental properties in Clark County, Indiana. Defendant has denied all material allegations in the action.

Plaintiffs and defendant have agreed that in order to avoid further litigation, the controversy should be fully resolved without trial or adjudication on the merits, and therefore have consented to the entry of this decree and order fully resolving this action. By entering into this consent decree and order (“order”), defendant

makes no admission of liability or wrongdoing in connection with the allegations and claims made by plaintiffs and expressly denies any liability or wrongdoing.

It is hereby ordered that:

MONETARY TERMS

1. Defendant shall make a monetary payment in the amount of sixty-two thousand five hundred dollars (\$62,500.00) to plaintiffs in the form of a check(s) made payable to the Attorney-Client Trust Account of Brancart & Brancart. The monetary payment to be made by defendant is inclusive of all claims for damages and attorneys' fees and costs to be paid to plaintiffs. Payment shall be made within 14 days of the entry of this order.

DISMISSAL AND RELEASE TERMS

2. Plaintiffs and defendant shall execute mutual waivers and releases indicating that this order constitutes a full and final settlement of any and all claims that they have related to the subject matter of this lawsuit. This action shall be dismissed subject to the terms of this decree.

EQUITABLE TERMS

3. Defendant, its officers, employees, and agents shall comply with the following terms at each residential rental premises that they own or operate:

- a. Abide by all state and federal fair housing laws;

b. Defendant shall adopt and comply with the requirements of the HUD fair housing standard regarding occupancy limitations set forth in the Keating Memo, as published in 63 FR 70256-01 (December 18, 1998).

c. Provide to each applicant and current tenant household a copy of either of two HUD fair housing pamphlet (HUD official form 903.1 or HUD official form 1686-1) available free of charge by calling HUD at (800) 669-9777, or on HUD's website, located at www.hud.gov);

d. If defendant advertises, it shall include a fair housing endorsement such as, "We're a Fair Housing Provider," or words to that effect;

e. Display a fair housing poster (HUD official form 928) in a conspicuous location in a common area, such as the rental office, mail area, or laundry room; and,

f. Defendant shall attend and pay for attending a fair housing training once per year for two years conducted by the Fair Housing Center of Central Indiana, or any other FHIP-qualified fair housing organization, and attended by all owners, managers, assistant managers, and leasing agents at defendant's rental properties who have contact with tenants or prospective tenants.


g. Once each year for the duration of this order defendant shall certify in writing by letter to the Fair Housing Center of Central Indiana that they have complied with the terms of this order in the preceding year.

DURATION AND ENFORCEMENT

4. This order shall be in effect for a period of two years from the date of entry and the court shall retain jurisdiction for the purposes of enforcement. This order will terminate at the end of the two-year period.

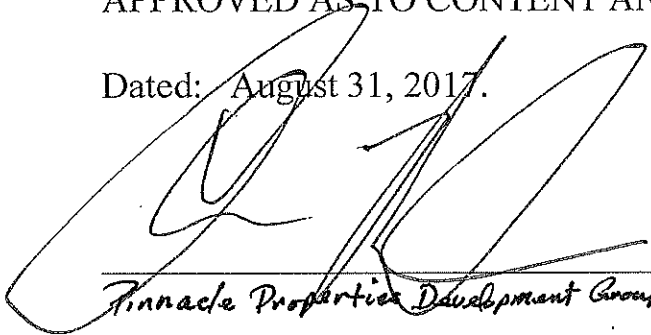
5. The parties shall attempt in good faith to work out any disputes that arise under the terms of this order. Only after good faith attempts have been exhausted will the parties request the assistance of the court in resolving such disputes.

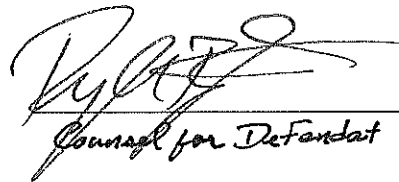
Ordered this 18th day of September, 2017.



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

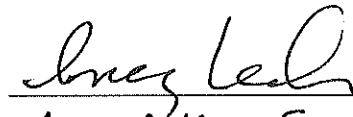
APPROVED AS TO CONTENT AND FORM:

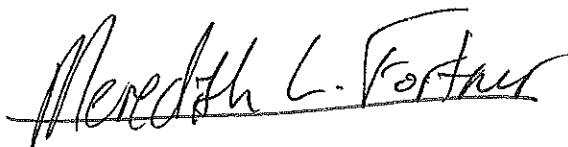
Dated: August 31, 2017.


Finnacle Properties Development Group, LLC


Counsel for Defendant


Christopher Brauman


Amy Nelson, Fair Housing
Center of Central Indiana


Meredith Fortner, IT

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**


**FAIR HOUSING CENTER OF)
CENTRAL INDIANA, INC.)
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 Plaintiffs,)
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**PINNACLE PROPERTIES)
DEVELOPMENT GROUP, LLC,)
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 Defendant.)
_____)****

Case No. 4:16-cv-00195-RLY-DML

**ORDER OF DISMISSAL WITH RESERVATION OF
JURISDICTION FOR ENFORCEMENT ONLY**

Based on the joint motion of the parties, and good cause appearing therefor, IT IS HEREBY ORDERED that this action is dismissed subject to the terms of the consent decree entered concurrently with this order. Pursuant to the consent decree entered on this date, the Court shall retain jurisdiction for purposes of enforcement only for a period of two years from the date of entry of the consent decree. After expiration of that two-year period, the consent decree and the Court’s reservation of jurisdiction shall terminate without the need for any further action by the parties or the Court.

Dated: September 18, 2017.



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana