

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.:** 3:21cv192-SA-JMV

**RUREDY808, LLC;  
FRANK SAVAGE**

**DEFENDANTS**

**COMPLAINT**

The United States of America, for its Complaint against Defendants Ruredy808, LLC and Frank Savage, alleges as follows:

1. This is an action brought by the United States to enforce the Fair Housing Act, 42 U.S.C. § 3601, *et seq.* ("Fair Housing Act").
2. The United States brings this action on behalf of Complainant Robert Martin ("Mr. Martin") pursuant to the Fair Housing Act, 42 U.S.C. § 3612(o).

**JURISDICTION AND VENUE**

3. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3612(o).
4. Venue is proper in this District pursuant to 28 U.S.C. § 1391 and 42 U.S.C. § 3612(o), because the actions and omissions giving rise to the United States' claims occurred in the Northern District of Mississippi.

**PARTIES**

5. Plaintiff is the United States of America.
6. At all times relevant to this action, Defendant Ruredy808, LLC owned residential property at 3001 Old Taylor Road, Oxford, Mississippi ("Subject Property").

7. At all times relevant to this action, Defendant Frank Savage was the principal member of Ruredy808, LLC.

### FACTUAL ALLEGATIONS

8. Mr. Martin has Post Traumatic Stress Disorder and multiple other mental health conditions, all of which substantially limit one or more of his major life activities. His disabilities cause seizures, anxiety attacks, and panic attacks. Mr. Martin is a person with a disability, within the meaning of 42 U.S.C. § 3602(h).

9. As a result of his disability, Mr. Martin has been prescribed and requires a service/emotional support animal, a dog named Slade. Slade is trained to respond to Mr. Martin's seizures by lying on top of his chest or stomach, by alerting nearby individuals when Mr. Martin has a seizure, and by placing himself next to and nudging Mr. Martin with his body or nose when he senses an oncoming anxiety or panic attack. Slade also provides Mr. Martin with emotional support.

10. On July 22, 2019, Mr. Martin and his two roommates, all of whom were enrolled as students at the University of Mississippi, met with the property manager, APM Oxford, LLC, to rent Unit 808 at the Subject Property for the lease term of July 22, 2019 to July 26, 2020. The lease agreement stated that pets were not allowed on the premises. Mr. Martin informed APM of his disabilities and requested to be allowed to have Slade reside with him in the Subject Property. APM Oxford added language to the lease stating that Mr. Martin's service animal would be living in the Subject Property.

11. On July 25, 2019, Clayton Faggert, the owner/broker of APM Oxford, informed Defendant Savage that APM Oxford had rented the Subject Property and that Mr. Martin had a

service/emotional support animal that would be in the unit with him. Defendant Savage told Mr. Faggert to get the animal out and said that he did not care if it was a service animal.

12. On July 25, 2019, Mr. Savage sent an e-mail to APM Oxford stating that Defendants wanted “no pets-service animals or otherwise” in the unit.

13. On July 25, 2019, APM Oxford’s attorney sent Mr. Savage a letter enclosing a copy of the relevant portions of the Fair Housing Act and stating, “It is clear that service/assistance animals are a reasonable accommodation under the Fair Housing Act and that failure to allow service animals is a violation of the Fair Housing Act.” In response, Defendant Savage demanded that APM Oxford direct a list of questions to Mr. Martin to justify the granting of the reasonable accommodation.

14. On August 20, 2019, APM Oxford’s attorney sent a letter to the Defendants’ attorney stating, in part:

After being advised that Mr. Martin suffers from a disability and that he has a service dog that assists him with this disability by responding to and assisting in preventing injury when he suffers from epileptic episodes[,] the determination was made that all information that could be inquired with regard to the ADA had been provided and that further inquiry . . . would subject the property owner to possible legal liability for violation of applicable federal laws . . . .

15. On September 5, 2019, Defendant Savage’s attorney sent correspondence directly to Mr. Martin, asking him to answer numerous questions regarding his disability and his need for the service/emotional assistance dog.

16. Mr. Martin responded via text message and explained that he had a mental disability and that his dog was “trained to react and neutralize a situation due to related known mental illnesses.”



17. On September 7, 2019, Defendant Savage's attorney wrote back to Mr. Martin, saying that the information he had provided did not resolve the matter. The attorney insisted, through a series of text messages, that Mr. Martin attend an in-person meeting in his law office to further discuss his need for a reasonable accommodation.

18. On September 26, 2019, an attorney representing Mr. Martin sent a letter to the Defendants' attorney explaining that Mr. Martin had seizures, which substantially limit a major life activity. The letter explained that Mr. Martin needed to have his dog with him in the Subject Property because the animal was trained to sense the symptoms of a seizure before they occur and intervene by, for example, lying across Mr. Martin's chest or stomach.

19. On October 1, 2019, Defendant Savage informed Mr. Martin that the reasonable accommodation was not appropriate and was a violation of the no-pets policy. Defendant Savage requested that Mr. Martin remove the dog within 48 hours, pay Defendants' attorney's fees, and replace the carpeting.

20. In response to the October 1, 2019 correspondence, Mr. Martin's attorney sent correspondence explaining that Mr. Martin suffers from three different mental health disabilities, and that he has medical records showing his diagnoses. Mr. Martin's attorney explained that his client was sensitive about his medical conditions and did not want to disclose these records, and that he (the attorney) would be available to meet with him.

21. On October 3, 2019, Defendant Savage's attorney sent a Notice of Breach by e-mail to Mr. Martin and his roommates stating that they were in violation of the lease because there was an animal on the premises. The Notice stated that unless they removed the "pet" within 48 hours, paid attorney's fees, and replaced the carpeting, they would be evicted.

22. On October 14, 2019, Defendants Ruredy808, LLC and Savage filed an eviction action against Mr. Martin and his roommates due to Slade's presence at the Subject Property.

23. On October 22, 2019, Mr. Martin's attorney informed the Defendants that he would be filing a Fair Housing Act complaint against them. The correspondence demanded that the Defendants cease all actions against Mr. Martin.

24. On October 23, 2019, after learning of the eviction filing against Mr. Martin, APM Oxford terminated its Management Agreement with the Defendants and ceased managing the Subject Property.

25. On November 11, 2019, Defendants Ruredy808, LLC and Savage voluntarily dismissed the eviction without prejudice.

26. On July 26, 2020, the lease terminated by its own terms and Mr. Martin and his roommates vacated the unit.

27. As a result of Defendants' actions, Mr. Martin suffered damages, including, but not limited to, physical and emotional distress.

#### **HUD ADMINISTRATIVE PROCESS**

28. On January 30, 2020, Mr. Martin timely filed a fair housing complaint with the United States Department of Housing and Urban Development ("HUD"), alleging that the Defendants had discriminated against him on the basis of disability.

29. Pursuant to 42 U.S.C. § 3610, the Secretary of HUD conducted and completed an investigation of the complaint, attempted conciliation without success, and prepared a final investigative report. Based upon the information gathered in the investigation, the Secretary determined that the reasonable cause existed to believe that the Defendants violated the Fair Housing Act. Therefore, on April 27, 2021, the Secretary issued a Charge of Discrimination,

pursuant to 42 U.S.C. §3610(g)(2)(A), charging Defendants with engaging in discriminatory housing practices.

30. On May 13, 2021, Mr. Martin elected to have the claims asserted in the HUD Charge of Discrimination resolved in a civil action pursuant to 42 U.S.C. § 3612(a).

31. On May 3, 2021, an Administrative Law Judge issued a Notice of Election to Proceed in United States Federal District Court and terminated the administrative proceeding on Mr. Martin's complaint.

32. Following this Notice of Election, the Secretary of HUD authorized the Attorney General to commence a civil action, pursuant to 42 U.S.C. § 3612(o).

#### CAUSE OF ACTION

33. Plaintiff realleges and incorporates by reference herein the allegations described above.

34. By the actions and statements described above, Defendants have:

A. Discriminated in the rental, or otherwise made unavailable or denied, a dwelling to a renter because of a disability, in violation of 42 U.S. C. § 3604(f)(1);

B. Discriminated against a person in the terms, conditions, or privileges of rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability, in violation of 42 U.S.C. § 3604(f)(2);

C. Refused to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling in violation of 42 U.S.C. § 3604(f)(3)(B);



D. Made, printed, or published, or caused to be made, printed, or published any notice, statement, or advertisement, with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on disability, or an intention to make any such preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c); and

E. Coerced, intimidated, threatened, or interfered with a person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of rights protected by the Fair Housing Act, in violation of 42 U.S.C. § 3617.

35. Mr. Martin is an “aggrieved person” as defined in 42 U.S.C. § 3602(i), and has suffered damages as a result of Defendants’ discriminatory conduct.

36. Defendants’ discriminatory conduct was intentional, willful, and taken in reckless disregard of the rights of Mr. Martin.

### **REQUEST FOR RELIEF**

WHEREFORE, the United States requests that this Court:

1. Declare that Defendants’ discriminatory housing practices as set forth above violate the Fair Housing Act;

2. Enjoin the Defendants, their officers, employees, agents, successors, and all other persons or corporations in active concert or participation with Defendants, from:

A. Discriminating in the sale or rental, or otherwise making unavailable or denying, a dwelling to any buyer or renter because of disability, in violation of 42 U.S.C. § 3604(f)(1);

- B. Discriminating against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of disability, in violation of 42 U.S.C. § 3604(f)(2);
  - C. Refusing to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling, in violation of 42 U.S.C. § 3604(f)(3)(B);
  - D. Making, printing, or publishing, or causing to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on disability, or an intention to make any such preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c); and
  - E. Coercing, intimidating, threatening, or interfering with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by the Fair Housing Act, in violation of 42 U.S.C. § 3617;
3. Order Defendants to take such actions as may be necessary to restore Mr. Martin, as nearly as practicable, to the position he would have been in but for the discriminatory conduct;



4. Order Defendants to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future and to eliminate, to the extent practicable, the effects of Defendants' unlawful housing practices;
5. Award monetary damages to Mr. Martin pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1); and
6. Order such additional relief as the interests of justice require.

Respectfully submitted,

CLAY JOYNER  
Acting United States Attorney

BY:  JOHN E. GOUGH, JR. (MSB #10351)  
Assistant United States Attorney  
United States Attorney's Office  
Northern District of Mississippi  
900 Jefferson Avenue  
Oxford, MS 38655-3608  
Telephone: (662) 234-3351  
Fax: (662) 234-3318  
Email: [john.gough@usdoj.gov](mailto:john.gough@usdoj.gov)