

Hon. Thomas Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

FAIR HOUSING CENTER OF
WASHINGTON,

Plaintiff,

v.

BREIER-SCHEETZ PROPERTIES, LLC, a
Washington corporation; and FREDERICK
BREIER-SCHEETZ, an individual,

Defendants.

No. 2:16-cv-00922-MAT TSZ

~~PROPOSED~~ PRE-TRIAL ORDER

The parties, by and through their counsel of record, submit the following proposed pre-trial order.

A. Jurisdiction

This Court has subject matter jurisdiction over Plaintiff's claims under the Fair Housing Act under 28 U.S.C. § 1331, 28 U.S.C. § 1343(a)(4), and 42 U.S.C. § 3613(a). The Court has supplemental jurisdiction under 28 U.S.C. § 1367(a) over Plaintiffs state and local law claims because they are so related to claims within the Court's original jurisdiction that they form part of the same case or controversy. The Court has personal jurisdiction over Defendants within the Western District of Washington.

B. Claims and Defenses

The Plaintiff will pursue at trial relief for fair housing violations as follows:

1 1. What amount of economic or general damages is plaintiff entitled to by virtue of
2 Defendants' violation of the Fair Housing Act, Washington Law Against Discrimination, and
3 Seattle Municipal Code?

4 2. What amount of punitive damages is plaintiff entitled to by virtue of Defendants'
5 violation of the Fair Housing Act?

6 3. To the extent that the Court has not yet ruled on Plaintiff's request for injunctive
7 relief at the time of trial, what injunctive relief plaintiff is entitled to by virtue of Defendants'
8 violation of the Fair Housing Act, Washington Law Against Discrimination, and Seattle
9 Municipal Code?

10 The Defendant will pursue at trial the following defense:

11 1. Plaintiff failed to establish defendant's conduct rises to the level sufficient to
12 support punitive damages.

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14 **C. Admitted Facts**

15 The following facts are admitted by the parties as admissible:

16 1. Plaintiff Fair Housing Center of Washington is a non-profit fair housing
17 organization incorporated under the laws of the State of Washington, located in Tacoma,
18 Washington. The FHCW's mission is to identify and eliminate discriminatory housing practices
19 and to ensure equal housing is available to all people, without regard to race, religion, sex,
20 national origin, disability, or familial status. FHCW provides an array of programs and services
21 designed to eliminate housing discrimination through counseling, education, advocacy, research,
22 and enforcement of fair housing laws.

23
24 2. In pursuit of its mission, the FHCW provides fair housing testing services. Since
25 1995, the agency's pool of trained testers has conducted approximately 3,000 rental, sales, and
26 mortgage lending tests in Western and Central Washington. During tests, trained individuals
27 pose as prospective tenants or purchasers to gather information about whether a housing provider

1 is complying with fair housing laws. A pair of testers typically conducts the test: one poses as a
2 member of the protected class, the other represents the control group.

3 3. Breier-Scheetz Properties is incorporated in Washington and does business in the
4 Western District of Washington. Breier-Scheetz Properties has owned and manages multifamily
5 residential properties, and owned and operated the Granada Apartments at 1736 Belmont Avenue
6 in Seattle at all times relevant.
7

8 4. Defendant Frederick Breier-Scheetz is an owner of Breier-Scheetz Properties, is a
9 property manager of The Granada Apartments, and oversees all property managers of Breier-
10 Scheetz Properties.

11 5. The Granada Apartments is a 96-unit apartment building in Seattle, Washington.
12 It contains 60 studio apartments that are at least 400 square feet, plus six larger studios. None of
13 the studios has a designated parking space.
14

15 6. Defendants allow only single persons to rent The Granada's studio apartments.
16 Defendant Frederick Breier-Scheetz developed the restriction over time since the late 1970s.

17 7. At all times relevant to this litigation, Breier-Scheetz Properties and part owner,
18 Defendant Frederick Breier-Scheetz, controlled and directed the actions of their property
19 managers and employees, including Gary and Joanne Huth, and managed and operated the
20 Granada Apartments.
21

22 8. Breier-Scheetz Properties is a Washington corporation which does business in
23 western Washington. Breier-Scheetz owns and operated the Granada Apartments located at
24 1736 Belmont Avenue in Seattle at all times material to this litigation.

25 9. In 2012 and 2013, FHCW performed pair fair housing tests during which Gary
26 and Joanne Huth stated the Granada Apartments enforced a one-person-per-studio policy.
27

1 10. FHCW filed a complaint dated March 4, 2014, against Defendants with the U.S.
2 Department of Housing and Urban Development (“HUD”). The complaint alleged that the
3 Defendants improperly denied or made housing unavailable based on familial status. Through a
4 work-sharing agreement and the Seattle Office for Civil Rights investigated the complaint.
5

6 11. The Court granted Plaintiff’s motion for summary judgment on liability, ruling:
7 “Defendants’ one-person-per studio occupancy restriction at the Granada has a disparate impact
8 on families with children in violation of the Fair Housing Act, Washington Law Against
9 Discrimination, and Seattle Municipal Code.”

10 12. FHCW charges \$700 for fair housing tests. FHCW charges \$700 for fair housing
11 training sessions.

12 13. FHCW quarterly monitoring of prospective tenant inquires will require five hours
13 of FHCW staff time at \$100 per hour.

14 14. Distributing print and video public service advertisements about fair housing and
15 familial status protection in the Seattle area, via a contractor called the Causeway Agency, costs
16 a total of \$4,535.

17 15. FHCW review and revision of occupancy policies requires five hours of FHCW
18 staff time, at \$125 per hour.

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21 **D. The Parties’ Relevant Facts in Dispute**

22 1. The parties disagree about the types and amounts of damages that should be
23 awarded to Plaintiff.

24 **E. Issues of Law**

25 None.
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1 **F. Witnesses**

2 On behalf of Plaintiff, the following live witness will testify:

- 3
- 4 • Lauren Walker Lee, Executive Director of Plaintiff FHCW
5 c/o MacDonald Hoague & Bayless
6 701 Second Ave.
7 Suite 1500
8 Seattle, WA 98117

9 Ms. Walker Lee will testify to the goals, mission, and experience of the FHCW, and the
10 damages that the FHCW has and will incur as a result of Defendants' discriminatory policy and
11 practices.

- 12 • Defendant Frederick Breier-Scheetz
13 C/o George T. Hunter, WSBA # 14388
14 5900 48th Ave S
15 Seattle, WA 98118

16 As needed, Plaintiff may call Defendant Frederick Breier-Scheetz to testify about his
17 occupancy restrictions limiting the Granada studio apartments to single tenants and excluding
18 families with children, and information relating to damages including the net worth of
19 Defendants.

20 On behalf of Defendant, the following live witness may testify:

- 21 • Defendant Frederick Breier-Scheetz
22 C/o George T. Hunter, WSBA # 14388
23 5900 48th Ave S
24 Seattle, WA 98118

25 Mr. Scheetz may testify regarding applicable occupancy policies.

26 **G. Plaintiff's Proposed Trial Exhibits**

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Exhibit No	Title	Authenticity & Admissibility Disputed	Authenticity Stipulated; Admissibility Disputed	Admissibility Stipulated
1.	Log Of Investigative Tasks			X

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Exhibit No	Title	Authenticity & Admissibility Disputed	Authenticity Stipulated; Admissibility Disputed	Admissibility Stipulated
2.	FHCW Private Testing Contract			X
3.	FHCW 2016 Annual Report			X
4.	FHCW 2015 Annual Report			X
5.	FHCW Brochure			X
6.	FHCW Investigative Expenses Chart			X
7.	FHCW Proposed Remediation Expenses Chart			X
8.	King County Assessor's Property Detail: Corinthian Apartments			X
9.	King County Assessor's Property Detail: Granada Apartments			X
10.	King County Assessor's Property Detail: Hillsborough Condominiums			X
11.	King County Assessor's Property Detail: Howell duplex			X
12.	King County Assessor's Property Detail: Howell duplex II			X
13.	King County Assessor's Property Detail: Lenawee Apartments			X
14.	King County Assessor's Property Detail: Mission Inn Apartments			X
15.	King County Assessor's Property Detail: New McDermott Apartments			X
16.	King County Assessor's Property Detail: Second & Pine Apartments			X
17.	King County Assessor's Property Detail: Terrace Crest Apartments			X
18.	King County Assessor's Property Detail: Town & Country Apartments I			X
19.	King County Assessor's Property Detail: Town & Country Apartments II			X
20.	King County Assessor's Property Detail: Howell Parking			X

Exhibit No	Title	Authenticity & Admissibility Disputed	Authenticity Stipulated; Admissibility Disputed	Admissibility Stipulated
21.	King County Assessor's Property Detail: 125 th Property			X
22.	King County Assessor's Property Detail: Federal Ave. Property			X
23.	Whatcom County Assessor's Property Detail: Bellingham property			X

H. Defendants' Proposed Trial Exhibits

Exhibit No	Title	Authenticity & Admissibility Disputed	Authenticity Stipulated; Admissibility Disputed	Admissibility Stipulated
50.	Apartment rental agreement			X
51.	Application for apartment rental			X

I. Designation of Deposition Testimony

Plaintiff has attached Esmeralda Valenzuela deposition transcripts containing highlighted designations of testimony to be offered.

By: s/Jesse Wing
 Jesse Wing, WSBA #27751
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 Angela C. Galloway, WSBA #45330
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 MacDONALD HOAGUE & BAYLESS
 Attorneys for Plaintiff

By: s/ George T. Hunter
 George T. Hunter, WSBA #14388
Gthunter7700@gmail.com
 Attorney for Defendants

DATED this 1st day of September, 2017.


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ORDER

IT IS SO ORDERED.

DATED this 02 day of September, 2017.



Thomas S. Zilly
United States District Judge