

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOHN DOE)	
)	Case Number:
)	
v.)	Judge:
)	
)	Magistrate Judge:
)	
THE LAMBS FARM, Inc.)	
Defendant.)	<u>Jury Trial Demanded</u>

Introduction

Plaintiff John Doe brings this action to obtain redress for Defendant's violations of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794; Section 804 of the Fair Housing Amendments Act, 42 U.S.C. Sec. 3604; and Title III of the Americans with Disabilities Act, 42 U.S.C. Sec. 12182. Doe is an adult with a developmental disability who sought admission to the residential facility and to the vocational services of Defendant, The Lambs Farm, Inc., (hereinafter "Lambs Farm"), and who is in all respects eligible for and qualified to receive such services. He initially received a positive response to his application, but when Lambs Farm learned that Doe was HIV positive, for that reason, and that reason alone, Lambs Farm terminated the application process and rejected his application. Lambs Farm's rejection of Doe was based upon unfounded fears and stereotypes regarding persons with HIV and violates federal law. Plaintiff seeks an injunction from this court ordering Lambs Farm to admit him to its residential program as well as its vocational services. He also seeks compensatory damages, punitive damages, attorneys fees, and other appropriate injunctive relief.

Jurisdiction

1. This Court has jurisdiction pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794(a); 42 U.S.C. Sec. 3613; 28 U.S.C. Sec. 1331; and 28 U.S.C. Sec. 1343.

Venue

2. Venue is proper in this district because violations of the above-referenced laws have taken place and continue to take place in the Northern District of Illinois, the impact of the violations on Mr. Doe will continue to occur in the Northern District of Illinois, and Defendant is located in the Northern District of Illinois.

Parties

3. Plaintiff John Doe currently resides in northern Illinois.

4. At all times relevant to this case, Plaintiff Doe has had a disability within the meaning of the ADA and the Rehabilitation Act, and a handicap within the meaning of the Fair Housing Amendments Act, in that he has had an impairment, HIV, that substantially limits him in one or more major life activities, including reproduction.

5. At all times relevant to this case, Plaintiff Doe has had a record of a disability, HIV, within the meaning of the ADA and the Rehabilitation Act, and a record of a handicap, HIV, within the meaning of the Fair Housing Amendments Act, in that Plaintiff was diagnosed with an impairment, and a record was made of that impairment, HIV, that substantially limits him in one or more major life activities, including reproduction.

6. At all times relevant to this case, Defendant has regarded Plaintiff Doe as having a disability within the meaning of the ADA and the Rehabilitation Act, and a handicap within the meaning of the Fair Housing Amendments Act, in that Defendant has regarded Plaintiff as having

an impairment, HIV, that substantially interferes with one or more major life activities, including interacting with others and reproduction.

7. At all times relevant to this case, Plaintiff Doe has been qualified for placement in Lambs Farm's residential program and for receipt of its services in that he has a developmental disability and meets the other lawful criteria for admission to Lambs Farm.

8. Defendant Lambs Farm is a non-profit corporation that provides housing and other services, including vocational services, to individuals with developmental disabilities, and whose principal place of business is located at 14245 W. Rockland Road, Libertyville, Illinois 60048.

9. Upon information and belief, Lambs Farm receives federal financial assistance and is a program or activity within the meaning of the Rehabilitation Act.

10. Lambs Farm's vocational and housing services are a public accommodation subject to the provisions of the Rehabilitation Act and the ADA.

11. Lambs Farm residential facilities are subject to the requirements of the federal Fair Housing Act.

Facts

12. On or about the fall of 2004, Plaintiff made application to Lambs Farm's vocational and residential programs.

13. In the spring of 2005, Plaintiff was tentatively accepted by Lambs Farm for participation in programs and receipt of its services, pending funding approvals and other information.

14. Plaintiff has a diagnosis of Human Immunodeficiency Virus (HIV).

15. On or about mid-June, 2005, at Lambs Farm's request, PACT Community Services, Inc. ("PACT"), a social service agency that was assisting Plaintiff in securing services, provided

information about Plaintiff to Lambs Farm, which included a reference to Plaintiff's HIV status.

16. Because of Plaintiff's HIV status, Defendant terminated the application process for Plaintiff and refused further consideration of his application.

17. Following its review of the information provided to it by PACT, on or about June 21, 2005, Lambs Farm management advised PACT that Plaintiff would not be admitted to its programs due to his HIV status.

18. Lambs Farm board chairman later confirmed in writing that Plaintiff could not be admitted to either the residential or vocational programs of Lambs Farm due to his "communicable disease," HIV.

19. Plaintiff has suffered humiliation, fear, pain and anguish as a result of Defendant's refusal to admit him to Lambs Farm's programs. The Defendant's continued refusal to provide plaintiff with a supervised and safe place to reside as he transitions to independence following the death of his parents has continued to cause him such distress as well as anxiety. Plaintiff will continue to suffer if he is not granted relief in this case.

COUNT I
Violation Of the Rehabilitation Act

20. Plaintiff re-alleges and incorporates by reference paragraphs 1-19 of this Complaint.

21. Pursuant to the Rehabilitation Act, it is unlawful to discriminate against a qualified individual with a disability in the rights and privileges of a public accommodation.

22. Lambs Farm is a program or activity within the meaning of the Rehabilitation Act.

23. At all times relevant to this Complaint, Defendant had knowledge of Plaintiff's disability, HIV, and his record of disability, and regarded Plaintiff as having a disability.

24. Based on Plaintiff's disability, without conducting an individualized assessment or consulting with experts in the field of HIV risk and transmission, Defendant, without basis,

erroneously concluded that Plaintiff posed a safety risk and denied him admission to its vocational and residential programs.

25. Defendant, by virtue of the conduct described herein, discriminated against Plaintiff because of his disability, HIV, in violation of Section 504 of the Rehabilitation Act of 1973.

26. As a result of Defendant's unlawful conduct, Plaintiff has suffered economic loss, the loss of companionship, needed supervision and structure, pain, suffering, fear, humiliation, embarrassment, severe emotional distress, and other injuries.

WHEREFORE, Plaintiff asks for the following relief:

- A. A declaratory judgment that the Defendant has discriminated against Plaintiff by denying him admission to Lambs Farms programs and services in violation of Section 504 of the Rehabilitation Act of 1973; and
- B. An order requiring Lambs Farm to admit Plaintiff to its residential and vocational programs, with appropriate accommodations as necessary;
- C. Compensatory damages; and
- D. Attorneys fees and costs; and
- E. Such other relief as the Court deems just and proper.

COUNT II
Violation Of Title III of the ADA

27. Plaintiff re-alleges and incorporates by reference paragraphs 1-26 of this Complaint.

28. Title III of the ADA provides:

No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any private entity who owns, leases (or leases to), or operates a place of public accommodation. 42 U.S.C Sec.12182.

29. Defendant, by virtue of the conduct described herein, discriminated against Plaintiff because of his disability in violation of Title III of the ADA.

30. As a result of Defendant's unlawful conduct, Plaintiff has suffered economic loss, the loss of companionship, needed supervision and structure, pain, suffering, fear, humiliation, embarrassment, severe emotional distress, and other injuries.

WHEREFORE, Plaintiff demands the following relief:

- A. A declaratory judgment that the Defendant Lambs Farm discriminated against Plaintiff in violation of the Title III of the ADA by denying him admission to the residential and vocational programs of Lambs Farm;
- B. An order requiring Lambs Farm to admit Plaintiff to its residential and vocational programs, with such reasonable modifications of policies, practices or procedures as may be necessary and appropriate.
- C. Attorneys fees and costs; and
- D. Such other relief as the Court deems just and proper.

COUNT III
Violation of the Fair Housing Amendments Act

31. Plaintiff re-alleges and incorporates by reference paragraphs 1-30 of this Complaint.

32. It is a violation of Section 804 of the Fair Housing Amendments Act to discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with such a dwelling, because of the handicap of that person.

33. Defendant operates a facility and services in connection with a dwelling within the meaning of section 802 of the Fair Housing Amendments Act, 42 U.S.C. Sec. 3602 (b);

34. At all times relevant to this Complaint, Plaintiff has been qualified for admission to the residential facility operated by Defendant.

35. Defendant's refusal to admit Plaintiff to its residential facility because of his handicap was a violation of Section 804 of the Fair Housing Amendments Act and its continued refusal to admit him for that reason constitutes a continuing violation of that Act.

36. As a result of Defendant's unlawful conduct, Plaintiff has suffered economic loss, the loss of companionship, needed supervision and structure, pain, suffering, fear, humiliation, embarrassment, severe emotional distress, and other injuries.

WHEREFORE, Plaintiff demands the following relief:

- A. Declaratory judgment that the Defendant has denied Plaintiff admission to Lambs Farm's residential facility in violation of Section 804 of the Fair Housing Amendments Act;
- B. An order requiring Lambs Farm to admit Plaintiff to its residential facility, with such reasonable accommodations as may be necessary and appropriate;
- C. Compensatory and Punitive Damages;
- D. Attorneys fees and costs; and
- E. Such other relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED,

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