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**U.S. Magistrate Judge**

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**KAREN AND DOUGLAS MIYAMOTO,**

Defendants.

**Case No. 0:22-cv-00070-SWS**

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**COMPLAINT**

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The United States of America alleges as follows:

### **NATURE OF THE ACTION**

1. This action is brought by the United States to enforce Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (“Fair Housing Act”), 42 U.S.C. §§ 3601-3631. It is brought on behalf of Complainant Paulina Gurevich (“Complainant”), pursuant to 42 U.S.C. § 3612(o).

### **JURISDICTION AND VENUE**

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1345, and 42 U.S.C. § 3612(o).

3. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the United States’ claims occurred there.

### **PARTIES**

4. Plaintiff is the United States of America.

5. Complainant Paulina Gurevich has disabilities within the meaning of 42 U.S.C. § 3602(h).<sup>1</sup> Specifically, Ms. Gurevich has depression, an anxiety disorder and experiences crippling panic attacks which substantially limit one or more of her major life activities including her ability to care for herself, interact with others, and communicate. She has sought and received counseling and treatment from a licensed psychologist for her disabilities.

6. Ms. Gurevich has an assistance animal which helps mitigate the symptoms of her disabilities.<sup>2</sup>

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<sup>1</sup> The Fair Housing Act uses the term “handicap,” see 42 U.S.C. § 3602(h), but consistently with modern usage, the government uses the term “disability” in this Complaint, and such usage is intended to cover the term “handicap” as used in the Act.

<sup>2</sup> Assistance animal are also commonly referred to by the public as “emotional support animals”.

7. At all times relevant to this Complaint, Defendants Karen and Douglas Miyamoto owned the residential rental property located at 1014 Flint Street, Laramie, Wyoming 82072 (the “subject property”). Defendant Karen Miyamoto manages the subject property.

8. The subject property is a dwelling, as defined by 42 U.S.C. § 3602(b).

### **FACTS**

9. On June 4, 2020, Ms. Gurevich viewed an advertisement posted by Defendants on Trulia.com for the rental of a two-bedroom unit located at the subject property.

10. The advertisement stated that the subject property was located one block from the University of Wyoming campus. The advertisement stated “no pets” were allowed.

11. Ms. Gurevich contacted Defendant Karen Miyamoto on June 4, 2020, to request a tour of the unit.

12. That same day, Ms. Gurevich and Defendant Karen Miyamoto met at the subject property and completed the tour. Ms. Gurevich expressed her interest in renting the unit. She also informed Defendant Karen Miyamoto that she owns a dog that serves as her emotional support animal.

13. Defendant Karen Miyamoto stated that the ad for the subject property said, “no pets.” Ms. Gurevich responded that her dog was not a pet, but an emotional support animal.

14. Defendant Karen Miyamoto asked whether the dog was a service animal. Ms. Gurevich responded that her dog was not a service animal but an emotional support animal.

15. Defendant Karen Miyamoto asked Ms. Gurevich, “What is the dog for?”

16. Ms. Gurevich refused to explain her disability but offered to provide a letter from her healthcare provider verifying her disability status and disability-related need for an emotional support animal.

17. Ms. Gurevich and Defendant Karen Miyamoto then discussed the requirements of state and federal disability laws. Defendant Karen Miyamoto did not offer Ms. Gurevich an application. Ms. Gurevich then left the subject property without discussing rental qualifications or submitting to Defendants an application to rent the subject property.

18. Shortly after leaving the subject property, Ms. Gurevich sent a text message from her cellphone to Defendant Karen Miyamoto, asking her to “reiterate why [she] denied [Ms. Gurevich] the apartment.” Defendant Karen Miyamoto replied that “[u]nder the ADA and Wyoming law, owners of public accommodations are **not required to allow emotional support animals**, only service animals. These laws also don’t apply to pets.” (emphasis added).

#### **HUD ADMINISTRATIVE PROCESS**

19. On September 14, 2020, Ms. Gurevich filed a timely complaint of housing discrimination with the United States Department of Housing and Urban Development (“HUD”), pursuant to 42 U.S.C. § 3610(a), naming Defendants Karen and Douglas as respondents.

20. 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 on the information gathered in the investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(1), determined that reasonable cause existed to believe that Defendants violated the Fair Housing Act. Accordingly, on June 11, 2021, the Secretary issued a Charge of Discrimination, pursuant to 42 U.S.C. § 3610(g)(2)(A).

21. On June 25, 2021, Ms. Gurevich elected to have these charges resolved in a federal civil action, pursuant to 42 U.S.C. § 3612(a). On June 30, 2021, an Administrative Law Judge dismissed the administrative proceeding from the docket pursuant to Ms. Gurevich’s timely election.

22. The Secretary of HUD subsequently authorized the Attorney General to file this action on behalf of Ms. Gurevich, pursuant to 42 U.S.C. § 3612(o).

23. Beginning on July 26, 2021, the United States and the Defendants have agreed to toll the expiration of any statute of limitations in this action up to and including March 24, 2022.

### **FIRST CLAIM FOR RELIEF**

24. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 23, above.

25. By the actions and statements referred to in the foregoing paragraphs, Defendants have:

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

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

26. As a result of Defendants' conduct, Ms. Gurevich has been injured, suffered damages, and is an "aggrieved persons" within the meaning of 42 U.S.C. § 3602(i).

### **PRAYER FOR RELIEF**

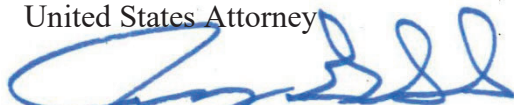
WHEREFORE, the United States requests relief as follows:

1. A declaration that the Defendants' actions, policies and practices, as alleged herein, violate the Fair Housing Act;
2. A declaration that the discriminatory conduct of Defendants as set forth above violates the Fair Housing Act;

3. An injunction against Defendants, their agents, employees, successors, and all other persons in active concert or participation with any of them from:
  - a. Discriminating on the basis of disability, in violation of the Fair Housing Act;
  - b. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, Ms. Gurevich to the position she would have been in but for the discriminatory conduct; and
  - c. Failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future.
4. An award of monetary damages to Ms. Gurevich pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1).
5. The United States further requests such additional relief as the interests of justice may require.

Dated: March 24, 2022

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Respectfully submitted,

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