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15 **UNITED STATES DISTRICT COURT**
 16 **EASTERN DISTRICT OF CALIFORNIA**

18 UNITED STATES OF AMERICA,)	Case No:
19 Plaintiff,)	
20 vs.)	COMPLAINT
21)	
22 JOEL LYNN NOLEN; SHIRLEE NOLEN; and 23 NOLEN PROPERTIES, LLC.)	<i>Demand for Jury Trial</i>
24 Defendants.)	
25 _____)		

1 The United States of America (the “United States”) alleges as follows:

2 1. The United States brings this action to enforce the provisions of Title VIII of the
3 Civil Rights Act of 1968, as amended, 42 U.S.C. §§ 3601–3631 (the “Fair Housing Act”).

4 **JURISDICTION AND VENUE**

5 2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345 and
6 42 U.S.C. § 3614(a).

7 3. Venue is proper in this district under 28 U.S.C. § 1391(b) because the actions and
8 omissions giving rise to the United States’ claims occurred in the Eastern District of California,
9 and the Defendants reside and do business in the Eastern District of California.

10 **DEFENDANTS AND SUBJECT PROPERTIES**

11 4. Defendant Joel Lynn Nolen (“Defendant Joel Nolen”) and Defendant Shirlee
12 Nolen, husband and wife, are residents of Tracy, California. They also maintain a residence near
13 Eagle Lake in Susanville, California.

14 5. During part or all of the period of time relevant to this action, Defendant Nolen
15 Properties, LLC, was a limited liability company with a principal place of business at 510-425
16 Stones Road, Susanville, California 96130. The company dissolved on December 23, 2015.

17 6. During part or all of the period of time relevant to this action, Defendant Joel
18 Nolen owned and managed at least sixty residential rental properties in Lassen County,
19 California (the “subject properties”), as well as rental properties in San Joaquin County,
20 California. The subject properties include single-family homes, apartments, duplexes, a mobile
21 home park, mobile home lot spaces, and mobile homes.

22 7. The subject properties include, but are not limited to, the following locations in
23 California: the real estate and mobile homes located within the Sleepy Hollow Mobile Home
24 Park located at 2000 Ash Street in Susanville, 525 Wildwood Way in Susanville, 463-970 Main
25 Street in Janesville, 464-390 South Church Street in Janesville, and 609 Juniper Street in
26 Susanville.

27 8. The subject properties are “[d]welling[s]” within the meaning of the Fair Housing
28 Act, 42 U.S.C. § 3602(b).

- c. Refusing to provide needed maintenance services or otherwise taking adverse housing actions, or threatening to take such actions, against female tenants who objected to his unwelcome sexual harassment or who refused to engage in sexual acts with him;
- d. Subjecting female tenants to unwelcome sexual acts, including intercourse and oral sex;
- e. Subjecting female tenants to unwelcome touching and groping, including touching their breasts and buttocks;
- f. Making unwelcome sexual advances or unwelcome sexual comments, including invitations to engage in or provide sexual acts, to female tenants;
- g. Menacing female tenants by entering their homes without their permission and with no apparent legitimate reason to do so;
- h. Attempting to kiss female tenants;
- i. Soliciting nude photographs or photographs of intimate body parts of female tenants; and
- j. Taking adverse housing actions, such as refusing to rent, delaying or refusing to make repairs, serving eviction notices, or initiating eviction proceedings, against female tenants who rejected his sexual advances.

15. For example, in 2019, Defendant Joel Nolen took a female tenant of 609 Juniper Street in Susanville to an empty rental unit where he engaged in unwelcome sexual contact, including digitally penetrating her vagina with his fingers. Another day, he took her to an empty rental unit where he engaged in unwelcome intercourse and oral sex. Within the next day or two, he initiated an unlawful detainer action against the tenant's household.

16. In another example, from 2018 to 2019, Defendant Joel Nolen touched the buttocks and breast of a female tenant of 2000 Ash Street in Susanville. He offered to reduce her rent in exchange for sexual acts. He frequently made lewd, suggestive, and sexual comments to her. He invited her to accompany him to his house near Eagle Lake in Susanville, and to

1 accompany him on an overnight trip, for the purpose of engaging in sexual activity. All of this
2 conduct was unwelcome.

3 17. In another example, in 2012, Defendant Joel Nolen sought sexual acts from a
4 female tenant of 525 Wildwood Way in Susanville in exchange for unpaid rent. She refused. He
5 then showed up unexpectedly when she was cleaning one of his rental properties for money to
6 pay the late rent. He told her that he could forgive the late rent, then pinned her body against the
7 wall with his and attempted to kiss her. She pushed him away and refused him again. After that,
8 he threatened to evict her and then initiated an unlawful detainer action.

9 18. The experiences of the tenants described in paragraphs 15–17 were not the only
10 instances of Defendant Joel Nolen’s sexual harassment of female tenants. Rather, they were part
11 of his pattern or practice of illegal sexual harassment of multiple tenants from at least 2011 to the
12 present.

13 19. Defendant Joel Nolen’s conduct described in this complaint caused female tenants
14 and persons associated with them to suffer fear, anxiety, and emotional distress, and interfered
15 with their ability to secure and maintain rental housing for themselves and their families.

16 20. Defendant Joel Nolen’s discriminatory conduct described above that occurred at
17 subject properties co-owned by Defendant Shirlee Nolen occurred while he was exercising his
18 authority as an agent for Defendant Shirlee Nolen. She is therefore vicariously liable for
19 Defendant Joel Nolen’s conduct, regardless of whether she knew or should have known of it.

20 21. Defendant Joel Nolen’s discriminatory conduct described above that occurred at
21 subject properties owned or co-owned by Defendant Nolen Properties, LLC occurred while he
22 was exercising his authority as an agent for Defendant Nolen Properties, LLC. It is therefore
23 vicariously liable for Defendant Joel Nolen’s conduct.

24 **CAUSE OF ACTION**

25 **FAIR HOUSING ACT**

26 22. The allegations above are incorporated herein by reference.

27 23. By the actions and statements described above, the Defendants have:
28

- a. Refused to rent or negotiate for the rental of, or otherwise made unavailable or denied, dwellings to persons because of sex, in violation of 42 U.S.C. § 3604(a);
- b. Discriminated in the terms, conditions, or privileges of the rental of dwellings, or in the provision of services or facilities in connection therewith, because of sex, in violation of 42 U.S.C. § 3604(b);
- c. Made statements with respect to the rental of dwellings that indicate a preference, limitation, or discrimination based on sex, in violation of 42 U.S.C. § 3604(c); and
- d. Coerced, intimidated, threatened, or interfered with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights granted or protected by the Fair Housing Act, in violation of 42 U.S.C. § 3617.

24. Under 42 U.S.C. § 3614(a), the Defendants' conduct as described above constitutes:

- a. A pattern or practice of resistance to the full enjoyment of the rights granted by the Fair Housing Act, and
- b. A denial of rights granted by the Fair Housing Act to a group of persons, which denial raises an issue of general public importance.

25. Defendant Joel Nolen's discriminatory conduct has harmed tenants and persons associated with them. These persons are "[aggrieved person[s]]" as defined in 42 U.S.C. § 3602(i), and have suffered damages as a result of the Defendants' conduct.

26. Defendant Joel Nolen's conduct was intentional, willful, or taken in reckless disregard of the rights of others.

PRAYER FOR RELIEF

WHEREFORE, the United States requests that the Court enter an Order that:

- a. Declares that the Defendants' discriminatory practices violate the Fair Housing Act;
- b. Enjoins the Defendants, their agents, employees, successors, and all other persons or entities in active concert or participation with them from:

- i. Discriminating on the basis of sex, including engaging in sexual harassment, in any aspect of the sale or rental of a dwelling;
 - ii. Discriminating on the basis of sex in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection therewith;
 - iii. Making statements with respect to the sale or rental of a dwelling that indicate a preference, limitation, or discrimination based on sex;
 - iv. Coercing, intimidating, threatening, interfering with, or threatening to take any action against any person engaged in the exercise or enjoyment of, or on account of their having exercised or enjoyed, rights granted or protected by the Fair Housing Act;
 - v. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, aggrieved persons affected by the Defendants' past unlawful practices to the position they would have been in but for the discriminatory conduct; and
 - vi. Failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future;
- c. Awards monetary damages to each person aggrieved by the Defendants' conduct, under 42 U.S.C. § 3614(d)(1)(B);
 - d. Assesses civil penalties against the Defendants in order to vindicate the public interest, under 42 U.S.C. § 3614(d)(1)(C); and
 - e. Awards such additional relief as the interests of justice may require.

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the United States hereby demands a trial by jury.

Dated: February 22, 2023

Respectfully submitted,

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