

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STEVEN BRADY and MICHELLE
SULLIVAN BRADY,

Plaintiffs,

v.

LEON GOLDSTEIN D/B/A SLOPE REALTY
COMPANY, and 575 THIRD STREET LLC,

Defendants.

CV-06-6591 (BMC) (MDG)

CONSENT ORDER

I. BACKGROUND

Steven Brady and Michelle Sullivan Brady (“Plaintiffs”) filed their complaint on December 12, 2006 (the “Complaint”) alleging that Leon Goldstein d/b/a Slope Realty Company and 575 Third Street LLC (“Defendants”) violated federal and state fair housing laws by denying Plaintiffs the opportunity to rent an apartment because of their race. On February 9, 2007, Defendants filed an Answer denying many of the allegations in the Complaint, and asserting that no discrimination occurred.

There has been no factual finding or adjudication with respect to any matter alleged in the Complaint. The parties enter into this Consent Order to voluntarily resolve the claims raised in this suit in order to avoid further litigation, and agree that the terms of this Consent Order provide a reasonable means of addressing the concerns of Plaintiffs and Defendants.

II. INJUNCTION

1. Defendants, and all others in active concert and participation with them or controlled by them, are enjoined and restrained from discriminating against any persons on the basis of race, color, religion, sex or gender, familial status, national origin, disability, marital status, domestic partnership status, age, sexual orientation, alienage or citizenship status, lawful occupation, or military status, in violation of the Federal Fair Housing Act, 42 U.S.C. § 3601 *et seq.*, the New York State Human Rights Law, Executive Law § 290 *et seq.*, and the New York City Human Rights Law, Title 8 of the New York City Administrative Code § 8-101 *et seq.*, including but not limited to:

a. Refusing to rent or refusing to negotiate for the rental of dwellings, or otherwise making dwellings unavailable; or

b. Representing that dwellings are not available for rental when such dwellings are in fact so available.

III. NON-DISCRIMINATION POLICIES

1. Through this Consent Order, Defendants state their commitment to select tenants for any rental housing owned, operated or managed, directly or indirectly, by Leon Goldstein d/b/a Slope Realty Company (the "Properties"), including, but not limited to, rental units located at 575 Third Street in Brooklyn, New York, without regard to race, color, religion, sex or gender, familial status, national origin, disability, marital status, domestic partnership status, age, sexual orientation, alienage or citizenship status, lawful occupation, or military status.

2. To further this commitment, Defendants agree to adopt a Nondiscrimination Policy, attached hereto as Exhibit A, which Defendants will:

a. post in the offices of Slope Realty Company, located at 342 Seventh Avenue in Brooklyn, New York (the "Office"); and

b. distribute copies of and make available to all employees of each of the Defendants.

3. Defendants shall include the fair housing logo, available at <http://www.hud.gov/library/bookshelf/1/hudgraphics/fheologo.cfm> along with the words "Equal Housing Opportunity" on all applications for rental housing in any of the Properties; in all rental advertising conducted by Defendants, their agents or employees, in newspapers, flyers, handouts, telephone directories and other written materials; on all billboards, signs, pamphlets, brochures and other promotional literature; and on television or other media broadcasts. The words shall be prominently placed and easily readable. Defendants shall also include the words "Equal Housing Opportunity" in any radio broadcast.

4. Defendants shall include the following language on all applications for rental housing in any of the Properties: "We are an equal opportunity housing provider. We do not discriminate on the basis of race, color, religion, sex or gender, familial status, national origin, disability, marital status, domestic partnership status, age, sexual orientation, alienage or citizenship status, lawful occupation, or military status. Copies of Slope Realty's full nondiscrimination policy are available upon request."

5. Defendants shall display the HUD fair housing poster in the Office where it is visible to members of the public who inquire about apartments for rent.

6. Defendants shall distribute copies of this Consent Order, with certain information from Section VI redacted, to each employee of the Defendants.

IV. RECORD KEEPING REQUIREMENTS

1. Defendants shall within thirty (30) days of entry of this Consent Order maintain current and accurate lists of all apartments available or expected to be available for rental at any of the Properties ("Availability Lists"), which shall include for each apartment:

- a. The address, apartment number, and number of bedrooms;
- b. Whether the apartment is vacant and, if not, the date that the apartment is scheduled to be vacant or vacated;
- c. Whether the apartment is available to be moved into and, if not, the date that it is expected to be available for move-in;
- d. Whether the apartment is available to be shown to the public; and
- e. The proposed monthly rent and security deposit.

2. Each Availability List shall be updated at least weekly and shall bear the date it was issued or updated at the top.

3. Each Availability List shall be maintained in the records of Defendants for a period of not less than one year.

4. Defendants shall maintain records of all applications for rental housing, including a copy of any photo identification attached thereto, submitted to any Defendant for a period of not less than one year.

V. WAITING LIST

1. Defendants assert that they do not and will not maintain a wait list for rental apartments.

VI. MONETARY SETTLEMENT

1. Defendants shall pay the Plaintiffs damages in the amount of \$20,000, effected through a single payment by check made out to "Steven Brady and Michelle Sullivan Brady" in full settlement of Plaintiffs' claim for damages, attorneys' fees and costs. Defendants shall tender this payment to the Plaintiffs' counsel, Latham and Watkins, LLP, 885 Third Avenue, Suite 1000, New York, NY 10022, within five (5) business days from the entry of this Consent Order.

2. Should the payment pursuant to this Consent Order not be tendered on the day that it is due, Defendants shall pay Plaintiffs an additional \$100 per day for each and every day that the payment is late.

VII. DISMISSAL OF COMPLAINT

1. The Complaint is deemed dismissed pursuant to the accompanying Stipulation of Dismissal.

VIII. ADMINISTRATION OF SETTLEMENT


1. The United States District Court for the Eastern District of New York shall retain jurisdiction to enforce the terms of this Consent Order upon the filing of an appropriate motion by either party. This Consent Order shall be binding on Defendants and any of their employees, agents, representatives, officers, heirs, assigns, subsidiaries, or successors in interest, as well as on the Plaintiffs.

2. The parties to this Consent Order shall endeavor in good faith to resolve informally any differences regarding interpretation of and compliance with this Consent Order prior to bringing such matters to the Court for resolution.

3. Each party to this litigation will bear its own costs.

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LLC*

It is so ORDERED this 2 day of July, 2007.

/s/(BMC)

COGAN, U.S.D.J. 

EXHIBIT A
NONDISCRIMINATION POLICY

LEON GOLDSTEIN, SLOPE REALTY COMPANY, 575 THIRD STREET LLC, AND [INSERT OTHER SR-MANAGED BUILDINGS]

As part of our continuing effort to ensure compliance with federal, state, and local anti-discrimination laws, we would like to take this opportunity to remind all employees of Leon Goldstein, Slope Realty Company, 575 Third Street LLC, [insert other names] (for convenience, "Slope Realty") and all persons associated with Slope Realty of our policies regarding discrimination. It is important for each employee and associate to review his or her own actions in light of these requirements and for everyone to keep in mind the importance of treating all persons equally.

It is the policy and practice of Slope Realty not to engage in or assist the efforts of others to engage in housing discrimination. Consistent with that policy, we remind you that the anti-discrimination laws of the United States, New York State, and New York City are quite specific in the area of housing, and in conformance with those laws, you must not engage in any of the following conduct during the course of your employment for Slope Realty, on the basis of race, color, religion, sex or gender, familial status, national origin, disability, marital status, domestic partnership status, age, sexual orientation, alienage or citizenship status, lawful occupation, or military status (the "prohibited bases"):

1. Refuse to show, rent, negotiate for the rental of, or otherwise make unavailable or deny, a dwelling to any person because of a prohibited basis;
2. Discriminate against any person in the terms, conditions or privileges of a rental or in the provision of services or facilities in connection therewith because of a prohibited basis;
3. Make any verbal or written statement with respect to the rental of a dwelling that indicates any preference, limitation or discrimination concerning a prohibited basis, or any statement indicating an intention to make any such preference, limitation or discrimination;
4. Represent to any person because of a prohibited basis that any dwelling is not available for inspection or rental when such dwelling is in fact so available;
5. Discriminate against any person in offering individual apartment units or in assigning tenants to such units because of a prohibited basis; or
6. Knowingly enter into an agreement which imposes any restriction upon persons to whom a dwelling may be shown or rented because of a prohibited basis.

It is important to understand that any action you take because of race, color, religion, sex or gender, familial status, national origin, disability, marital status, domestic partnership status, age, sexual orientation, alienage or citizenship status, lawful occupation, or military status, that has the effect of making housing unavailable to such persons protected under these laws, constitutes a violation of federal, state, and local laws.

We firmly believe that providing equal opportunity to all persons will increase our business and profits and we are firmly committed to the goal of fair housing. We ask you to join us in that effort. **You should understand that any violation of this Nondiscrimination Policy will lead to discipline, up to and including discharge.**