

STATE OF NORTH DAKOTA  
COUNTY OF MORTON

IN DISTRICT COURT  
SOUTH CENTRAL JUDICIAL DISTRICT

STATE OF NORTH DAKOTA, BY NORTH )  
DAKOTA DEPARTMENT OF LABOR, )

Case No. 30-03-C-01132

Plaintiff,

ALMA DUCHARME'S COMPLAINT IN  
INTERVENTION

vs.

VERNA LUND,

Defendant/Cross-Plaintiff,

vs.

ALMA DUCHARME,

Cross-Defendant.

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ALMA DUCHARME,

Intervenor.

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Intervenor Alma DuCharme, by and through its undersigned counsel, alleges as her complaint:

### I. Parties

1. Defendant Verna Lund is the owner of a rental property located at 506 - 1<sup>st</sup> Avenue NW, Mandan, North Dakota ("subject premises").

2. DuCharme is disabled within the meaning of NDCC § 14-02.5-01(6) and 42 U.S.C. § 3602(h).

### II. Facts

3. Between July 13, 2001, through July 16, 2001, Lund placed a classified advertisement in the Bismarck Tribune rental property section which read: *1 BDRM., util. furn., fenced yd., 380 mo., 200 dep., 506 - 1st Ave. NW. 663-5471.*

4. During July 2001, DuCharme responded to the classified advertisement in the Bismarck Tribune that listed the apartment for rent. The advertisement listed the

apartment for \$380.00 per month and Lund acknowledged over the phone that the rent was \$380.00 per month.

5. On July 25, 2001, DuCharme entered into a lease with Lund to rent the above-mentioned property.

6. At the time of signing the lease, DuCharme requested from Lund reasonable accommodations to allow DuCharme to have two therapeutic animals, because of DuCharme's disability. These therapeutic animals were necessary for DuCharme to have an equal opportunity to use and enjoy her dwelling.

7. Lund responded to this request by informing DuCharme that she could keep the therapeutic animals, as long as she agreed to pay \$50.00 more in monthly rent. The federal Fair Housing Act and North Dakota fair housing statute prohibit charging for therapeutic animals.

8. Needing a place to live, DuCharme occupied the subject premises, paying the \$50 surcharge imposed by Lund.

9. While Ms. DuCharme was a tenant at the subject premises, Lund harassed DuCharme, and encouraged others to do the same, by committing the following practices:

(a) Lund failed or refused to respond to complaints by DuCharme about the threatening conduct of other residents;

(b) Lund disclosed to other residents the fact and nature of DuCharme's disability; and

(c) Lund entered DuCharme's dwelling without proper notice or permission.

10. As a result of Lund's conduct, DuCharme was forced to vacate her dwelling at the subject premises in November 2001, and became homeless.

11. DuCharme filed a complaint with the Department of Labor (DOL), alleging

that Lund injured her by committing discriminatory housing practices. The DOL investigated DuCharme's complaint, and determined that there was reasonable cause to believe that Lund committed a discriminatory housing practice. DOL also issued a charge of discrimination against Lund. Lund elected to have the charge heard in court, and the Attorney General filed a complaint in *DOL v. Lund*, case number 30-30-C-01132, on behalf of DuCharme.

12. Following the filing of the complaint by the Attorney General, Lund sued DuCharme in retaliation for exercising her fair housing rights.

### **III. Injuries**

13. As a result of Lund's unlawful conduct, DuCharme suffered personal and bodily injuries, including emotional distress with physical symptoms, invasion of her private right of occupancy, constructive and wrongful eviction, loss of housing, and violation of her civil rights.

### **IV. Claims**

#### **A. First Claim: Disability Discrimination.**

14. DuCharme realleges the allegations set forth in paragraphs 1 through 13.

15. Lund injured DuCharme by committing discriminatory housing practices in violation of the federal Fair Housing Act, 42 U.S.C. § 3604(f), and N.D.C.C. § 14-02.5-06.

#### **B. Second Claim: Retaliation.**

16. DuCharme realleges the allegations set forth in paragraphs 1 through 13.

17. Lund injured DuCharme by committing discriminatory housing practices in violation of the federal Fair Housing Act, 42 U.S.C. § 3617, and N.D.C.C. § 14-02.5-45.

#### **C. Third Claim: Negligence.**

18. DuCharme realleges the allegations set forth in paragraphs 1 through 13.

19. Lund injured DuCharme by breaching Lund's duty of ordinary and

reasonable care in the ownership and operation of the subject premises.

**V. Prayer.**

WHEREFORE, DuCharme requests that the Court enter judgment on her complaint as follows:

- A. Declares that Lund committed discriminatory housing practices in violation of N.D.C.C. chapter 14-02.5 and the Fair Housing Act;
- B. Enjoins Lund from committing discriminatory housing practices in the future, and requires Lund to undertake affirmative steps to avoid committing discriminatory housing practices in the future;
- C. Awards damages to DuCharme as will fully compensate her for her injuries;
- D. Assess any applicable and appropriate penalties pursuant to N.D.C.C. chapter 14-02.5 against defendant for the discriminatory housing practice;
- E. Awards attorneys' fees, expenses and costs to DuCharme; and,
- F. Awards any additional relief as may be appropriate.

Dated: July 14<sup>th</sup>, 2004.

Respectfully submitted,

DYER & SUMMERS, PC

*Edwin W.F. Dyer, III*

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