

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

Selma S. BUYCKS-ROBERSON, on
behalf of herself and others
similarly situated,

Plaintiffs

vs.

CITIBANK FEDERAL SAVINGS
BANK,

Defendant.

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JURY DEMANDED

JUDGE CASTILLO

MAGISTRATE JUDGE LEONARD
MAGISTRATE JUDGE LEONARD

COMPLAINT

Plaintiff Selma S. BUYCKS-ROBERSON, on behalf of herself and others similarly situated, by and through her attorneys, makes this complaint against Defendant CITIBANK FEDERAL SAVINGS BANK ("CITIBANK").

NATURE OF THE ACTION

1. This is a civil action brought by Selma S. Buycks-Roberson, formerly known as Selma S. BUYCKS, on behalf of herself and all other African-Americans who made home loan applications to CITIBANK, and whose applications were rejected because of their race or color, or because of the racial composition of the neighborhood in which their property was located. This action seeks injunctive relief and monetary damages for violations of 42 U.S.C. §§ 1981 and 1982; 42 U.S.C. § 3605 and 15 U.S.C. § 1691(a).

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 28 U.S.C. § 1343(a)(4), 42 U.S.C. § 3613(a)(1)(A) and 15 U.S.C. § 1691e(f).

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3. Venue is proper in the Northern District of Illinois since some of the acts and transactions complained of occurred in this district.

THE PARTIES

4. Plaintiff Selma S. BUYCKS-ROBERSON ("ROBERSON") is an African-American citizen of the United States who resides in Broadview, Illinois.

5. Defendant CITIBANK, is a corporation that offers real estate mortgage loans, home improvement loans and home equity loans ("home loans").

CLASS ACTIONS ALLEGATIONS

6. (a) Plaintiff is a Citibank home loan applicant; she brings this action on behalf of herself and all other African-American home loan applicants similarly situated. This action is brought as a class action pursuant to Rule 23(b)(2) and Rule 23(b)(3) of the Federal Rules of Civil Procedure.

(b) The class consists of all African-Americans who made application for home loans to Defendant within two years of the filing of this complaint, and whose applications were rejected because of their race or color, or because of the racial composition of the neighborhood in which their property was located.

(c) The class is so numerous that joinder of all persons is impracticable. Plaintiff is informed and believes that many home loan applicants to Defendant by African-Americans were illegally rejected. On information and belief, Defendant rejected the home loan applications of many dozens of African-

American applicants because of race or color, or because of the racial composition of the neighborhood in which their property was located.

(d) Plaintiff will fairly and adequately protect the interests of all class members as she is a member of the class and her claim is typical of the claims of all class members. Plaintiff is incensed at the treatment accorded herself and the class members and will aggressively pursue the interests of the class. Plaintiff's interests in obtaining injunctive relief and monetary damages for the violations of the above-mentioned federal statutes are consistent with and not antagonistic to those of any person within the class.

(e) The common questions of law and fact include: (i) whether Defendant had a policy, practice or procedure to reject home loan applications on the basis of the applicants' race or on the basis of the racial composition of the neighborhood in which their property was located; (ii) whether the conduct alleged herein is in violation of Title 42 U.S.C. §§ 1981 and 1982; 42 U.S.C. § 3605 and 15 U.S.C. § 1691(a); (iii) whether Plaintiff and the members of the plaintiff class are entitled to an award of actual, compensatory or punitive damages.

(f) The wrongful conduct alleged herein has been taken generally against all members of the plaintiff class in that African-American home loan applicants have had their loan applications rejected on the basis of their race or color, or because of the racial composition of the neighborhood in which

their property was located, or both, pursuant to the policies, practices or procedures of Defendant.

(g) The common questions of fact and law predominate over questions affecting only individual class members.

(h) A class action is superior to other available methods for the fair and efficient adjudication of the controversy in that: (i) a multiplicity of suits with consequent burden on the courts and defendant should be avoided; and (ii) it would be unduly burdensome for all class members to intervene as parties-plaintiff in this action.

THE FACTS

7. On or about April 4, 1992, Plaintiff Selma BUYCKS-ROBERSON applied for a home loan of approximately \$43,700 from CITIBANK.

8. The purpose of the loan was to refinance an existing mortgage of approximately \$43,500 on Plaintiff's home located at 2057 South 25th Avenue in Broadview, Illinois.

9. The property is located in a neighborhood in which the African-American representation is growing and currently constitutes over 50% of that neighborhood's population.

10. Plaintiff provided to CITIBANK extensive financial documentation concerning her financial ability and the property, including documents showing annual income of over \$47,000.

11. On or about April 28, 1992, Plaintiff received from Defendant CITIBANK a letter that informed Plaintiff that her mortgage loan application had been denied because of delinquent credit obligations and other adverse credit.

12. On June 19, 1992, Plaintiff reapplied for the home loan and, again, provided to CITIBANK extensive financial documentation concerning her annual income, financial ability and additional information concerning her credit worthiness.

13. On or after July 10, 1992, Plaintiff received from CITIBANK a letter that informed Plaintiff that her mortgage loan application had been denied because her "income [did] not support the amount of credit requested."

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COUNT I

EQUAL CREDIT OPPORTUNITY

14. Plaintiff adopts and realleges paragraphs 1 through 13 of this Complaint and incorporates them by reference as paragraph 14 of Count I.

15. The Equal Credit Opportunity Act, 15 U.S.C. § 1691 (1976), makes it unlawful for any creditor to discriminate against any applicant with respect to any aspect of a credit transaction on the basis of race. Section 1691e of this Act allows a civil action to be brought by any person damaged under the Act.

16. Defendant refused to approve Plaintiff's loan because Plaintiff is African-American. Defendant has therefore discriminated against Plaintiff on the basis of race or color, in violation of the Equal Credit Opportunity Act, 15 U.S.C., § 1691 et seq.

Doesn't say why?

17. As a direct and proximate result of Defendant's unlawful discrimination against Plaintiff, Plaintiff has suffered

and continues to suffer great embarrassment, humiliation and emotional distress.

18. Plaintiff possessed adequate income and assets and had an adequate credit history to qualify for the loan requested, the value of the property was sufficient to support the loan and Defendant was aware of those facts.

19. Defendant's discrimination against Plaintiff was intentional and willful.

WHEREFORE, Plaintiff asks judgment against Defendant for:

- (a) Actual damages in an amount to be proved at trial;
- (b) Compensatory damages in an amount to be proved at trial;
- (c) Punitive damages, not exceeding the lesser of \$500,000 or one per centum of the net worth of the Defendant;
- (d) Appropriate injunctive relief;
- (e) Reasonable attorneys' fees and costs of suit; and
- (f) Further relief as this court deems just and proper.

COUNT II

FAIR HOUSING ACT

20. Plaintiff adopts and realleges paragraphs 1 through 13 of this Complaint and incorporates them by reference as paragraph 20 of Count II.

21. This claim is brought under the Fair Housing Act, 42 U.S.C. §§ 3601 et. seq. Section 3613(a)(1)(A) of this Act allows a civil action to be brought by any person damaged under the Act. Section 3605(a) and (b)(1) provides that it shall be unlawful for any person or entity whose business includes engaging in

residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms of such a transaction, because of race or color.

22. Defendant's refusal to approve Plaintiff's loan was motivated by discrimination. The primary basis for Defendant's refusal to approve the loan was that Plaintiff is African-American and that the property is located in a neighborhood in which African Americans constitute a significant percentage and are increasing in the racial composition.

23. Defendant's refusal to make a home loan because of the Plaintiff's race and the racial composition of the neighborhood denied the Plaintiff rights secured under 42 U.S.C. §§ 3601 et. seq.

24. As a direct and proximate result of Defendant's unlawful violation of 42 U.S.C. §§ 3601 et. seq., Plaintiff has suffered and continues to suffer great embarrassment, humiliation and emotional distress.

25. Defendant's violation of 42 U.S.C. §§ 3601 et. seq. was willful and wanton, and motivated by ill will and malice.

WHEREFORE, Plaintiff asks judgment against Defendant for:

- (a) Actual damages in an amount to be proved at trial;
- (b) Compensatory damages in an amount to be proved at trial;
- (c) Punitive damages;
- (d) Appropriate injunctive relief;
- (e) Reasonable attorneys' fees and costs of suit; and
- (f) Further relief as this court deems just and proper.

COUNT III

CIVIL RIGHTS

26. Plaintiff adopts and realleges paragraphs 1 through 13 of this Complaint and incorporates them by reference as paragraph 26 of Count III.

27. Count III is brought pursuant to the Thirteenth Amendment of the United States Constitution to redress the deprivation of rights, privileges, and immunities secured thereby. Count III is also brought pursuant to 42 U.S.C. §§ 1981 and 1982, to secure the right of Plaintiff to make and enforce contracts on the same basis that such rights are enjoyed by white citizens, and to enforce the right of Plaintiff to inherit, purchase, lease, sell, hold, and convey real and personal property on the same basis as white citizens.

28. Defendant, on the basis of race and color, has deprived Plaintiff of the full and equal enjoyment of goods, services, facilities, privileges, advantages, and accommodations, including the right to enforce contracts and to have interest in property, as are enjoyed by white citizens. Defendant's refusal to provide Plaintiff a home loan was intentional and willful with the purpose and intent of depriving Plaintiff of her constitutional right to freely purchase property without regard to race.

29. As a direct and proximate result of the wrongful acts by the Defendant, Plaintiff has suffered actual damages and will continue to suffer damages from the humiliation and embarrassment caused by the Defendant's refusal to deal with her because of her race or color, and the deprivation by Defendant of Plaintiff's

constitutional and statutory rights freely to obtain home loans without regard to race.

30. Because of the Defendant's malicious refusal to deal with Plaintiff and its policy of discrimination against Plaintiff because of race or color, Plaintiff claims punitive or exemplary damages.

WHEREFORE, Plaintiff asks judgment against Defendant for:

- (a) Actual damages in an amount to be proved at trial;
- (b) Compensatory damages in an amount to be proved at trial;
- (c) Punitive damages;
- (d) Appropriate injunctive relief;
- (e) Reasonable attorneys' fees and costs of suit; and
- (f) Further relief as this court deems just and proper.

Selma S. Buycks-Roberson, on behalf of herself and others similarly situated,

By: Hilary Alexis
One of Her Attorneys

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