

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Malcolm Mackey

1 JAMIE CROOK (#245757)  
Chief Counsel  
2 AZADEH HOSSEINIAN (#306141)  
Senior Staff Counsel  
3 DAGMAWI TESHALE (#331065)  
Staff Counsel  
4 CALIFORNIA CIVIL RIGHTS DEPARTMENT  
5 320 West 4<sup>th</sup> Street, 10th Floor, Suite #1000  
6 Los Angeles, California 90013  
7 Telephone: (916) 956-5821  
Facsimile: (888) 382-5293

8 Attorneys for Plaintiff,  
9 Civil Rights Department (Fee Exempt, Gov. Code, § 6103)

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **IN AND FOR THE COUNTY OF LOS ANGELES**

13 CIVIL RIGHTS DEPARTMENT, an  
14 agency of the State of California,

15 Plaintiff,

16 vs.

17 PETER F. DELUKE JR., an individual;  
18 PETER F. DELUKE SR., as trustee of the  
PETER F. DELUKE TRUST.

19 Defendants.

Case No. **22STCV34728**

**CIVIL RIGHTS COMPLAINT FOR  
INJUNCTIVE, DECLARATORY, AND  
MONETARY RELIEF**

**DEMAND FOR JURY TRIAL**

20  
21 1. California Civil Rights Department (“CRD”) brings this civil rights enforcement  
22 action to vindicate real party in interest Abdifatah Abdullahi’s right to be free from unlawful  
23 violence or intimidation and threats of violence, discrimination, harassment, and retaliation  
24 because of his race in violation of the Ralph Civil Rights Act (“Ralph Act”), Civil Code section  
25 51.7; Fair Employment and Housing Act (“FEHA”), Government Code section 12900 et seq.; and  
26 Unruh Civil Rights Act (“Unruh Act”), Civil Code section 51 et seq. and incorporated into FEHA  
27 pursuant to Government Code sections 12948 and 12955, subdivision (d); and to prevent future  
28 violations of these civil rights statutes by Defendants. CRD seeks injunctive and declaratory relief

1 to correct Defendants' unlawful practices as well as compensatory damages on behalf of Mr.  
2 Abdullahi.

### 3 **JURISDICTION AND VENUE**

4 2. The Court has jurisdiction because CRD files this action under Government Code  
5 sections 11180, 12965, and 12981.

6 3. Venue is proper pursuant to Government Code section 12965, subd. (a)(4) and  
7 section 12981, subd. (a)(1) because CRD has an office in Los Angeles County.

### 8 **PARTIES**

9 4. Plaintiff CRD is the state civil rights department charged with prosecutorial  
10 authority to investigate, mediate, and litigate civil rights enforcement actions. (Gov. Code, §  
11 12930 et seq.) CRD enforces the Ralph Act, FEHA, and Unruh Act, and may file civil complaints  
12 on behalf of itself and persons aggrieved by violence or intimidation by threat of violence, and  
13 housing discrimination, harassment, and retaliation because of race.

14 5. Plaintiff CRD brings this action on behalf of Real Party in Interest Abdifatah  
15 Abdullahi.

16 6. Defendant Peter DeLuke Sr. is named in his capacity as trustee for the Peter F.  
17 DeLuke Trust. At all times relevant, the Peter F. DeLuke Trust held title to the property located at  
18 2920 Clarissa Court, Lemon Grove, California 91945 ("Subject Property"). On information and  
19 belief, Defendant Peter DeLuke Sr. is, and was, at all times either the sole or joint trustee of the  
20 Peter F. DeLuke Trust.

21 7. Defendant Peter F. DeLuke Jr., an individual, is the acting owner, operator, and/or  
22 manager of the Subject Property. Although public records show that the Subject Property is  
23 owned by the Peter F. DeLuke Trust, Mr. DeLuke Jr. identifies himself as the owner of the  
24 Subject Property.

25 8. Each Defendant is and was at all relevant times a "business establishment" under  
26 the Unruh Act. (Civ. Code, § 51; Cal. Code Regs., tit. 2, § 12005, subd. (f)) Each Defendant is  
27 and was at all relevant times an "owner" of "housing accommodations" and/or a "person" under  
28 the FEHA. (Gov. Code, § 12925, subd. (d); § 12927, subs. (d), (e); Cal. Code Regs., tit. 2, §

1 12005, subs. (t), (u))

2 9. Each Defendant is and was the agent, employee, and representative of each of the  
3 other Defendants; each Defendant, in doing the acts or in omitting to act as alleged in this  
4 complaint, was acting within the course and scope of its actual or apparent authority pursuant to  
5 such agency; or the alleged acts or omissions of each Defendant as agent were subsequently  
6 ratified and adopted by each other Defendant as principal. Therefore, each Defendant is  
7 jointly and severally responsible and liable—whether directly or under the doctrines of vicarious  
8 liability or respondeat superior—for the injuries and damages alleged in this complaint. (Cal.  
9 Code Regs., tit. 2, § 12010.)

### 10 **PROCEDURAL HISTORY**

11 10. On July 8, 2021, Mr. Abdullahi filed an initial administrative complaint with CRD  
12 for housing discrimination, harassment, and retaliation. Mr. Abdullahi is a “real party in interest”  
13 in this action. CRD investigated the allegations in Mr. Abdullahi’s administrative complaint. Mr.  
14 Abdullahi later filed an amended administrative complaint with CRD alleging violations of the  
15 Ralph Act. The amended administrative complaint rested on the same general set of facts as the  
16 initial complaint, and referred to the same accident, the same injuries, and the same  
17 instrumentality as the initial complaint.

18 11. On June 16, 2022, CRD completed its investigation and based on the evidence  
19 found cause to believe that Defendants had subjected Mr. Abdullahi to the threat of violence,  
20 discrimination, harassment, and retaliation because of his race. On June 16, 2022, CRD sent  
21 Defendants a Notice of Cause Finding letter to inform Defendants of CRD’s findings.

22 12. Tolling agreements between the parties extended CRD’s deadline to file a civil  
23 complaint beyond the date that CRD filed this civil complaint, such that it is timely filed.

24 13. CRD attempted to resolve this matter without litigation through CRD’s Dispute  
25 Resolution Department (DRD). Between September 16, 2022 and October 11, 2022, the parties  
26 participated in the required dispute resolution pursuant to California Government Code section  
27 12965. The parties were unable to resolve the matter.

28 14. CRD’s authority to seek relief on behalf of itself in the public interest and Mr.

1 Abdullahi stems from a delegation of the power by the Legislature, authorizing CRD to initiate a  
2 complaint itself, investigate claims, and prosecute such claims under the Ralph Act, FEHA, and  
3 Unruh Act. (See Cal. Gov't Code, §§ 12920, 12920.5, 12930, 12961, 12965, 12980 and 12981.)

#### 4 **FACTUAL ALLEGATIONS**

5 15. Mr. DeLuke Jr. rents individual bedrooms at the Subject Property to individual  
6 tenants. Mr. DeLuke Jr. is responsible for advertising the Subject Property, accepting applications  
7 from potential tenants, entering into written and verbal lease agreements with the tenants,  
8 receiving rent and other costs from tenants, and enforcing rules at the Subject Property.

9 16. On or around October 7, 2020, Mr. Abdullahi contacted Mr. DeLuke Jr. after  
10 viewing an advertisement on Craigslist for an available one-bedroom rental at the Subject  
11 Property. The advertisement stated that the rent was \$580, and utilities were \$250. Mr. Abdullahi  
12 contacted Mr. DeLuke Jr. to inquire about the advertisement and arranged to view the available  
13 one-bedroom rental.

14 17. When Mr. Abdullahi viewed the available one-bedroom rental, he observed that it  
15 was filthy—there was blood and hair on the carpet and blood on the walls. Mr. DeLuke Jr.  
16 informed Mr. Abdullahi that if he wanted the room clean, he would need to pay for the cleaning  
17 services. Mr. Abdullahi was also informed that he must pay rent to Mr. DeLuke Jr. in cash and  
18 that he would not receive a written rental agreement until after moving into the Subject Property.

19 18. Mr. Abdullahi agreed to these terms because he felt desperate to find housing.  
20 Beginning in June 2020, Mr. Abdullahi experienced housing insecurity and bouts of  
21 homelessness after he was laid off from his job as an airline industry worker due to the impact of  
22 the Covid-19 pandemic. There were periods when Mr. Abdullahi was sleeping in his car because  
23 he could not find available housing that was affordable to him.

24 19. From September 2020 to February 2021, Mr. Abdullahi and three other tenants  
25 rented separate bedrooms at the Subject Property. Mr. Abdullahi and another tenant are Black.  
26 The other two tenants are White. Mr. DeLuke Jr. resided in a partitioned living area with a  
27 separate bathroom and kitchen. Mr. DeLuke Jr. is White.

28 20. During Mr. Abdullahi's tenancy at the Subject Property, Mr. DeLuke Jr. subjected

1 Mr. Abdullahi and the other Black tenant to ongoing discrimination and a hostile environment  
2 because of their race. Mr. DeLuke Jr. was aggressive toward Black tenants and made race-based  
3 statements expressing his view that Black people were inferior or less intelligent. For example,  
4 Mr. DeLuke Jr. routinely told Mr. Abdullahi that “your people are always making trouble,” “you  
5 people are lazy,” and “you people are always looking for handouts” and referred to Mr.  
6 Abdullahi’s “people” in other derogatory contexts. Mr. Abdullahi understood Mr. DeLuke Jr.’s  
7 statements regarding his “people” to refer to Black people.

8 21. Mr. DeLuke Jr. also used racial slurs at the Subject Property. Mr. DeLuke Jr.  
9 called the other Black tenant a n-word at various times. On one occasion, Mr. DeLuke Jr. yelled  
10 at the other Black tenant and his Black guests when they were outside the Subject Property,  
11 stating “you stupid ni\*\*\*rs get out of this neighborhood” or words to that effect. In a text  
12 message response to the other Black tenant, Mr. DeLuke Jr. wrote “I am a Racist.”

13 22. Mr. DeLuke Jr.’s race-based aggression made Mr. Abdullahi feel anxious and  
14 unsafe because he did not know what Mr. DeLuke Jr. was capable of when he became angry. Mr.  
15 DeLuke Jr. became easily agitated and mentioned that he kept guns and other weapons at the  
16 Subject Property. Because of Mr. DeLuke Jr.’s aggression, Mr. Abdullahi minimized his use of  
17 the common kitchen and bathroom and spent most of the time in his bedroom in order to keep as  
18 much distance from Mr. DeLuke Jr. whenever he was at the Subject Property.

19 23. In contrast to his treatment of the Black tenants, Mr. DeLuke Jr. did not make  
20 derogatory comments and was not aggressive to the White tenants.

21 24. Mr. DeLuke Jr. also subjected the Black tenants to differential terms and  
22 conditions because of their race. Mr. DeLuke Jr. required Black tenants to pay additional costs for  
23 various reasons but did not require the White tenants to pay the same costs. For example, Mr.  
24 DeLuke Jr. demanded that only Mr. Abdullahi and the other Black tenant pay for an NFL  
25 package. When Mr. Abdullahi asked to see the bill and informed Mr. DeLuke Jr. that he did not  
26 have a television in his room and did not use the television located in the common areas, Mr.  
27 DeLuke Jr. stated, “your people are always making trouble.” In contrast, the White tenants were  
28 not asked to pay for the same NFL package.

1           25.     When Mr. Abdullahi protested the fees or charges, Mr. DeLuke Jr. threatened to  
2 evict him. Ultimately, Mr. Abdullahi paid the additional charges and fees because he feared that  
3 he would be evicted, and once again, experience homelessness. He knew that he would face  
4 difficulty finding housing that was affordable to him.

5           26.     Mr. DeLuke Jr. also routinely entered the Black tenants' bedrooms without  
6 providing them with legally required notices for entry in order to harass them. In contrast, Mr.  
7 DeLuke Jr. never attempted to enter the White tenants' bedrooms.

8           27.     On or around February 9, 2021, Mr. Abdullahi was showering in the bathroom  
9 located directly across from his bedroom. Mr. DeLuke Jr. banged on the door and demanded that  
10 Mr. Abdullahi get out of the shower in order to install a smoke detector in his room. Mr.  
11 Abdullahi agreed to install the smoke detector, but Mr. DeLuke Jr. followed Mr. Abdullahi as he  
12 left the bathroom wearing only a towel.

13           28.     Mr. DeLuke Jr. attempted to enter Mr. Abdullahi's bedroom in order to force the  
14 immediate installation of the smoke detector. Mr. Abdullahi blocked Respondent Jr. from  
15 entering his bedroom, causing Mr. DeLuke Jr. to become angry and attempt to push his way into  
16 the bedroom several times. Mr. DeLuke Jr. called Mr. Abdullahi a "motherf\*\*king stupid ni\*\*r"  
17 and told him "if you don't like the rules, get the f\*\*k out of here you f\*\*king ni\*\*r" and  
18 attempted to lunge at and punch Mr. Abdullahi in the face, but missed. In defense, Mr. Abdullahi  
19 hit and pushed Mr. DeLuke Jr. away from his bedroom. Mr. Abdullahi then retreated to his  
20 bedroom and called the San Diego County Sheriff's Department, afraid of further violence from  
21 Mr. DeLuke Jr.

22           29.     When the Deputy from the Sheriff's Department showed up at the Subject  
23 Property, Mr. DeLuke Jr. demanded that they arrest Mr. Abdullahi. The responding Deputy  
24 refused to do so. The responding Deputy spoke with two other tenant witnesses who informed the  
25 Deputy of Mr. DeLuke's repeated use of the n-word towards Mr. Abdullahi.

26           30.     After the intimidation from the threat of violence, Mr. Abdullahi was afraid of  
27 further violence, threats, and retaliation.

28           31.     Mr. Abdullahi's right to use and quiet enjoyment of his rental was severely

1 infringed such that his well-being would be jeopardized by continuing to reside at the Subject  
2 Property.

3 32. Therefore, Mr. Abdullahi abandoned the rental bedroom on the evening of  
4 February 9<sup>th</sup> after being verbally and physically intimidated by Mr. DeLuke Jr. Mr. DeLuke Jr.'s  
5 acts of discrimination, harassment, retaliation, and threats of violence resulted in a constructive  
6 eviction of Mr. Abdullahi.<sup>1</sup>

7 33. Following the February 9<sup>th</sup> incident, Mr. DeLuke Jr. removed the toilet from the  
8 bathroom that Mr. Abdullahi used and trailed fecal matter on the carpet in the common areas and  
9 refused to timely clean up the fecal matter. Mr. DeLuke Jr. created uninhabitable conditions at  
10 the Subject Property to retaliate against Mr. Abdullahi for informing Sheriff's officers of the  
11 racial slurs and race-based violence and to retaliate against other tenants who corroborated Mr.  
12 Abdullahi's statement to officers.

13 34. Due to the intimidation and threats of violence by Mr. DeLuke Jr., Mr. Abdullahi  
14 had difficulty returning to the Subject Property to gather his belongings. The uninhabitable  
15 conditions that resulted from Mr. DeLuke Jr.'s conduct of removing the toilet and trailing fecal  
16 matter on the carpet, and Mr. DeLuke Jr.'s subsequent refusal to clean up the matter, made it  
17 more difficult for Mr. Abdullahi's to return to the Subject Property to obtain and move his  
18 personal belongings.

19 35. As a result of Defendants' unlawful acts and practices, Mr. Abdullahi suffered a  
20 violation of his civil rights, emotional and physical distress, humiliation, and mental anguish,  
21 including bodily injury such as headaches, stomach aches and loss of sleep. Mr. Abdullahi  
22 suffered emotional and physical distress, depression, humiliation, and loss of sleep.

23 36. Upon being constructively evicted by Defendants, Mr. Abdullahi was forced to  
24 leave his home without having adequate time to secure new housing. As a result, Mr. Abdullahi  
25 became unhoused and continued to experience periodic homelessness until June 2022. Having

---

26 <sup>1</sup> "A constructive eviction occurs when the acts or omissions . . . of a landlord, or any disturbance or interference with  
27 the tenant's possession by the landlord, renders the premises, or a substantial portion thereof, unfit for the purposes  
28 for which they were leased, or which has the effect of depriving the tenant for a substantial period of time of the  
beneficial enjoyment or use of the premises." (*Stoiber v. Honeychuck*, (1980) 101 Cal. App. 3d 903, 926 [citing *Groh*  
*v. Kover's Bull Pen, Inc.* (1963) 221 Cal.App.2d 611, 614].)

1 been unhoused in the past, the mental anguish and emotional distress suffered by Mr. Abdullahi  
2 as a result of once again facing housing insecurity, was further exacerbated.

3 37. In doing the acts alleged in this complaint, Defendants and their agents and  
4 employees acted with oppression, fraud, and malice, and with wanton and conscious and/or  
5 reckless disregard of the rights of Mr. Abdullahi.

6 38. An actual controversy exists between the parties regarding Defendants' duties  
7 under the FEHA and Unruh Act. Therefore, CRD is entitled to declaratory relief.

8 39. Unless enjoined, Defendants will continue to engage in the unlawful acts and the  
9 pattern or practice of discrimination, harassment, and retaliation against Black tenants described  
10 above. CRD lacks any plain, speedy, adequate remedy at law to prevent future harm that is the  
11 subject of this Complaint and that will continue without injunctive and other affirmative relief as  
12 prayed for herein.

13 **CLAIMS FOR RELIEF**

14 **FIRST CLAIM FOR RELIEF**

15 [Ralph Civil Rights Act]

16 *Civ. Code, § 51.7 et seq.*

17 40. Plaintiff realleges and incorporates by reference all the preceding paragraphs of  
18 this Complaint as if fully set forth herein.

19 41. The Ralph Act (Civ. Code, § 51.7) provides that “[a]ll persons within the  
20 jurisdiction of this state have the right to be free from any violence, or intimidation by threat of  
21 violence, committed against their persons, ... on account of” protected classifications including  
22 race. Civ. Code, § 51.7, subd. (b).

23 42. Defendants injured Mr. Abdullahi, who is Black, in violation of the Ralph Act by  
24 subjecting him to violence and intimidation by the threat of violence because of his race.

25 //

26 //

27 //

28 //



1 **SECOND CLAIM FOR RELIEF**

2 [Fair Employment and Housing Act]

3 *Gov. Code, § 12900 et seq.*

4 43. Plaintiff realleges and incorporates by reference all the preceding paragraphs of  
5 this Complaint as if fully set forth herein.

6 44. Defendants injured Mr. Abdullahi in violation of FEHA by committing the  
7 following unlawful housing practices:

- 8 a. Discriminating because of race in violation of Government Code section  
9 12955, subd. (a) by imposing inferior terms, conditions, privileges, facilities,  
10 or services in connection with housing accommodations; and,  
11 b. Creating a hostile environment by harassing tenants because of their race in  
12 violation of Government Code section 12955, subd. (a); and,  
13 c. Discriminating because of race in violation of Government Code section  
14 12955, subd. (c) by making racial slurs and race-based derogatory statements;  
15 and,  
16 d. Discriminating because of race in violation of Government Code section  
17 12955, subd. (d), by imposing inferior terms, conditions, privileges, facilities,  
18 or services in connection with housing accommodations, as persons subject to  
19 the provisions of Section 51 of the Civil Code; and,  
20 e. Subjecting tenants to harassment and/or threatening to evict for the purpose of  
21 retaliating in violation of Government Code section 12955, subd. (f) for  
22 opposing discriminatory practices based on race and informing law  
23 enforcement of discriminatory practices; and,  
24 f. Making housing unavailable and denying housing because of race in violation  
25 of Government Code section 12955, subd. (k) by breaching tenants' right to  
26 quiet use and enjoyment with substantial interference by the landlord; and,

27 //

28 //

1 g. Interfering with any person in the exercise of enjoyment of, or on account of  
2 that person having exercised or enjoyed, any right granted or protected by  
3 Section 12955, in violation of Government Code section 12955.7 by  
4 intimidating and threatening with physical violence.

5 **THIRD CLAIM FOR RELIEF**

6 [Unruh Civil Rights Act]

7 *Civ. Code, § 51 et seq.*

8 45. Plaintiff realleges and incorporates by reference all the preceding paragraphs of  
9 this Complaint as if fully set forth herein.

10 46. The Subject Property is a business establishment within the meaning of the Unruh  
11 Act.

12 47. Defendants injured Mr. Abdullahi in violation of the Unruh Civil Rights Act by  
13 committing the following discriminatory housing practices:

14 a. Discriminating because of race in violation of Government Code section  
15 12955, subd. (a) by imposing inferior terms, conditions, privileges, facilities,  
16 or services in connection with housing accommodations; and,

17 b. Discriminating because of race in violation of Government Code section  
18 12955, subd. (c) by making racial slurs and race-based derogatory statements;  
19 and,

20 c. Discriminating because of race in violation of Government Code section  
21 12955, subd. (d) by imposing inferior terms, conditions, privileges, facilities or  
22 services in connection with housing accommodations; and,

23 d. Making housing unavailable and denying housing because of race in violation  
24 of Government Code section 12955, subd. (k) by breaching tenants' right to  
25 quiet use and enjoyment with substantial interference by the landlord; and,

26 //

27 //

28 //

1 e. Interfering with any person in the exercise or enjoyment of, or on account of  
2 that person having exercised or enjoyed, any right granted or protected by  
3 Section 12955, in violation of Government Code section 12955.7 by  
4 intimidating and threatening with physical violence.

5 **JURY TRIAL DEMANDED**

6 48. Plaintiff CRD hereby requests a jury trial.

7 **PRAYER FOR RELIEF**

8 **Wherefore**, the Department, prays that this Court enter judgement in favor of CRD and  
9 the Real Party in Interest and that it order the following relief:

10 1. Declare that Defendants have violated the above-listed provisions of the Ralph  
11 Act, FEHA, and the Unruh Act;

12 2. Permanently enjoin all unlawful practices alleged in this complaint and impose  
13 injunctive relief prohibiting Defendants, their partners, agents, employees, assignees, and all  
14 persons acting in concert or participating with them, from violating the unlawful practices alleged  
15 herein pursuant to Government Code section 12989.2 and Civil Code section 52;

16 3. Enter a permanent injunction directing Defendants and their directors, officers,  
17 agents, and employees to take all affirmative steps necessary to remedy the effects of the illegal  
18 conduct described herein and to prevent similar occurrences in the future.

19 4. Award actual/compensatory and punitive damages to Plaintiff according to proof  
20 under Government Code section 12989.2;

21 5. Award statutory damages under the Ralph Civil Rights Act, including Real Party  
22 in Interest's actual damages, exemplary damages, and a civil penalty of up to \$25,000 for each  
23 and every violation of Civil Code section 51.7 by any Defendant;

24 6. Award statutory damages under the Unruh Civil Rights Act, including damages of  
25 up to three times Real Party in Interest's actual damages, but in no case less than \$4,000 for each  
26 and every violation of Civil Code section 51 by any Defendant;

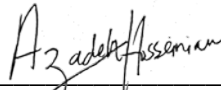
27 7. Award exemplary and punitive damages according to proof under California Civil  
28 Code section 3294;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- 8. Grant reasonable attorneys' fees, expenses, and costs of the suit to Plaintiff pursuant to Government Code section 12989.2 and Civil Code section 52;
- 9. Award interest on any monetary judgment; and,
- 10. All such other relief as the Court deems just.

Dated: 10/31/2022

CALIFORNIA CIVIL RIGHTS DEPARTMENT

By:   
AZADEH HOSSEINIAN  
Senior Staff Counsel  
Attorney for California Civil Rights Department