

# 23-1118(L) 23-1166(XAP)

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## IN THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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Connecticut Fair Housing Center and Carmen Arroyo,  
individually and as conservator of Mikhail Arroyo,  
*Plaintiffs-Appellants-Cross-Appellees*

v.

CoreLogic Rental Property Solutions, LLC,  
*Defendant-Appellee-Cross-Appellant*

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Appeal from the United States District Court for the District of Connecticut  
No. 18-CV-705

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### JOINT APPENDIX Volume 1 of 4 (Pages JA-1 to JA-213)

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**U.S. District Court  
District of Connecticut (New Haven)  
CIVIL DOCKET FOR CASE #: 3:18-cv-00705-VLB**

Connecticut Fair Housing Ctr et al v. CoreLogic Rental Property  
Solutions, LLC

Assigned to: Judge Vanessa L. Bryant  
Cause: 42:3601 Fair Housing Act

Date Filed: 04/24/2018

Date Terminated: 07/21/2023

Jury Demand: None

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: Federal Question

**Plaintiff**

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| Date Filed | #                        | Docket Text  |
|------------|--------------------------|--|
| 04/24/2018 | <a href="#"><u>1</u></a> | COMPLAINT against CoreLogic Rental Property Solutions, LLC ( Filing fee \$400 receipt number ACTDC-4806081.), filed by Carmen Arroyo, Connecticut Fair Housing Center, Inc..(Kirschner, Greg) (Entered: 04/24/2018)                            |
| 04/24/2018 |                          | Judge Vanessa L. Bryant added. (Oliver, T.) (Entered: 04/24/2018)  |
| 04/24/2018 | <a href="#"><u>2</u></a> | Order on Pretrial Deadlines: Motions to Dismiss due on 07/24/2018. Amended Pleadings due by 6/23/2018. Discovery due by 10/24/2018. Dispositive Motions due by 11/23/2018. Signed by Clerk on 04/24/2018.(Hernandez, T.) (Entered: 04/25/2018) |
| 04/24/2018 | <a href="#"><u>3</u></a> | ELECTRONIC FILING ORDER - PLEASE ENSURE COMPLIANCE WITH COURTESY COPY REQUIREMENTS IN THIS ORDER   |

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|            |                    | Signed by Judge Vanessa L. Bryant on 04/24/2018.(Hernandez, T.) (Entered: 04/25/2018)  |
| 04/24/2018 | <a href="#">4</a>  | STANDING PROTECTIVE ORDER<br>Signed by Judge Vanessa L. Bryant on 04/24/2018.(Hernandez, T.) (Entered: 04/25/2018)   |
| 04/24/2018 | <a href="#">5</a>  | ORDER RE: Judge's Chambers Practices. Counsel are directed to read and comply with the Chambers Practices and Standing Orders prior to filing any document. So ordered<br>Signed by Judge Vanessa L. Bryant on 04/24/2018.(Hernandez, T.) (Entered: 04/25/2018)  |
| 04/25/2018 | <a href="#">6</a>  | NOTICE TO COUNSEL/SELF-REPRESENTED PARTIES : Counsel or self-represented parties initiating or removing this action are responsible for serving all parties with attached documents and copies of <a href="#">5</a> Order Re: Chambers Practices, <a href="#">3</a> Electronic Filing Order, <a href="#">2</a> Order on Pretrial Deadlines, <a href="#">4</a> Standing Protective Order<br>Signed by Clerk on 04/25/2018.(Hernandez, T.) (Entered: 04/25/2018) |
| 05/23/2018 | <a href="#">7</a>  | NOTICE of Appearance by Salmun Kazerounian on behalf of Carmen Arroyo, Connecticut Fair Housing Ctr (Kazerounian, Salmun) (Entered: 05/23/2018)  |
| 05/29/2018 | <a href="#">8</a>  | MOTION for Attorney(s) Eric Dunn to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-4845599) by Carmen Arroyo, Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Affidavit of Eric Dunn)(Kazerounian, Salmun) (Entered: 05/29/2018)  |
| 05/30/2018 | <a href="#">9</a>  | ORDER granting <a href="#">8</a> Motion to Appear Pro Hac Vice Certificate of Good Standing due by 7/29/2018. Signed by Clerk on 05/30/2018. (Hernandez, T.) (Entered: 05/30/2018)   |
| 06/05/2018 | <a href="#">10</a> | NOTICE of Appearance by Eric Gregory Dunn on behalf of Carmen Arroyo, Connecticut Fair Housing Ctr (Dunn, Eric) (Entered: 06/05/2018)  |
| 06/06/2018 | <a href="#">11</a> | NOTICE of Appearance by Sarah White on behalf of Carmen Arroyo, Connecticut Fair Housing Ctr (White, Sarah) (Entered: 06/06/2018)  |
| 06/29/2018 |                    | Request for Clerk to issue summons as to CoreLogic Rental Property Solutions, LLC. (Kazerounian, Salmun) (Entered: 06/29/2018)   |
| 07/02/2018 | <a href="#">12</a> | ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *CoreLogic Rental Property Solutions, LLC* with answer to complaint due within *21* days. Attorney *Salmun Kazerounian* *Connecticut Fair Housing Center* *60 Popieluszko Court* *Hartford, CT 06106*. (Hernandez, T.) (Entered: 07/02/2018)   |
| 07/19/2018 | <a href="#">13</a> | MOTION for Extension of Time until 08/23/2018 <i>for</i> Response to Complaint and Rule 26 Conference by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Cohen, Daniel) (Entered: 07/19/2018)  |
| 07/19/2018 | <a href="#">14</a> | Corporate Disclosure Statement by CoreLogic Rental Property Solutions, LLC identifying Corporate Parent CoreLogic, Inc., Corporate Parent CoreLogic Information Resources, LLC for CoreLogic Rental Property Solutions, LLC. (Cohen, Daniel) (Entered: 07/19/2018)   |
| 07/22/2018 | <a href="#">15</a> | ORDER granting <a href="#">13</a> Motion for Extension of Time. Signed by Judge Vanessa L. Bryant on 7/22/2018. (Hoffman, S) (Entered: 07/22/2018)   |
| 07/22/2018 |                    | Answer deadline updated for CoreLogic Rental Property Solutions, LLC to 8/23/2018. (Hoffman, S) (Entered: 07/22/2018)  |
| 08/01/2018 | <a href="#">16</a> | NOTICE by Carmen Arroyo <i>of filing Certificate of Good Standing</i> (Attachments: # <a href="#">1</a> Certificate of Good Standing)(Dunn, Eric) (Entered: 08/01/2018)  |
| 08/08/2018 | <a href="#">17</a> | NOTICE of Appearance by Daniel Cohen on behalf of CoreLogic Rental Property Solutions, LLC (Cohen, Daniel) (Entered: 08/08/2018)   |

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| 08/14/2018 | <a href="#">18</a> | SUMMONS Returned Executed by Carmen Arroyo, Connecticut Fair Housing Ctr. CoreLogic Rental Property Solutions, LLC served on 7/3/2018, answer due 8/23/2018. (Kazerounian, Salmun) (Entered: 08/14/2018)  |
| 08/23/2018 | <a href="#">19</a> | MOTION to Dismiss by CoreLogic Rental Property Solutions, LLC. Responses due by 9/13/2018 (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Text of Proposed Order) (Cohen, Daniel) (Entered: 08/23/2018)  |
| 08/27/2018 | <a href="#">20</a> | MOTION for Attorney(s) Timothy St. George to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-4948988) by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Affidavit Affidavit of Timothy St. George)(Cohen, Daniel) (Entered: 08/27/2018)  |
| 08/27/2018 | <a href="#">21</a> | MOTION for Attorney(s) David Anthony to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-4949010) by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Affidavit of David Anthony)(Cohen, Daniel) (Entered: 08/27/2018)  |
| 09/06/2018 | <a href="#">22</a> | Joint REPORT of Rule 26(f) Planning Meeting. (Kazerounian, Salmun) (Entered: 09/06/2018)  |
| 09/06/2018 | <a href="#">23</a> | Consent MOTION for Extension of Time to File Response/Reply as to <a href="#">19</a> MOTION to Dismiss until October 4, 2018 by Carmen Arroyo, Connecticut Fair Housing Ctr. (Kazerounian, Salmun) (Entered: 09/06/2018)  |
| 09/06/2018 | <a href="#">24</a> | MOTION for Attorney(s) David Anthony to be Admitted Pro Hac Vice by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Affidavit)(Cohen, Daniel) (Entered: 09/06/2018)   |
| 09/06/2018 | <a href="#">25</a> | MOTION for Attorney(s) Timothy St. George to be Admitted Pro Hac Vice by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Affidavit)(Cohen, Daniel) (Entered: 09/06/2018)  |
| 09/10/2018 | 26                 | ORDER granting <a href="#">23</a> Plaintiffs' First Motion for Extension of Time by Consent to File a Response to Defendant's Motion to Dismiss. Signed by Judge Vanessa L. Bryant on 9/10/2018. (Lindberg, Christina) (Entered: 09/10/2018)  |
| 09/10/2018 | 27                 | SCHEDULING ORDER: The parties' Rule 26(f) Report <a href="#">22</a> is approved, as modified, and the Court sets the following case management deadlines: A discovery status teleconference will take place on <b>3/6/2019 at 4:30 pm</b> . All discovery, including but not limited to depositions of expert witnesses, shall be completed by <b>July 24, 2019</b> . Dispositive motions are due by <b>September 11, 2019</b> . If no dispositive motions are filed, the joint trial memorandum ("JTM") is due by <b>10/9/2019</b> , and jury selection will take place on <b>11/19/2019 at 09:30 AM</b> in Courtroom Three, 450 Main St., Hartford, CT before Judge Vanessa L. Bryant. If dispositive motions are filed, the JTM is due by <b>4/20/2020</b> , and jury selection will take place on <b>5/19/2020 at 09:30 AM</b> in Courtroom Three, 450 Main St., Hartford, CT before Judge Vanessa L. Bryant. Counsel shall be prepared to present evidence on any day during the month that the jury trial is scheduled to take place. The parties are directed to <u>closely</u> follow Chambers' Practices <a href="#">11</a> -- including the deadlines and format of filings -- when completing and filing the JTM, which shall be accompanied by the <i>voir dire</i> questions, jury instructions, and motions <i>in limine</i> . All evidentiary objections raised in the JTM must be the subject of a motion <i>in limine</i> and supported by applicable Second Circuit precedent. The parties' exhibit binders and electronic exhibits, as well as any courtroom technology requests, must be submitted no later than <b>2 weeks</b> before jury selection. The Court also requests that any courtesy copies sent to Chambers be printed from the docket and contain the header of the Court's electronic filing system. If and/or when the parties feel that a settlement conference before a Magistrate Judge would be productive, the parties may jointly request such on |

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|            |                    | the docket. Signed by Judge Vanessa L. Bryant on 9/10/2018. (Lindberg, Christina) (Entered: 09/10/2018)  |
| 09/10/2018 | 28                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Discovery status teleconference set for <b>3/6/2019 at 04:30 PM</b> before Judge Vanessa L. Bryant. To participate in the teleconference, the parties are ordered to call Chambers at 860-240-3123 with all parties on the line. In the alternative, the parties may call Chambers to distribute a dial-in number to the Court. (Shafer, J.) (Entered: 09/11/2018)                               |
| 09/11/2018 | 29                 | ORDER granting <a href="#">24</a> Motion for Attorney David Anthony to be Admitted Pro Hac Vice. Certificate of Good Standing due by 11/10/2018.. Signed by Clerk on 9/11/2018. (Bozek, M.) (Entered: 09/11/2018)  |
| 09/11/2018 | 30                 | ORDER granting <a href="#">25</a> Motion for Attorney Timothy St. George to be Admitted Pro Hac Vice. Certificate of Good Standing due by 11/10/2018. Signed by Clerk on 9/11/2018. (Bozek, M.) (Entered: 09/11/2018)  |
| 10/04/2018 | <a href="#">31</a> | Memorandum in Opposition re <a href="#">19</a> MOTION to Dismiss filed by Carmen Arroyo, Connecticut Fair Housing Ctr. (Kazerounian, Salmun) (Entered: 10/04/2018)   |
| 10/12/2018 | 32                 | ORDER denying <a href="#">20</a> Motion for Attorney Timothy St. George to be Admitted Pro Hac Vice and <a href="#">21</a> Motion for Attorney David Anthony to be Admitted Pro Hac Vice as moot. Counsel has been admitted through subsequent motions. Signed by Judge Vanessa L. Bryant on 10/12/2018. (Lindberg, Christina) (Entered: 10/12/2018)   |
| 10/18/2018 | <a href="#">33</a> | REPLY to Response to <a href="#">19</a> MOTION to Dismiss filed by CoreLogic Rental Property Solutions, LLC. (Cohen, Daniel) (Entered: 10/18/2018)   |
| 11/07/2018 | <a href="#">34</a> | CERTIFICATE OF GOOD STANDING re <a href="#">25</a> MOTION for Attorney(s) Timothy St. George to be Admitted Pro Hac Vice by CoreLogic Rental Property Solutions, LLC. (Cohen, Daniel) (Entered: 11/07/2018)  |
| 11/08/2018 | <a href="#">35</a> | CERTIFICATE OF GOOD STANDING re <a href="#">24</a> MOTION for Attorney(s) David Anthony to be Admitted Pro Hac Vice by CoreLogic Rental Property Solutions, LLC. (Cohen, Daniel) (Entered: 11/08/2018)   |
| 03/04/2019 | <a href="#">36</a> | NOTICE of Appearance by Timothy St. George on behalf of CoreLogic Rental Property Solutions, LLC (St. George, Timothy) (Entered: 03/04/2019)   |
| 03/05/2019 | <a href="#">37</a> | NOTICE of Appearance by David N. Anthony on behalf of CoreLogic Rental Property Solutions, LLC (Anthony, David) (Entered: 03/05/2019)  |
| 03/07/2019 | 38                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. <i>RESET FROM 3/6/2019</i> . Discovery status teleconference set for <b>3/12/2019 at 09:30 AM</b> before Judge Vanessa L. Bryant. To participate in the teleconference, the parties are ordered to call Chambers at 860-240-3123 with all parties on the line. In the alternative, the parties may call Chambers to distribute a dial-in number to the Court. (Shafer, J.) (Entered: 03/07/2019) |
| 03/12/2019 | <a href="#">39</a> | Minute Entry for proceedings held before Judge Vanessa L. Bryant: discovery status teleconference held on 3/12/2019. Total Time: 12 minutes. (Court Reporter F. Velez, ECRO.) (Shafer, J.) (Entered: 03/12/2019)   |
| 03/12/2019 | 40                 | ORDER REFERRING CASE to Magistrate Judge Robert A. Richardson for a settlement conference. Signed by Judge Vanessa L. Bryant on 3/12/2019. (Shafer, J.) (Entered: 03/12/2019)  |

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| 03/25/2019 | <a href="#">41</a> | ORDER denying <a href="#">19</a> Motion to Dismiss. Signed by Judge Vanessa L. Bryant on 3/25/2019. (Shafer, J.) (Entered: 03/26/2019)  |
| 03/28/2019 | <a href="#">42</a> | ORDER A settlement conference is scheduled for 7/25/19 at 1:00 PM with Judge Richardson. Please see attached order for important instructions. Signed by Judge Robert A. Richardson on 3/28/2019. (Landsman, Halle) (Entered: 03/28/2019)   |
| 03/28/2019 | 43                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Settlement Conference set for 7/25/2019 01:00 PM in Chambers Room 258, 450 Main St., Hartford, CT before Judge Robert A. Richardson.(Landsman, Halle) (Entered: 03/28/2019)                                      |
| 04/09/2019 | <a href="#">44</a> | ANSWER to <a href="#">1</a> Complaint with Affirmative Defenses by CoreLogic Rental Property Solutions, LLC.(Cohen, Daniel) (Entered: 04/09/2019)   |
| 06/24/2019 | 45                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. <i>RESET FROM 7/25/2019 at 1:00pm</i> . Settlement Conference set for 7/25/2019 10:30 AM in Chambers Room 258, 450 Main St., Hartford, CT before Judge Robert A. Richardson. (Landsman, H) (Entered: 06/24/2019) |
| 07/03/2019 | <a href="#">46</a> | MOTION for Attorney(s) Joseph M. Sellers to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5346942) by Carmen Arroyo, Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Affidavit)(Kazerounian, Salmun) (Entered: 07/03/2019)  |
| 07/03/2019 | <a href="#">47</a> | MOTION for Attorney(s) Christine E. Webber to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5347013) by Carmen Arroyo, Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Affidavit)(Kazerounian, Salmun) (Entered: 07/03/2019)  |
| 07/03/2019 | <a href="#">48</a> | MOTION for Attorney(s) Brian C. Corman to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5347032) by Carmen Arroyo, Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Affidavit)(Kazerounian, Salmun) (Entered: 07/03/2019)  |
| 07/03/2019 | <a href="#">49</a> | CERTIFICATE OF GOOD STANDING re <a href="#">46</a> MOTION for Attorney(s) Joseph M. Sellers to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5346942) by Carmen Arroyo, Connecticut Fair Housing Ctr. (Kazerounian, Salmun) (Entered: 07/03/2019)   |
| 07/03/2019 | <a href="#">50</a> | CERTIFICATE OF GOOD STANDING re <a href="#">47</a> MOTION for Attorney(s) Christine E. Webber to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5347013) by Carmen Arroyo, Connecticut Fair Housing Ctr. (Kazerounian, Salmun) (Entered: 07/03/2019)   |
| 07/03/2019 | <a href="#">51</a> | CERTIFICATE OF GOOD STANDING re <a href="#">48</a> MOTION for Attorney(s) Brian C. Corman to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5347032) by Carmen Arroyo, Connecticut Fair Housing Ctr. (Kazerounian, Salmun) (Entered: 07/03/2019)   |
| 07/03/2019 | <a href="#">52</a> | First MOTION for Extension of Time until September 24, 2019 to Complete Discovery by Carmen Arroyo, Connecticut Fair Housing Ctr. (Kazerounian, Salmun) (Entered: 07/03/2019)   |
| 07/08/2019 | 53                 | ORDER. Defendant is ordered to respond to the <a href="#">52</a> Motion to Extend Discovery Deadline by 7/17/2019. The Court sets a hearing for 7/25/2019 at 2:00 PM in Courtroom Three, 450 Main St., Hartford, CT. Signed by Judge Vanessa L. Bryant on 7/8/2019. (Lindberg, Christina) (Entered: 07/08/2019)   |


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| 07/09/2019 | 54                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Motion hearing set for <b>7/25/2019 at 2:00 PM</b> in Courtroom Three, 450 Main St., Hartford, CT before Judge Vanessa L. Bryant re <a href="#">52</a> First MOTION for Extension of Time. Defendant's response due by <b>7/17/2019</b> per Dkt. 53 Order. (Shafer, J.) (Entered: 07/09/2019)   |
| 07/09/2019 | 55                 | ORDER granting <a href="#">46</a> Motion to Appear Pro Hac Vice as to Joseph M. Sellers, Certificate of Good Standing due by 9/7/2019. Signed by Clerk on 07/09/2019. (Murphy, Tatihana) (Entered: 07/09/2019)   |
| 07/09/2019 | 56                 | ORDER granting <a href="#">47</a> Motion to Appear Pro Hac Vice as to Christine E. Webber, Certificate of Good Standing due by 9/7/2019. Signed by Clerk on 07/09/2019. (Murphy, Tatihana) (Entered: 07/09/2019)   |
| 07/09/2019 | 57                 | ORDER granting <a href="#">48</a> Motion to Appear Pro Hac Vice as to Brian C. Corman, Certificate of Good Standing due by 9/7/2019. Signed by Clerk on 07/09/2019. (Murphy, Tatihana) (Entered: 07/09/2019)   |
| 07/09/2019 | 58                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. <i>RESET FROM 7/25/2019 at 2:00 PM</i> . Motion hearing set for 7/25/2019 at 3:00 PM in Courtroom Three, 450 Main St., Hartford, CT before Judge Vanessa L. Bryant. (Lindberg, Christina) (Entered: 07/09/2019)   |
| 07/09/2019 | 59                 | VACATED: ORDER. The Court sets a discovery dispute teleconference for 7/12/2019 at 9:30 AM. The parties are ordered to call Chambers at 860-240-3123 with all parties on the line. In the alternative, the parties may call Chambers to distribute a dial-in number to the Court. The parties must file a joint letter brief 1) describing the discrete legal issue in dispute and 2) applying the legal authority for each party's position, as set forth in the Court's Chambers Practices, by 7/10/2019. Signed by Judge Vanessa L. Bryant on 7/9/2019. (Lindberg, Christina) Modified on 7/12/2019 (Shafer, J.). (Entered: 07/09/2019) |
| 07/10/2019 | <a href="#">60</a> | Joint STATUS REPORT / <i>Letter Brief Regarding Discovery Dispute</i> by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Exhibit)(Cohen, Daniel) (Entered: 07/10/2019)   |
| 07/11/2019 | 61                 | ORDER Vacating Order at Dkt. 59. The parties have not complied with Chambers' Practices as set forth on the Court's website and specifically reiterated to the parties by the Court. Chambers' Practices require a <u>short</u> joint letter brief describing the <u>discrete</u> legal issue in dispute. Signed by Judge Vanessa L. Bryant on 7/11/2019. (Lindberg, Christina) (Entered: 07/11/2019)  |
| 07/15/2019 | <a href="#">62</a> | NOTICE of Appearance by Christine E. Webber on behalf of Carmen Arroyo, Connecticut Fair Housing Ctr (Webber, Christine) (Entered: 07/15/2019)   |
| 07/15/2019 | <a href="#">63</a> | NOTICE of Appearance by Joseph M. Sellers on behalf of Carmen Arroyo, Connecticut Fair Housing Ctr (Sellers, Joseph) (Entered: 07/15/2019)   |
| 07/17/2019 | <a href="#">64</a> | Memorandum in Opposition ( <i>Partial</i> ) re <a href="#">52</a> First MOTION for Extension of Time until September 24, 2019 to Complete Discovery filed by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Exhibit A Plaintiffs' Requests for Admission, # <a href="#">2</a> Exhibit B Plaintiffs' Requests for Production, # <a href="#">3</a> Exhibit C Plaintiffs' Interrogatories)(Cohen, Daniel) (Entered: 07/17/2019)  |
| 07/19/2019 | <a href="#">65</a> | MOTION to Compel <i>Production of Documents</i> by Carmen Arroyo, Connecticut Fair Housing Ctr. Responses due by 8/9/2019 (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Exhibit)(Webber, Christine) (Entered: 07/19/2019)   |

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| 07/22/2019 | <a href="#">66</a> | REPLY to Response to <a href="#">52</a> First MOTION for Extension of Time until September 24, 2019 to Complete Discovery filed by Carmen Arroyo, Connecticut Fair Housing Ctr. (Webber, Christine) (Entered: 07/22/2019)  |
| 07/25/2019 | <a href="#">67</a> | Minute Entry for proceedings held before Judge Vanessa L. Bryant: motion hearing held on 7/25/2019 denying <a href="#">52</a> Motion for Extension of Time. A renewed motion is due by next Wednesday. Total Time: 28 minutes. (Court Reporter F. Velez, ECRO.) (Shafer, J.) (Entered: 07/25/2019)   |
| 07/25/2019 | 68                 | Minute Entry for proceedings held before Judge Robert A. Richardson: Settlement Conference held on 7/25/2019. Case did not settle. Parties are continuing to discuss settlement. Total Time: 4 hours and 30 minutes. (Landsman, Halle) (Entered: 07/26/2019)   |
| 07/26/2019 | <a href="#">69</a> |  PDF with attached Audio File. Court Date & Time [ 7/25/2019 3:09:55 AM ]. File Size [ 13856 KB ]. Run Time [ 00:28:52 ]. (admin). (Entered: 07/26/2019)  |
| 07/31/2019 | <a href="#">71</a> | Supplemental MOTION for Extension of Time until September 24, 2019 of the Discovery Deadline by Carmen Arroyo, Connecticut Fair Housing Ctr. (Webber, Christine) (Entered: 07/31/2019)   |
| 08/09/2019 | <a href="#">74</a> | Memorandum in Opposition re <a href="#">65</a> MOTION to Compel <i>Production of Documents</i> filed by CoreLogic Rental Property Solutions, LLC. (Cohen, Daniel) (Entered: 08/09/2019)  |
| 08/15/2019 | <a href="#">75</a> | MOTION for Attorney(s) Alan Wingfield to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5401289) by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Affidavit)(Cohen, Daniel) (Entered: 08/15/2019)   |
| 08/16/2019 | 76                 | ORDER granting <a href="#">75</a> Motion to Appear Pro Hac Vice as to Alan Wingfield. Certificate of Good Standing due by 10/15/2019. Signed by Clerk on 08/16/2019. (Murphy, Tatihana) (Entered: 08/16/2019)  |
| 08/16/2019 | <a href="#">77</a> | RESPONSE re <a href="#">71</a> Supplemental MOTION for Extension of Time until September 24, 2019 of the Discovery Deadline filed by CoreLogic Rental Property Solutions, LLC. (Cohen, Daniel) (Entered: 08/16/2019)   |
| 08/19/2019 | 78                 | ORDER. A day 2 settlement conference is scheduled for 8/26/2019 at 1:00pm. Signed by Judge Robert A. Richardson on 8/19/2019. (Landsman, Halle) (Entered: 08/19/2019)  |
| 08/19/2019 | 79                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Settlement Conference set for 8/26/2019 01:00 PM in Chambers Room 258, 450 Main St., Hartford, CT before Judge Robert A. Richardson. (Landsman, Halle) (Entered: 08/19/2019)  |
| 08/23/2019 | <a href="#">80</a> | REPLY to Response to <a href="#">65</a> MOTION to Compel <i>Production of Documents</i> filed by Carmen Arroyo, Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit)(Webber, Christine) (Entered: 08/23/2019)  |
| 08/23/2019 | <a href="#">81</a> | MOTION to Seal <i>Exhibits 1 and 2</i> Exhibits 1 and 2 by Carmen Arroyo, Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit)(Webber, Christine) (Entered: 08/23/2019)   |
| 08/26/2019 | 82                 | Minute Entry for proceedings held before Judge Robert A. Richardson: Settlement Conference held on 8/26/2019. Case not settled. Parties made significant progress towards settlement and are encouraged to continuing discussing settlement. Parties are to report back by 9/3/19 as to any progress made. Total Time: 5 hours and 10 minutes. (Landsman, Halle) (Entered: 08/26/2019) |

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| 08/30/2019 | <a href="#">83</a> | MOTION to Seal Exhibits 1 and 2 to Plaintiffs' Reply in Support of Their Motion to Compel by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Declaration in Support, # <a href="#">2</a> Proposed Findings of Fact and Conclusions of Law)(Cohen, Daniel) (Entered: 08/30/2019)   |
| 09/03/2019 | <a href="#">84</a> | MOTION for Leave to File <i>Sur-Reply to Plaintiffs' Reply in Support of Their Motion to Compel (Dkt. 80)</i> by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Proposed Sur-Reply)(Cohen, Daniel) (Entered: 09/03/2019)   |
| 09/04/2019 | <a href="#">85</a> | ORDER granting <a href="#">81</a> Motion for Leave to File Under Seal and granting <a href="#">83</a> Motion to Seal. Plaintiffs are directed to file Exhibits 1 and 2 under seal, and to file a public version of Exhibit 1 with redacted excerpts as set forth in the attached Order. Signed by Judge Vanessa L. Bryant on 9/4/2019. (Shafer, J.) (Entered: 09/04/2019)   |
| 09/10/2019 | <a href="#">86</a> | NOTICE by Carmen Arroyo, Connecticut Fair Housing Ctr re <a href="#">80</a> Reply to Response to Motion of <i>Filing Redacted Version of Exhibit 1</i> (Attachments: # <a href="#">1</a> Exhibit Redacted Exhibit)(Webber, Christine) (Entered: 09/10/2019)   |
| 09/11/2019 | <a href="#">87</a> | MOTION for Summary Judgment by Carmen Arroyo, Connecticut Fair Housing Ctr.Responses due by 10/2/2019 (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Statement of Material Facts, # <a href="#">3</a> Affidavit, # <a href="#">4</a> Exhibit Table of Exhibits, # <a href="#">5</a> Exhibit A, # <a href="#">6</a> Exhibit C, # <a href="#">7</a> Exhibit D, # <a href="#">8</a> Exhibit E, # <a href="#">9</a> Exhibit F, # <a href="#">10</a> Exhibit G)(Kirschner, Greg) (Entered: 09/11/2019) |
| 09/11/2019 | <a href="#">88</a> | MOTION to Seal Exhibits marked confidential by Carmen Arroyo, Connecticut Fair Housing Ctr. (Kirschner, Greg) (Entered: 09/11/2019)   |
| 09/11/2019 | <a href="#">89</a> | MOTION for Extension of Time until November 11, 2019 to File Motions for Summary Judgment by CoreLogic Rental Property Solutions, LLC. (St. George, Timothy) (Entered: 09/11/2019)  |
| 09/16/2019 | <a href="#">90</a> | MOTION for Attorney(s) Patrick Dillard to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5442636) by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Affidavit)(Cohen, Daniel) (Entered: 09/16/2019)   |
| 09/18/2019 | 91                 | ORDER granting <a href="#">90</a> Motion for Attorney Patrick Dillard to Appear Pro Hac Vice. Certificate of Good Standing due by 11/17/2019. Signed by Clerk on 9/18/2019. (Velez, F.) (Entered: 09/18/2019)   |
| 09/18/2019 | 92                 | ORDER granting <a href="#">71</a> Motion for Extension of Time. In light of the proposed specific deposition schedule, the Court finds that there is good cause to extend the discovery deadline to September 24, 2019 and to correspondingly extend the deadline for filing dispositive motions to November 11, 2019. This order shall not affect any other future deadlines. Signed by Judge Vanessa L. Bryant on 9/18/2019. (Dannenmaier, Katherine) (Entered: 09/18/2019)   |
| 09/18/2019 | 93                 | ORDER DENYING AS MOOT <a href="#">89</a> Motion for Extension of Time in light of the Court's 92 Order granting <a href="#">71</a> Motion for Extension of Time. Signed by Judge Vanessa L. Bryant on 9/18/2019. (Dannenmaier, Katherine) (Entered: 09/18/2019)   |
| 09/18/2019 | 94                 | ORDER TO SHOW CAUSE re: <a href="#">88</a> Motion to Seal. Defendant is ordered to show cause as to why excerpts and an exhibit from the Rule 30(b)(6) deposition of Naeem Kayani and excerpts and an exhibit from the deposition of Robert Lindenflezer should be filed under seal. A response is due by 9/26/2019. Signed by Judge Vanessa L. Bryant on 9/18/2019. (Dannenmaier, Katherine) (Entered: 09/18/2019)   |
| 09/18/2019 |                    | Reset deadlines: discovery due by 9/24/2019 and dispositive motions due by 11/11/2019 per Dkt. 92 Order. (Shafer, J.) (Entered: 09/19/2019)   |

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| 09/19/2019 | <a href="#">95</a>  | CERTIFICATE OF GOOD STANDING re <a href="#">90</a> MOTION for Attorney(s) Patrick Dillard to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5442636) by CoreLogic Rental Property Solutions, LLC. (Cohen, Daniel) (Entered: 09/19/2019)  |
| 09/24/2019 | <a href="#">96</a>  | NOTICE of Appearance by Patrick F. Dillard on behalf of CoreLogic Rental Property Solutions, LLC (Dillard, Patrick) (Entered: 09/24/2019)   |
| 09/24/2019 | <a href="#">97</a>  | MOTION to Compel <i>Documents in Response to RFP 30</i> by Carmen Arroyo, Connecticut Fair Housing Ctr.Responses due by 10/15/2019 (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F, # <a href="#">7</a> Exhibit G, # <a href="#">8</a> Exhibit H) (White, Sarah) (Entered: 09/24/2019)   |
| 09/26/2019 | <a href="#">98</a>  | MOTION to Seal Exhibits to Plaintiffs' Motion for Summary Judgment Identified in the Court's Order to Show Cause (Dkt. No. 94) by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Declaration in Support, # <a href="#">2</a> Proposed Findings of Fact and Conclusions of Law)(Cohen, Daniel) (Entered: 09/26/2019)  |
| 10/02/2019 | <a href="#">99</a>  | Redacted Memorandum in Opposition re <a href="#">87</a> MOTION for Summary Judgment filed by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Table of Exhibits, # <a href="#">2</a> Defendant's Local Rule 56(a)2 Statement of Facts in Opposition to Plaintiffs' Motion for Partial Summary Judgment and Defendant's Additional Material Facts ("AMF"), # <a href="#">3</a> Exhibit 1 to AMF, # <a href="#">4</a> Exhibit 2 to AMF, # <a href="#">5</a> Exhibit 3 to AMF, # <a href="#">6</a> Exhibit 4 to AMF, # <a href="#">7</a> Exhibit 5 to AMF)(Cohen, Daniel) Modified on 10/3/2019 to indicate redacted version (Reis, Julia). (Entered: 10/02/2019) |
| 10/02/2019 | <a href="#">100</a> | MOTION to Seal <i>Portions of</i> Defendant's Response in Opposition to Plaintiffs' Motion for Partial Summary Judgment and accompanying Exhibits by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Proposed Findings of Fact and Conclusions of Law, # <a href="#">2</a> Declaration of Angela Barnard in Support of Motion to Seal)(Cohen, Daniel) (Entered: 10/02/2019)   |
| 10/03/2019 | <a href="#">101</a> | Sealed Document: Defendant's Unredacted Response in Opposition to Plaintiffs' Motion for Partial Summary Judgment and accompanying Exhibits by CoreLogic Rental Property Solutions, LLC re <a href="#">87</a> MOTION for Summary Judgment , <a href="#">99</a> Memorandum in Opposition to Motion,, . (Attachments: # <a href="#">1</a> Defendant's Local Rule 56(a)2 Statement of Facts in Opposition to Plaintiffs' Motion for Partial Summary Judgment and Defendant's Additional Material Facts ("AMF"), # <a href="#">2</a> Exhibit 3 to AMF, # <a href="#">3</a> Exhibit 4 to AMF)(Cohen, Daniel) (Entered: 10/03/2019)   |
| 10/15/2019 | <a href="#">102</a> | Memorandum in Opposition re <a href="#">97</a> MOTION to Compel <i>Documents in Response to RFP 30</i> filed by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Cohen, Daniel) (Entered: 10/15/2019)  |
| 10/16/2019 | <a href="#">103</a> | First MOTION for Extension of Time to File Response/Reply as to <a href="#">87</a> MOTION for Summary Judgment until October 18, 2019 by Carmen Arroyo, Connecticut Fair Housing Ctr. (Kazerounian, Salmun) (Entered: 10/16/2019)   |
| 10/17/2019 | 104                 | ORDER granting <a href="#">103</a> Motion for Extension of Time to File Response/Reply to October 18, 2019. Pursuant to Local Rule 7(b), the Court finds that there is good cause to extend Plaintiffs' time to file a response/reply by two days because of the number of issues to be addressed and the additional complexities of complying with the protective order. Signed by Judge Vanessa L. Bryant on 10/17/2019. (Dannenmaier, Katherine) (Entered: 10/17/2019)   |
| 10/18/2019 | <a href="#">105</a> | REPLY to Response to <a href="#">87</a> MOTION for Summary Judgment filed by Carmen Arroyo, Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Statement of Material Facts Plaintiffs' Additional Undisputed Facts and Response to Defendant's Statement of Additional Material Facts, # <a href="#">2</a> Exhibit Exhibit List, # <a href="#">3</a> Exhibit 1, # <a href="#">4</a> Exhibit 2, # <a href="#">5</a> Exhibit 3, # <a href="#">6</a>  |

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|            |                     | Exhibit 4, # <a href="#">7</a> Exhibit 5, # <a href="#">8</a> Exhibit 6, # <a href="#">9</a> Exhibit 7, # <a href="#">10</a> Exhibit 8, # <a href="#">11</a> Exhibit 9, # <a href="#">12</a> Exhibit 10, # <a href="#">13</a> Exhibit 11)(Webber, Christine) (Entered: 10/18/2019)  |
| 10/18/2019 | <a href="#">106</a> | MOTION to Seal Exhibits 1, 3, 10 to Plaintiffs' Reply in Support of Motion for Summary Judgment (Dkt. 105) by Carmen Arroyo, Connecticut Fair Housing Ctr. (Webber, Christine) (Entered: 10/18/2019)  |
| 10/18/2019 | <a href="#">107</a> | Sealed Document: Exs. 1, 3, 10 to Plaintiffs' Reply in Support of Motion for Summary Judgment by Carmen Arroyo, Connecticut Fair Housing Ctr re <a href="#">106</a> MOTION to Seal Exhibits 1, 3, 10 to Plaintiffs' Reply in Support of Motion for Summary Judgment (Dkt. 105) . (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 3, # <a href="#">3</a> Exhibit 10)(Webber, Christine) (Entered: 10/18/2019)   |
| 10/28/2019 | <a href="#">108</a> | NOTICE by CoreLogic Rental Property Solutions, LLC of <i>Withdrawal as Counsel</i> (Dillard, Patrick) (Entered: 10/28/2019)   |
| 10/29/2019 | <a href="#">109</a> | REPLY to Response to <a href="#">97</a> MOTION to Compel <i>Documents in Response to RFP 30</i> filed by Carmen Arroyo, Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Exhibit A)(White, Sarah) (Entered: 10/29/2019)  |
| 10/29/2019 | <a href="#">110</a> | MOTION to Seal Exhibits 1, 3, and 10 to Plaintiffs' Reply in Support of Their Motion for Partial Summary Judgment by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Proposed Findings of Fact and Conclusions of Law) (Cohen, Daniel) (Entered: 10/29/2019)  |
| 11/08/2019 | <a href="#">111</a> | MOTION for Leave to File Excess Pages by Carmen Arroyo, Connecticut Fair Housing Ctr. (Kazerounian, Salmun) (Entered: 11/08/2019)   |
| 11/11/2019 | <a href="#">112</a> | MOTION for Summary Judgment <i>Redacted</i> by CoreLogic Rental Property Solutions, LLC.Responses due by 12/2/2019 (Attachments: # <a href="#">1</a> Table of Exhibits, # <a href="#">2</a> Memorandum in Support of Motion for Summary Judgment, # <a href="#">3</a> Local 56(a)1 Statement of Undisputed Material Facts, # <a href="#">4</a> Declaration of Naeem Kayani, # <a href="#">5</a> Declaration of Jay Kacirk, # <a href="#">6</a> Declaration of Stacie Dachtler, # <a href="#">7</a> Declaration of Timothy St. George, # <a href="#">8</a> Declaration of Angela Barnard)(Cohen, Daniel) (Entered: 11/11/2019)   |
| 11/11/2019 | <a href="#">113</a> | MOTION to Seal Portions of Defendant's Memorandum in Support of its Motion for Summary Judgment, Local 56(a)1 Statement of Undisputed Material Facts, and Accompanying Exhibits in Support by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Declaration of Naeem Kayani in Support, # <a href="#">2</a> Declaration of Angela Barnard in Support, # <a href="#">3</a> Proposed Findings of Fact and Conclusions of Law)(Cohen, Daniel) (Entered: 11/11/2019)  |
| 11/11/2019 | <a href="#">114</a> | Sealed Document: Defendant's Unredacted Memorandum in Support of its Motion for Summary Judgment, Local 56(a)1 Statement of Undisputed Material Facts, and Accompanying Exhibits by CoreLogic Rental Property Solutions, LLC re <a href="#">112</a> MOTION for Summary Judgment <i>Redacted</i> , <a href="#">113</a> MOTION to Seal Portions of Defendant's Memorandum in Support of its Motion for Summary Judgment, Local 56(a)1 Statement of Undisputed Material Facts, and Accompanying Exhibits in Support . (Attachments: # <a href="#">1</a> Local Rule 56(a)1 Statement of Undisputed Material Facts, # <a href="#">2</a> Declaration of Naeem Kayani, # <a href="#">3</a> Declaration of Jay Kacirk, # <a href="#">4</a> Declaration of Stacie Dachtler, # <a href="#">5</a> Declaration of Timothy St. George, # <a href="#">6</a> Declaration of Angela Barnard)(Cohen, Daniel) (Entered: 11/11/2019) |
| 11/12/2019 | 115                 | ORDER granting <a href="#">111</a> Motion for Leave to File Excess Pages. Plaintiff may file its Motion for Partial Summary Judgment before 11/13/2019. Signed by Judge Vanessa L. Bryant on 11/12/2019. (Dannenmaier, Katherine) (Entered: 11/12/2019)   |

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| 11/12/2019 | <a href="#">116</a> | MOTION for Summary Judgment by Carmen Arroyo, Connecticut Fair Housing Ctr. Responses due by 12/3/2019 (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Statement of Material Facts, # <a href="#">3</a> Index of Exhibits, # <a href="#">4</a> Exhibit 1, # <a href="#">5</a> Exhibit 2, # <a href="#">6</a> Exhibit 3, # <a href="#">7</a> Exhibit 4, # <a href="#">8</a> Exhibit 5, # <a href="#">9</a> Exhibit 6, # <a href="#">10</a> Exhibit 7, # <a href="#">11</a> Exhibit 8, # <a href="#">12</a> Exhibit 9, # <a href="#">13</a> Exhibit 10, # <a href="#">14</a> Exhibit 11, # <a href="#">15</a> Exhibit 12, # <a href="#">16</a> Exhibit 13, # <a href="#">17</a> Exhibit 14, # <a href="#">18</a> Exhibit 15, # <a href="#">19</a> Exhibit 16, # <a href="#">20</a> Exhibit 17, # <a href="#">21</a> Exhibit 18, # <a href="#">22</a> Exhibit 19, # <a href="#">23</a> Exhibit 20, # <a href="#">24</a> Exhibit 21, # <a href="#">25</a> Exhibit 22, # <a href="#">26</a> Exhibit 23, # <a href="#">27</a> Exhibit 24, # <a href="#">28</a> Exhibit 25, # <a href="#">29</a> Exhibit 26, # <a href="#">30</a> Exhibit 27, # <a href="#">31</a> Exhibit 28, # <a href="#">32</a> Exhibit 29, # <a href="#">33</a> Exhibit 30, # <a href="#">34</a> Exhibit 31, # <a href="#">35</a> Exhibit 32, # <a href="#">36</a> Exhibit 33, # <a href="#">37</a> Exhibit 34, # <a href="#">38</a> Exhibit 35, # <a href="#">39</a> Exhibit 36, # <a href="#">40</a> Exhibit 37, # <a href="#">41</a> Exhibit 38, # <a href="#">42</a> Exhibit 39, # <a href="#">43</a> Exhibit 40, # <a href="#">44</a> Exhibit 41, # <a href="#">45</a> Exhibit 42, # <a href="#">46</a> Exhibit 43, # <a href="#">47</a> Exhibit 44, # <a href="#">48</a> Exhibit 45, # <a href="#">49</a> Exhibit 46, # <a href="#">50</a> Exhibit 47, # <a href="#">51</a> Exhibit 48, # <a href="#">52</a> Exhibit 49, # <a href="#">53</a> Exhibit 50, # <a href="#">54</a> Exhibit 51)(Kazerounian, Salmun) (Entered: 11/12/2019) |
| 11/12/2019 | <a href="#">117</a> | MOTION to Seal Portions of Plaintiffs' Memorandum in Support of its Motion for Partial Summary Judgment on Disparate Impact Claims for Race and National Origin Discrimination and Unfair Practices, Rule 56(a)(1) Statement, and Certain Exhibits by Carmen Arroyo, Connecticut Fair Housing Ctr. (Kazerounian, Salmun) (Entered: 11/12/2019)   |
| 11/12/2019 | <a href="#">118</a> | Sealed Document: Plaintiffs' Unredacted Memorandum in Support of its Motion for Partial Summary Judgment, Rule 56(a)(1) Statement, and Exhibits by Carmen Arroyo, Connecticut Fair Housing Ctr re <a href="#">116</a> MOTION for Summary Judgment , <a href="#">117</a> MOTION to Seal Portions of Plaintiffs' Memorandum in Support of its Motion for Partial Summary Judgment on Disparate Impact Claims for Race and National Origin Discrimination and Unfair Practices, Rule 56(a)(1) Statement, and Certain Exh . (Attachments: # <a href="#">1</a> Statement of Material Facts, # <a href="#">2</a> Exhibit 6, # <a href="#">3</a> Exhibit 13, # <a href="#">4</a> Exhibit 22, # <a href="#">5</a> Exhibit 23, # <a href="#">6</a> Exhibit 24, # <a href="#">7</a> Exhibit 25, # <a href="#">8</a> Exhibit 26, # <a href="#">9</a> Exhibit 27, # <a href="#">10</a> Exhibit 31, # <a href="#">11</a> Exhibit 33, # <a href="#">12</a> Exhibit 36, # <a href="#">13</a> Exhibit 44, # <a href="#">14</a> Exhibit 46, # <a href="#">15</a> Exhibit 47, # <a href="#">16</a> Exhibit 49, # <a href="#">17</a> Exhibit 50)(Kazerounian, Salmun) (Entered: 11/12/2019)   |
| 11/13/2019 | <a href="#">119</a> | EXHIBIT <i>Index of Exhibits</i> by Carmen Arroyo, Connecticut Fair Housing Ctr re <a href="#">116</a> MOTION for Summary Judgment . (Kazerounian, Salmun) (Entered: 11/13/2019)   |
| 11/13/2019 | <a href="#">120</a> | EXHIBIT <i>Corrected Declaration of Jay Kacirk</i> by CoreLogic Rental Property Solutions, LLC re <a href="#">112</a> MOTION for Summary Judgment <i>Redacted</i> . (Cohen, Daniel) (Entered: 11/13/2019)  |
| 11/25/2019 | <a href="#">121</a> | Joint MOTION for Extension of Time to File Response/Reply as to <a href="#">116</a> MOTION for Summary Judgment , <a href="#">112</a> MOTION for Summary Judgment <i>Redacted</i> until 12/6/2019 by Carmen Arroyo, Connecticut Fair Housing Ctr. (Kazerounian, Salmun) (Entered: 11/25/2019)  |
| 11/26/2019 | 122                 | ORDER granting <a href="#">121</a> Motion for Extension of Time to File Response/Reply re <a href="#">112</a> MOTION for Summary Judgment, <a href="#">116</a> MOTION for Summary Judgment. Pursuant to Local Rule 7(b), the Court finds that there is good cause to extend the response deadline for <i>both parties'</i> to December 6, 2019. Responses due by 12/6/2019. Signed by Judge Vanessa L. Bryant on 11/26/2019. (Dannenmaier, Katherine) (Entered: 11/26/2019)  |
| 12/06/2019 | <a href="#">123</a> | MOTION for Leave to File Excess Pages <i>in Response to <a href="#">112</a> Motion for Summary Judgment</i> by Carmen Arroyo, Connecticut Fair Housing Ctr. (Kazerounian, Salmun) (Entered: 12/06/2019)  |
| 12/06/2019 | <a href="#">124</a> | MOTION to Seal Plaintiffs' Memorandum in Response to <a href="#">112</a> Motion for Summary Judgment, Local Rule 56(a)(2) Statement and Additional Material Facts, and Certain Exhibits by Carmen Arroyo, Connecticut Fair Housing Ctr. (Kazerounian, Salmun) (Entered: 12/06/2019)  |

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| 12/06/2019 | <a href="#">125</a> | Memorandum in Opposition re <a href="#">112</a> MOTION for Summary Judgment <i>Redacted</i> filed by Carmen Arroyo, Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Local Rule 56(a)(2) Statement of Facts, # <a href="#">2</a> Index of Exhibits, # <a href="#">3</a> Exhibit 1, # <a href="#">4</a> Exhibit 2, # <a href="#">5</a> Exhibit 3, # <a href="#">6</a> Exhibit 4, # <a href="#">7</a> Exhibit 5, # <a href="#">8</a> Exhibit 6, # <a href="#">9</a> Exhibit 7, # <a href="#">10</a> Exhibit 8, # <a href="#">11</a> Exhibit 9, # <a href="#">12</a> Exhibit 10, # <a href="#">13</a> Exhibit 11, # <a href="#">14</a> Exhibit 12, # <a href="#">15</a> Exhibit 13, # <a href="#">16</a> Exhibit 14, # <a href="#">17</a> Exhibit 15, # <a href="#">18</a> Exhibit 16, # <a href="#">19</a> Exhibit 17, # <a href="#">20</a> Exhibit 18, # <a href="#">21</a> Exhibit 19, # <a href="#">22</a> Exhibit 20)(Kazerounian, Salmun) (Entered: 12/06/2019) |
| 12/06/2019 | <a href="#">126</a> | Sealed Document: Plaintiffs' Unredacted Memorandum in Opposition to Summary Judgment, Local Rule 56(a)(2) Statement, and Exhibits by Carmen Arroyo, Connecticut Fair Housing Ctr re <a href="#">125</a> Memorandum in Opposition to Motion,, . (Attachments: # <a href="#">1</a> Local Rule 56(a)(2) Statement of Facts, # <a href="#">2</a> Exhibit 1, # <a href="#">3</a> Exhibit 9)(Kazerounian, Salmun) (Entered: 12/06/2019)   |
| 12/06/2019 | <a href="#">127</a> | MOTION to Seal Portions of Plaintiffs' Second Motion for Partial Summary Judgment, Local Rule 56(a)1 Statement of Facts, and Accompanying Exhibits by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Declaration of Naeem Kayani, # <a href="#">2</a> Proposed Findings of Fact and Conclusions of Law)(Cohen, Daniel) (Entered: 12/06/2019)   |
| 12/06/2019 | <a href="#">128</a> | Memorandum in Opposition <i>Redacted</i> re <a href="#">116</a> MOTION for Summary Judgment filed by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Table of Exhibits, # <a href="#">2</a> RPS's Local Rule 56(a)2 Statement of Facts in Opposition to Plaintiffs' Motion for Partial Summary Judgment and RPS's Additional Material Facts ("AMF"), # <a href="#">3</a> Exhibit 1 to AMF - Declaration of Naeem Kayani, # <a href="#">4</a> Exhibit 2 to AMF - Declaration of Stacie Dachtler, # <a href="#">5</a> Exhibit 3 to AMF - Declaration of Jay Kacirk, # <a href="#">6</a> Exhibit 4 to AMF - Declaration of Timothy St. George)(Cohen, Daniel) (Entered: 12/06/2019)  |
| 12/06/2019 | <a href="#">129</a> | Sealed Document: Defendant's Unredacted Response in Opposition to Plaintiffs' Motion for Partial Summary Judgment by CoreLogic Rental Property Solutions, LLC re <a href="#">128</a> Memorandum in Opposition to Motion,, <i>Unredacted</i> . (Attachments: # <a href="#">1</a> RPS's Unredacted Local Rule 56(a)2 Statement of Facts in Opposition to Plaintiffs' Motion for Partial Summary Judgment and RPS's Additional Material Facts ("AMF"), # <a href="#">2</a> Exhibit 1 to AMF - Unredacted Declaration of Naeem Kayani, # <a href="#">3</a> Exhibit 2 to AMF - Unredacted Declaration of Stacie Dachtler, # <a href="#">4</a> Exhibit 3 to AMF - Unredacted Declaration of Jay Kacirk, # <a href="#">5</a> Exhibit 4 to AMF - Unredacted Declaration of Timothy St. George)(Cohen, Daniel) (Entered: 12/06/2019)   |
| 12/07/2019 | <a href="#">130</a> | MOTION to Seal Portions of RPS's Response in Opposition to Plaintiffs' Second Motion for Partial Summary Judgment, RPS's Local Rule 56(a)2 Statement of Facts in Opposition to Plaintiffs' Motion for Partial Summary Judgment, and Accompanying Exhibits by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Declaration of Naeem Kayani, # <a href="#">2</a> Proposed Findings of Fact and Conclusions of Law)(Cohen, Daniel) (Entered: 12/07/2019)  |
| 12/09/2019 | <a href="#">131</a> | EXHIBIT <i>Corrected Exhibit due to ECF Filing Error - Exhibit 3 to AMF - Declaration of Jay Kacirk</i> by CoreLogic Rental Property Solutions, LLC re <a href="#">128</a> Memorandum in Opposition to Motion,,. (Cohen, Daniel) (Entered: 12/09/2019)  |
| 12/09/2019 | <a href="#">132</a> | EXHIBIT <i>Corrected Exhibit due to ECF Filing Error - Exhibit 4 to AMF - Declaration of Timothy St. George</i> by CoreLogic Rental Property Solutions, LLC re <a href="#">128</a> Memorandum in Opposition to Motion,,. (Cohen, Daniel) (Entered: 12/09/2019)  |
| 12/19/2019 | <a href="#">133</a> | MOTION for Leave to File Excess Pages <i>for RPS's Reply in Support of Its Motion for Summary Judgment</i> by CoreLogic Rental Property Solutions, LLC. (Cohen, Daniel) (Entered: 12/19/2019)   |

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| 12/19/2019 | <a href="#">134</a> | MOTION for Leave to File Excess Pages <i>for Plaintiffs' Reply Memorandum in Support of Motion for Summary Judgment</i> by Carmen Arroyo, Connecticut Fair Housing Ctr. (Kazerounian, Salmun) (Entered: 12/19/2019)   |
| 12/20/2019 | <a href="#">135</a> | MOTION to Seal Plaintiffs Reply Memorandum and Attachments in Support of Their Motion for Summary Judgment by Carmen Arroyo, Connecticut Fair Housing Ctr. (Webber, Christine) (Entered: 12/20/2019)  |
| 12/20/2019 | <a href="#">136</a> | Sealed Document: Plaintiffs' Reply Memorandum in Support of Their Motion for Partial Summary Judgment on Disparate Impact Claims for Race and National Origin Discrimination and Unfair Practices by Carmen Arroyo, Connecticut Fair Housing Ctr re <a href="#">135</a> MOTION to Seal Plaintiffs Reply Memorandum and Attachments in Support of Their Motion for Summary Judgment . (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit)(Webber, Christine) (Entered: 12/20/2019)  |
| 12/20/2019 | <a href="#">137</a> | REPLY to Response to <a href="#">116</a> MOTION for Summary Judgment filed by Carmen Arroyo, Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Statement of Material Facts, # <a href="#">2</a> Exhibit Index, # <a href="#">3</a> Exhibit 1, # <a href="#">4</a> Exhibit 2, # <a href="#">5</a> Exhibit 3, # <a href="#">6</a> Exhibit 4, # <a href="#">7</a> Exhibit 5, # <a href="#">8</a> Exhibit 6, # <a href="#">9</a> Exhibit 7, # <a href="#">10</a> Exhibit 8, # <a href="#">11</a> Exhibit 9, # <a href="#">12</a> Exhibit 10)(Webber, Christine) (Entered: 12/20/2019) |
| 12/20/2019 | <a href="#">138</a> | MOTION to Seal Plaintiffs' Response in Opposition and Accompanying Exhibits (Dkt. Nos. 125-126) to Defendant's Motion for Summary Judgment by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Declaration of Naeem Kayani, # <a href="#">2</a> Declaration of Angela Barnard, # <a href="#">3</a> Proposed Findings of Fact and Conclusions of Law) (Cohen, Daniel) (Entered: 12/20/2019)   |
| 12/20/2019 | <a href="#">139</a> | REPLY to Response to <a href="#">112</a> MOTION for Summary Judgment <i>Redacted</i> filed by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Table of Exhibits, # <a href="#">2</a> Defendant's Rule 56(a)1 Reply Statement of Facts and Statement of Facts in Opposition to Plaintiffs' Additional Material Facts, # <a href="#">3</a> Exhibit 1 to Defendant's Reply Statement of Facts, # <a href="#">4</a> Exhibit 2 to Defendant's Reply Statement of Facts)(Cohen, Daniel) (Entered: 12/20/2019)   |
| 12/20/2019 | <a href="#">140</a> | Sealed Document: Defendant's Unredacted Reply in Support of Its Motion for Summary Judgment (Dkt. No. 112) by CoreLogic Rental Property Solutions, LLC re <a href="#">139</a> Reply to Response to Motion, . (Attachments: # <a href="#">1</a> Defendant's Rule 56(a)1 Reply Statement of Facts and Statement of Facts in Opposition to Plaintiffs' Additional Material Facts) (Cohen, Daniel) (Entered: 12/20/2019)  |
| 12/21/2019 | <a href="#">141</a> | MOTION to Seal Defendant's Reply in Support of Its Motion for Summary Judgment (Dkt. No. 139-140) by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Declaration of Naeem Kayani, # <a href="#">2</a> Declaration of Angela Barnard, # <a href="#">3</a> Proposed Findings of Fact and Conclusions of Law)(Cohen, Daniel) (Entered: 12/21/2019)   |
| 12/31/2019 | 142                 | ORDER granting <a href="#">123</a> Motion for Leave to File Excess Pages. Signed by Judge Vanessa L. Bryant on 12/31/2019. (Dannenmaier, Katherine) (Entered: 12/31/2019)   |
| 12/31/2019 | 143                 | ORDER granting <a href="#">133</a> Motion for Leave to File Excess Pages. Signed by Judge Vanessa L. Bryant on 12/31/2019. (Dannenmaier, Katherine) (Entered: 12/31/2019)   |
| 12/31/2019 | 144                 | ORDER granting <a href="#">134</a> Motion for Leave to File Excess Pages. Signed by Judge Vanessa L. Bryant on 12/31/2019. (Dannenmaier, Katherine) (Entered: 12/31/2019)   |
| 01/10/2020 | <a href="#">145</a> | MOTION to Seal Plaintiffs' Reply in Support of Their Second Motion for Summary Judgment, Reply to Defendant's Statement of Additional Material Facts, and Accompanying Exhibits to Plaintiffs' Reply in Support by CoreLogic Rental Property  |

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|            |                     | Solutions, LLC. (Attachments: # <a href="#">1</a> Declaration of Naeem Kayani, # <a href="#">2</a> Proposed Findings of Fact and Conclusions of Law)(Cohen, Daniel) (Entered: 01/10/2020)  |
| 01/24/2020 | <a href="#">146</a> | ORDER granting in part and denying in part <a href="#">65</a> Motion to Compel; granting <a href="#">84</a> Motion for Leave to File; and denying <a href="#">97</a> Motion to Compel.<br>For the reasons given in the attached ruling and order, the Court grants in part the First Motion to Compel [Dkt. 65] as to RFP 49, but otherwise denies it. Defendant must produce to Plaintiffs the zip code of each property in Connecticut for which CrimSAFE has been used in the past 10 years.<br>The Court denies the Second Motion to Compel [Dkt. 97] as to RFP 30.<br>Also, as noted, the Court grants RPS leave to file a sur-reply per Local Rule 7(d). [Dkt. 84]. Signed by Judge Vanessa L. Bryant on 1/24/2020. (Dannenmaier, Katherine) (Entered: 01/24/2020) |
| 02/10/2020 | <a href="#">147</a> | MOTION to Modify re 27 Scheduling Order,,,,,, by Carmen Arroyo, Connecticut Fair Housing Ctr.Responses due by 3/2/2020 (Kazerounian, Salmun) (Entered: 02/10/2020)   |
| 02/21/2020 | 148                 | ORDER granting <a href="#">147</a> Motion to Modify Scheduling Order. For the reasons stated in Plaintiffs' motion, the Court grants the motion. Plaintiffs may disclose a supplemental expert report on or before 3/20/2020. Defendant must depose Plaintiffs' expert and submit any rebuttal report on or before 4/17/2020. Plaintiffs must depose any rebuttal expert on or before 5/8/2020. The joint trial memorandum due date is extended to 6/8/2020, and jury selection will take place on 7/22/2020 at 9:30 AM. An order amending the scheduling order will follow. Signed by Judge Vanessa L. Bryant on 2/21/2020. (Dannenmaier, Katherine) (Entered: 02/21/2020)  |
| 02/21/2020 | 149                 | Amendment to the 27 SCHEDULING ORDER & 148 Order: The Joint Trial Memorandum is due by 6/8/2020. A bench trial will take place during the month of July 2020 in Courtroom Three, 450 Main St., Hartford, CT before Judge Vanessa L. Bryant. As an amendment to the immediately preceding order, trial is <u>not</u> set for July 22, 2020. Counsel shall be prepared to present evidence on any day during the month that the bench trial is scheduled to take place.<br>Signed by Judge Vanessa L. Bryant on 2/21/2020. (Dannenmaier, Katherine) (Entered: 02/21/2020)  |
| 02/26/2020 | <a href="#">150</a> | MOTION to Set Aside 148 Order on Motion for Miscellaneous Relief,, by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Exhibit A - Plaintiffs' First Set of Requests for Production, # <a href="#">2</a> Exhibit B - Plaintiffs' Answers to Defendant's Interrogatories, # <a href="#">3</a> Exhibit C - Deposition of Erin Kemple)(Cohen, Daniel) (Entered: 02/26/2020)  |
| 03/06/2020 | <a href="#">151</a> | Memorandum in Opposition re <a href="#">150</a> MOTION to Set Aside 148 Order on Motion for Miscellaneous Relief,, filed by Carmen Arroyo, Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2)(Kazerounian, Salmun) (Entered: 03/06/2020)  |
| 03/20/2020 | <a href="#">152</a> | ORDER denying <a href="#">150</a> Motion to Set Aside for the reasons stated in the attached Order. Signed by Judge Vanessa L. Bryant on 3/20/2020.(Dannenmaier, Katherine) (Entered: 03/20/2020)  |
| 04/29/2020 | <a href="#">153</a> | MOTION for Extension of Time until 05/15/2020 to File Certificate of Good Standing for Alan Wingfield 76 Order on Motion for Admission Pro Hac Vice by CoreLogic Rental Property Solutions, LLC. (Cohen, Daniel) (Entered: 04/29/2020)   |
| 05/01/2020 | 154                 | ORDER denying <a href="#">153</a> Motion for Extension of Time. Per Local Rule 7(b), the Court finds that counsel's inadvertence is not good cause sufficient to justify the seven-month extension requested. Signed by Judge Vanessa L. Bryant on 5/1/2020. (Dannenmaier, Katherine) (Entered: 05/01/2020)  |

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| 05/05/2020 | <a href="#">155</a> | MOTION for Attorney(s) Alan D. Wingfield to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5840991) by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Affidavit, # <a href="#">2</a> Exhibit Certificate of Good Standing)(Cohen, Daniel) (Entered: 05/05/2020)  |
| 05/06/2020 | 156                 | ORDER granting <a href="#">155</a> Motion to for Attorney Alan D. Wingfield to Appear Pro Hac Vice. Signed by Clerk on 5/6/2020. (Velez, F.) (Entered: 05/06/2020)   |
| 05/06/2020 | <a href="#">157</a> | MOTION Motion to Exclude Testimony of Jay Kacirk by Carmen Arroyo, Connecticut Fair Housing Ctr.Responses due by 5/27/2020 (Attachments: # <a href="#">1</a> Exhibit Expert Report, # <a href="#">2</a> Exhibit Dep. of J. Kacirk, # <a href="#">3</a> Exhibit Dep. of R. Lindenfelzer, # <a href="#">4</a> Exhibit Dep. of S. Dachtler)(Webber, Christine) (Entered: 05/06/2020)  |
| 05/14/2020 | 158                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Pretrial teleconference set for <b>5/18/2020 at 11:00 AM</b> before Judge Vanessa L. Bryant. To participate in the teleconference, call 888-251-2909 and enter 2429024# as the access code. (Shafer, J.) (Entered: 05/14/2020)   |
| 05/14/2020 | <a href="#">159</a> | NOTICE of Appearance by Alan Durrum Wingfield on behalf of CoreLogic Rental Property Solutions, LLC (Wingfield, Alan) (Entered: 05/14/2020)  |
| 05/18/2020 | <a href="#">160</a> | Minute Entry for proceedings held before Judge Vanessa L. Bryant: pretrial teleconference held on 5/18/2020. Total Time: 23 minutes. (Court Reporter FTR.) (Shafer, J.) (Entered: 05/18/2020)  |
| 05/18/2020 | 161                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. A pretrial teleconference is set for <b>5/20/2020 at 3:00 PM</b> before Judge Vanessa L. Bryant. To participate in the teleconference, call 888-251-2909 and enter 2429024# as the access code. (Shafer, J.) (Entered: 05/18/2020)   |
| 05/20/2020 | <a href="#">162</a> | Minute Entry for proceedings held before Judge Vanessa L. Bryant: pretrial teleconference held on 5/20/2020. Total Time: 31 minutes. (Court Reporter S. Masse.) (Shafer, J.) (Entered: 05/20/2020)   |
| 05/27/2020 | <a href="#">163</a> | Memorandum in Opposition re <a href="#">157</a> MOTION Motion to Exclude Testimony of Jay Kacirk filed by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Exhibit A) (Cohen, Daniel) (Entered: 05/27/2020)   |
| 05/28/2020 | <a href="#">164</a> | Joint MOTION to Modify re 149 Scheduling Order,, by CoreLogic Rental Property Solutions, LLC.Responses due by 6/18/2020 (Cohen, Daniel) (Entered: 05/28/2020)  |
| 05/29/2020 | 165                 | ORDER granting <a href="#">164</a> Motion for Extension of Joint Trial Memorandum Deadline. Pursuant to Local Rule 7(b), the Court finds that there is good cause to extend the Joint Trial Memorandum deadline by one week to 6/15/2020 in light of the parties' demonstrated diligence and in the absence of objection. Signed by Judge Vanessa L. Bryant on 5/29/2020. (Dannenmaier, Katherine) (Entered: 05/29/2020) |
| 05/29/2020 |                     | Reset deadline: Joint Trial Memorandum is now due by 6/15/2020 per Dkt. 165. (Shafer, J.) (Entered: 05/29/2020)  |
| 06/05/2020 | <a href="#">166</a> | Joint STATUS REPORT <i>on Format of Trial</i> by Carmen Arroyo, Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Exhibit 1)(Webber, Christine) (Entered: 06/05/2020)  |
| 06/10/2020 | <a href="#">167</a> | REPLY to Response to <a href="#">157</a> MOTION Motion to Exclude Testimony of Jay Kacirk filed by Carmen Arroyo, Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Exhibit Dep Excerpts)(Webber, Christine) (Entered: 06/10/2020)   |
| 06/12/2020 | <a href="#">168</a> | MOTION for Attorney(s) Cindy D. Hanson to be Admitted Pro Hac Vice (paid \$200 PHV fee; receipt number ACTDC-5913955) by CoreLogic Rental Property Solutions, LLC.   |

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|            |                     | (Attachments: # <a href="#">1</a> Affidavit Cindy Hanson)(Cohen, Daniel) (Entered: 06/12/2020)  |
| 06/12/2020 | <a href="#">169</a> | Joint MOTION to Extend Deadline to Submit Courtesy Copies of Joint Trial Memorandum, Exhibit Binders, Deposition Transcripts, and Witness Lists to Chambers by CoreLogic Rental Property Solutions, LLC.Responses due by 7/3/2020 (Cohen, Daniel) (Entered: 06/12/2020)   |
| 06/15/2020 | 170                 | ORDER granting <a href="#">168</a> Motion for Attorney Cindy D. Hanson to Appear Pro Hac Vice. Certificate of Good Standing due by 8/14/2020. Signed by Clerk on 6/15/2020. (Velez, F.) (Entered: 06/15/2020)   |
| 06/15/2020 | <a href="#">171</a> | NOTICE of Appearance by Victoria Woodin Chavey on behalf of CoreLogic Rental Property Solutions, LLC (Chavey, Victoria) (Entered: 06/15/2020)   |
| 06/15/2020 | 172                 | ORDER granting <a href="#">169</a> Motion To Extend Deadline To Submit Courtesy Copies in the absence of objection and for good cause shown, namely counsel's limited access to their offices and print and copy services due to the pandemic. The parties' deadline to submit courtesy copies of their Joint Trial Memorandum, exhibit binders, deposition transcripts, and witness lists to Chamber is extended to 6/22/2020. Signed by Judge Vanessa L. Bryant on 6/15/2020. (Dannenmaier, Katherine) (Entered: 06/15/2020)  |
| 06/15/2020 | <a href="#">173</a> | MOTION in Limine to <i>Exclude Certain Medical/Injury Evidence</i> by CoreLogic Rental Property Solutions, LLC.Responses due by 7/6/2020 (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Cohen, Daniel) (Entered: 06/15/2020)   |
| 06/15/2020 | <a href="#">174</a> | MOTION in Limine to <i>Exclude Certain Marketing Evidence</i> by CoreLogic Rental Property Solutions, LLC.Responses due by 7/6/2020 (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Errata B, # <a href="#">3</a> Exhibit C)(Cohen, Daniel) (Entered: 06/15/2020)  |
| 06/15/2020 | <a href="#">175</a> | MOTION in Limine to <i>Exclude Testimony of Plaintiffs' Statistical Experts</i> by CoreLogic Rental Property Solutions, LLC.Responses due by 7/6/2020 (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E)(Cohen, Daniel) (Entered: 06/15/2020)   |
| 06/15/2020 | <a href="#">176</a> | MOTION in Limine to <i>Exclude the Expert Witness Report of Nancy B. Alisberg</i> by CoreLogic Rental Property Solutions, LLC.Responses due by 7/6/2020 (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C)(Cohen, Daniel) (Entered: 06/15/2020)   |
| 06/15/2020 | <a href="#">177</a> | MOTION in Limine to <i>Exclude the Expert Witness Report of Lila Kazemian</i> by CoreLogic Rental Property Solutions, LLC.Responses due by 7/6/2020 (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F, # <a href="#">7</a> Exhibit G, # <a href="#">8</a> Exhibit H)(Cohen, Daniel) (Entered: 06/15/2020)  |
| 06/15/2020 | <a href="#">178</a> | TRIAL MEMO (JOINT) by Carmen Arroyo, Connecticut Fair Housing Ctr Estimated trial time 8 - 10 days. (Attachments: # <a href="#">1</a> Appendix Index of Attachments, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit, # <a href="#">4</a> Exhibit, # <a href="#">5</a> Exhibit, # <a href="#">6</a> Exhibit, # <a href="#">7</a> Exhibit, # <a href="#">8</a> Exhibit, # <a href="#">9</a> Exhibit, # <a href="#">10</a> Exhibit, # <a href="#">11</a> Exhibit, # <a href="#">12</a> Exhibit, # <a href="#">13</a> Exhibit, # <a href="#">14</a> Exhibit, # <a href="#">15</a> Exhibit, # <a href="#">16</a> Exhibit, # <a href="#">17</a> Exhibit)(Webber, Christine) (Entered: 06/15/2020) |
| 06/15/2020 | <a href="#">179</a> | MOTION Limit The Testimony of Dr. William Huber by Carmen Arroyo, Connecticut Fair Housing Ctr.Responses due by 7/6/2020 (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit)(Webber, Christine) (Entered: 06/15/2020)  |
| 06/15/2020 | <a href="#">180</a> | MOTION in Limine to <i>Exclude Exhibits as Improper Hearsay, as They Do Not Qualify a Business Records</i> by Carmen Arroyo, Connecticut Fair Housing Ctr.Responses due by 7/6/2020 (Webber, Christine) (Entered: 06/15/2020)   |
| 06/15/2020 | <a href="#">181</a> | MOTION in Limine to <i>Exclude Report from the Bureau of Justice Statistics as Irrelevant and More Prejudicial than Probative</i> by Carmen Arroyo, Connecticut Fair Housing  |

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|            |                     | Ctr.Responses due by 7/6/2020 (Webber, Christine) (Entered: 06/15/2020)  |
| 06/25/2020 | <a href="#">182</a> | Memorandum in Opposition to Defendant's re <a href="#">173</a> MOTION in Limine to Exclude Certain Medical/Injury Evidence filed by Connecticut Fair Housing Ctr. (Webber, Christine) (Entered: 06/25/2020)  |
| 06/25/2020 | <a href="#">183</a> | Memorandum in Opposition to Defendant's re <a href="#">174</a> MOTION in Limine to Exclude Certain Marketing Evidence filed by Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit, # <a href="#">4</a> Exhibit, # <a href="#">5</a> Exhibit)(Webber, Christine) (Entered: 06/25/2020)   |
| 06/25/2020 | <a href="#">184</a> | Memorandum in Opposition to Defendant's re <a href="#">175</a> MOTION in Limine to Exclude Testimony of Plaintiffs' Statistical Experts filed by Carmen Arroyo, Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit, # <a href="#">4</a> Exhibit, # <a href="#">5</a> Exhibit, # <a href="#">6</a> Exhibit, # <a href="#">7</a> Exhibit, # <a href="#">8</a> Exhibit, # <a href="#">9</a> Exhibit)(Webber, Christine) (Entered: 06/25/2020)  |
| 06/25/2020 | <a href="#">185</a> | Memorandum in Opposition re <a href="#">179</a> MOTION Limit The Testimony of Dr. William Huber filed by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F)(Cohen, Daniel) (Entered: 06/25/2020)  |
| 06/25/2020 | <a href="#">186</a> | Memorandum in Opposition to Defendant's re <a href="#">176</a> MOTION in Limine to Exclude the Expert Witness Report of Nancy B. Alisberg filed by Carmen Arroyo, Connecticut Fair Housing Ctr. (Webber, Christine) (Entered: 06/25/2020)  |
| 06/25/2020 | <a href="#">187</a> | Memorandum in Opposition to Defendant's re <a href="#">177</a> MOTION in Limine to Exclude the Expert Witness Report of Lila Kazemian filed by Carmen Arroyo, Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit, # <a href="#">4</a> Exhibit, # <a href="#">5</a> Exhibit, # <a href="#">6</a> Exhibit)(Webber, Christine) (Entered: 06/25/2020)   |
| 06/25/2020 | <a href="#">188</a> | Memorandum in Opposition re <a href="#">181</a> MOTION in Limine to Exclude Report from the Bureau of Justice Statistics as Irrelevant and More Prejudicial than Probative filed by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B) (Cohen, Daniel) (Entered: 06/25/2020)  |
| 06/25/2020 | <a href="#">189</a> | Memorandum in Opposition re <a href="#">180</a> MOTION in Limine to Exclude Exhibits as Improper Hearsay, as They Do Not Qualify a Business Records filed by CoreLogic Rental Property Solutions, LLC. (Cohen, Daniel) (Entered: 06/25/2020)   |
| 06/26/2020 | 190                 | <p>Order: Pursuant to Fed. R. Civ. P. 16(b)(4) and the District of Connecticut's Standing Order on Scheduling in Civil Cases, the Court finds that there is good cause to continue this trial in light of the following:</p> <p>(1) The very purpose of trials as distinguished from pre-trial motions is to assess the credibility of witnesses, especially the credibility of fact witnesses. <i>Compare</i> Fed. R. Civ. P. 56, <i>with</i>, Fed. R. Civ. P. 52.</p> <p>(2) The credibility of a witness is best assessed when the witness's face is fully visible and the witness appears in person or is recorded being examined in person.</p> <p>(3) Requiring such in-person interactions for the scheduled September trial would jeopardize the health and safety of the trial participants, in view of the ongoing pandemic, the large number of fact and expert witnesses, where they reside, and the travel required for them to appear in person or for counsel to examine them in person. Dkt. <a href="#">178</a> ; <i>see also</i> Dkt. <a href="#">169</a> .</p> <p>Therefore, balancing the goals of speed and justice, the Court continues this bench trial and re-schedules it to the following February 2021 dates: the 2nd, 4th, 5th, 8th, 9th, 11th and 12th.</p> |

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|            |                     | Signed by Judge Vanessa L. Bryant on 6/26/2020. (Dannenmaier, Katherine) (Entered: 06/26/2020)  |
| 06/26/2020 | 191                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE.ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. <i>RESET FROM July 2020</i> . Bench Trial is now set for 2/2/2021; 2/4/2021; 2/5/2021; 2/8/2021; 2/9/2021; 2/11/2021; and 2/12/2021 at 9:30 AM in Courtroom Three, 450 Main St., Hartford, CT before Judge Vanessa L. Bryant. (Shafer, J.) (Entered: 06/26/2020)  |
| 07/02/2020 | <a href="#">192</a> | NOTICE of Appearance by Cindy D. Hanson on behalf of CoreLogic Rental Property Solutions, LLC (Hanson, Cindy) (Entered: 07/02/2020)   |
| 07/02/2020 | <a href="#">193</a> | CERTIFICATE OF GOOD STANDING re <a href="#">168</a> MOTION for Attorney(s) Cindy D. Hanson to be Admitted Pro Hac Vice (paid \$200 PHV fee; receipt number ACTDC-5913955) by CoreLogic Rental Property Solutions, LLC. (Hanson, Cindy) (Entered: 07/02/2020)  |
| 08/07/2020 | <a href="#">194</a> | ORDER denying <a href="#">87</a> Motion for Summary Judgment; granting in part and denying in part <a href="#">112</a> Motion for Summary Judgment; and denying <a href="#">116</a> Motion for Summary Judgment. The Court denies Plaintiffs' motions for summary judgment and grants in part and denies in part Defendants' motion for summary judgment as articulated in more detail, and for the reasons stated, in the attached decision. Signed by Judge Vanessa L. Bryant on 8/7/2020. (Dannenmaier, Katherine) (Entered: 08/07/2020)   |
| 08/21/2020 | <a href="#">195</a> | OMNIBUS ORDER on Motions to Seal <a href="#">88</a> , <a href="#">98</a> , <a href="#">100</a> , <a href="#">106</a> , <a href="#">110</a> , <a href="#">113</a> , <a href="#">117</a> , <a href="#">124</a> , <a href="#">127</a> , <a href="#">130</a> , <a href="#">135</a> , <a href="#">138</a> , <a href="#">141</a> , and <a href="#">145</a> . Please see the attached order and ruling. Signed by Judge Vanessa L. Bryant on 08/21/2020.(Burlingham, Corinne) (Entered: 08/21/2020)  |
| 08/27/2020 | <a href="#">196</a> | NOTICE by Carmen Arroyo, Connecticut Fair Housing Ctr re <a href="#">195</a> Order on Motion to Seal (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit)(Webber, Christine) (Entered: 08/27/2020)   |
| 09/04/2020 | <a href="#">197</a> | NOTICE by CoreLogic Rental Property Solutions, LLC re <a href="#">195</a> Order on Motion to Seal (Attachments: # <a href="#">1</a> Ex. C to ECF No. 114-2 (M. Arroyo Report; Partially Redacted), # <a href="#">2</a> Ex. D to ECF No. 114-2 (M. Arroyo Report; Partially Redacted), # <a href="#">3</a> ECF No. 116-17 (Partially Redacted), # <a href="#">4</a> ECF No. 116-19 (Partially Redacted), # <a href="#">5</a> ECF No. 137-10 (Partially Redacted))(Cohen, Daniel) (Entered: 09/04/2020)   |
| 11/02/2020 | <a href="#">198</a> | MOTION for Victoria Woodin Chavey to Withdraw as Attorney by CoreLogic Rental Property Solutions, LLC. (Chavey, Victoria) (Entered: 11/02/2020)   |
| 11/03/2020 | 199                 | ORDER granting <a href="#">198</a> Motion to Withdraw as Attorney. Attorney Victoria Woodin Chavey terminated. Signed by Judge Vanessa L. Bryant on 11/3/2020. (Burlingham, Corinne) (Entered: 11/03/2020)  |
| 12/03/2020 |                     | <p>NOTICE regarding hearing via Zoom: A pretrial videoconference is set for <b>12/17/2020 at 1:00 pm</b> and will be conducted via Zoom. The video link is <a href="https://www.zoomgov.com/j/1608982802?pwd=YmRHMEladERjTHNaWDdJMVQyYi9YZz09">https://www.zoomgov.com/j/1608982802?pwd=YmRHMEladERjTHNaWDdJMVQyYi9YZz09</a> and call in number is 646 828 7666.</p> <p>Meeting ID: 160 898 2802</p> <p>Meeting Password: 836125</p> <p>Please note: Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, screenshots, streaming, and rebroadcasting in any form, of court proceedings. The Judicial Conference of the United States, which</p> |

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|            |                     | governs the practices of the federal courts, has prohibited it. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the court. (Shafer, J.) (Entered: 12/03/2020)   |
| 12/11/2020 | <a href="#">200</a> | Joint MOTION to Continue <i>Trial</i> by Carmen Arroyo, Connecticut Fair Housing Ctr. (Kazerounian, Salmun) (Entered: 12/11/2020)   |
| 12/15/2020 | <a href="#">201</a> | NOTICE of Appearance by Jill M. O'Toole on behalf of CoreLogic Rental Property Solutions, LLC (O'Toole, Jill) (Entered: 12/15/2020)   |
| 12/15/2020 | <a href="#">202</a> | Consent MOTION to Amend/Correct <a href="#">178</a> Trial Memo, <i>Joint</i> by CoreLogic Rental Property Solutions, LLC.Responses due by 1/5/2021 (O'Toole, Jill) (Entered: 12/15/2020)  |
| 12/17/2020 | <a href="#">203</a> | Minute Entry for proceedings held before Judge Vanessa L. Bryant: Pretrial videoconference and motion hearing held on 12/17/2020 re <a href="#">200</a> Joint MOTION to Continue Trial. Total Time: 16 minutes. (Court Reporter F. Velez, ECRO.) (Shafer, J.) (Entered: 12/17/2020)   |
| 12/17/2020 | 204                 | ORDER granting in part and denying in part <a href="#">200</a> Motion to Continue. The current scheduling order is vacated. When the Court is in a position to contemplate the resumption of civil trials, this case will be on the list of cases under consideration for a new scheduling order. Signed by Judge Vanessa L. Bryant on 12/17/2020. (Burlingham, Corinne) (Entered: 12/17/2020)  |
| 12/22/2020 | 205                 | ORDER granting <a href="#">202</a> Motion to Amend/Correct. Signed by Judge Vanessa L. Bryant on 12/22/2020. (Burlingham, Corinne) (Entered: 12/22/2020)  |
| 03/09/2021 |                     | Judge Robert A. Richardson no longer assigned to case. (Blue, A.) (Entered: 03/09/2021)   |
| 03/25/2021 | 206                 | SCHEDULING ORDER: A pretrial teleconference is scheduled for <b>April 6, 2021 at 10:00AM</b> . Dial-in information will be docketed before the hearing. The bench trial is scheduled for <b>August 2, 3, 5 and 6 of 2021</b> at 9:30AM in Courtroom Three, 450 Main St., Hartford, CT before Judge Vanessa L. Bryant. Should the parties wish to file an updated JTM prior to trial, they should do so by June 18, 2021. Signed by Judge Vanessa L. Bryant on 3/25/2021. (Burlingham, Corinne) (Entered: 03/25/2021)  |
| 03/25/2021 | 207                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Pretrial teleconference set for <b>4/6/2021 at 10:00 AM</b> before Judge Vanessa L. Bryant. To participate in the teleconference, the parties are to dial <b>888-251-2909</b> and enter <b>2429024#</b> as the access code. (Shafer, J.) (Entered: 03/25/2021)  |
| 03/25/2021 | 208                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Bench Trial set for <b>8/2/2021, 8/3/2021, 8/5/2021, and 8/6/2021 at 9:30 AM</b> in Courtroom Three, 450 Main St., Hartford, CT before Judge Vanessa L. Bryant. All individuals who enter the Courtroom are required to wear a mask at all times and maintain proper physical distancing. (Shafer, J.) (Entered: 03/25/2021)   |
| 03/30/2021 | <a href="#">209</a> | OMNIBUS DECISION AND ORDER granting in part and denying in part <a href="#">157</a> Motion in Limine; denying <a href="#">173</a> Motion in Limine; denying <a href="#">174</a> Motion in Limine; denying <a href="#">175</a> Motion in Limine; granting <a href="#">176</a> Motion in Limine; denying <a href="#">177</a> Motion in Limine; granting <a href="#">179</a> Motion in Limine; denying <a href="#">180</a> Motion in Limine; denying <a href="#">181</a> Motion in Limine. Signed by Judge Vanessa L. Bryant on 3/30/2021. (Burlingham, Corinne) (Entered: 03/30/2021) |
| 04/05/2021 | <a href="#">210</a> | STATUS REPORT by Carmen Arroyo, Connecticut Fair Housing Ctr. (Webber, Christine)   |

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|            |                     | (Entered: 04/05/2021)   |
| 04/06/2021 | <a href="#">211</a> | STATUS REPORT by CoreLogic Rental Property Solutions, LLC. (O'Toole, Jill) (Entered: 04/06/2021)  |
| 04/06/2021 | <a href="#">212</a> | Minute Entry for proceedings held before Judge Vanessa L. Bryant: Pretrial teleconference held on 4/6/2021. Total Time: 21 minutes. (Court Reporter F. Velez, ECRO.) (Shafer, J.) (Entered: 04/06/2021)   |
| 04/06/2021 | 213                 | ORDER VACATING SCHEDULING ORDER. Counsel for the Defendant is unable to proceed for trial as scheduled due to a previously-scheduled trial in another case, as represented in the <a href="#">211</a> status report and during the 4/6/2021 status conference. The parties have been directed to meet and confer, then file a notice indicating any scheduling conflicts that would prohibit either party from proceeding for a trial within the next 18 months. The Court will enter an amended scheduling order when the notice of conflicts is filed and when trial in this case can occur. Signed by Judge Vanessa L. Bryant on 4/6/2021. (Burlingham, Corinne) (Entered: 04/06/2021) |
| 05/11/2021 | 214                 | Order scheduling a teleconference for 5/14/2021 at 3:00PM. The purpose of this teleconference is to determine whether the parties would be able to proceed to trial in light of recent openings in the Court's trial calendar. Signed by Judge Vanessa L. Bryant on 5/11/2021. (Burlingham, Corinne) (Entered: 05/11/2021)  |
| 05/11/2021 | 215                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Pretrial teleconference set for <b>5-14-2021 at 3:00 PM</b> before Judge Vanessa L. Bryant. To participate in the teleconference, the parties are to dial <b>888-251-2909</b> and enter <b>2429024#</b> as the access code. (Shafer, J.) (Entered: 05/11/2021)  |
| 05/13/2021 | <a href="#">216</a> | Joint STATUS REPORT <i>re Dates for Trial</i> by Carmen Arroyo, Connecticut Fair Housing Ctr. (Webber, Christine) (Entered: 05/13/2021)   |
| 05/14/2021 | 217                 | Minute Entry for proceedings held before Judge Vanessa L. Bryant: pretrial teleconference held on 5-14-2021. Counsel is unavailable for trial in July. Eight days for trial will be sufficient. Total Time: 5 minutes. (Court Reporter F. Velez, ECRO.) (Shafer, J.) (Entered: 05/14/2021)  |
| 09/30/2021 | 218                 | ORDER scheduling bench trial for the following dates: <b>11/1/2021 at 9:00AM to 4:30PM, 11/2/2021 at 9:00AM to 4:30PM, 11/4/2021 at 10:30AM to 4:30PM, 11/5/2021 at 9:00AM to 4:30PM, 11/9/2021 at 9:00AM to 4:30PM, and 11/15/2021 at 9:00AM to 4:30PM.</b> Signed by Judge Vanessa L. Bryant on 9/30/2022. (Burlingham, Corinne) (Entered: 09/30/2021)  |
| 09/30/2021 | 219                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Bench Trial set for 11/1/2021 at 9:00 AM; 11/2/2021 at 9:00 AM; 11/4/2021 at <u>10:30</u> AM; 11/5/2021 at 9:00 AM; 11/9/2021 at 9:00 AM; and 11/15/2021 at 9:00 AM in <u>Courtroom Two</u> , 450 Main St., Hartford, CT before Judge Vanessa L. Bryant. All individuals who enter the Courtroom are required to wear a mask at all times and maintain proper physical distancing. (Shafer, J.) (Entered: 09/30/2021)  |
| 10/06/2021 | <a href="#">220</a> | MOTION to Continue , <i>unopposed</i> , by CoreLogic Rental Property Solutions, LLC. (O'Toole, Jill) (Entered: 10/06/2021)  |
| 10/07/2021 | 221                 | ORDER granting <a href="#">220</a> Motion to Continue. In view of the age of the case and the Court's accommodations of the parties in the past, this is the FINAL extension. Within 7 days of this order the parties are ordered to specify their availability. The Court will endeavor to accommodate the parties. The parties are expected to make themselves available on the   |

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|            |                     | dates set and to present all their evidence within the time set by the Court. Signed by Judge Vanessa L. Bryant on 10-7-21.(Bryant, Vanessa) (Entered: 10/07/2021)   |
| 10/14/2021 | <a href="#">222</a> | Joint STATUS REPORT <i>regarding Trial Availability</i> by CoreLogic Rental Property Solutions, LLC. (O'Toole, Jill) (Entered: 10/14/2021)   |
| 10/19/2021 | 223                 | SCHEDULING ORDER. The bench trial will begin on <b>1/20/2022</b> at 9:30AM and will continue on <b>1/21/2022, 1/31/2022, 2/1/2022, 2/3/2022, and 2/4/2022</b> . A pretrial status teleconference will take place on <b>12/20/2021 at 10:00AM</b> . Dial-in information will be separately docketed. Signed by Judge Vanessa L. Bryant on 10/19/2021.(Burlingham, Corinne) (Entered: 10/19/2021)  |
| 10/19/2021 | 224                 | ORDER. In adjudicating the various motions in limine, Defendant made the Court aware of a potential theory of damages Plaintiffs intend to seek relating to the injuries Mr. Arroyo may have experienced during his stay at a nursing home. The court denied the motion in limine without prejudice to Defendant moving with a full factual record. The motion has not been refiled. To ensure the just and efficient administration of justice, the Court orders Plaintiffs to indicate whether they will pursue this theory of damages, and if so, the factual and legal basis supporting this theory. The motion should address issues relating to notice and causation. Plaintiffs are to file their response to this order within 21 days. Signed by Judge Vanessa L. Bryant on 10/19/2021. (Burlingham, Corinne) (Entered: 10/19/2021) |
| 10/20/2021 | 225                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Pretrial teleconference set for <b>12-20-2021 at 10:00 AM</b> before Judge Vanessa L. Bryant. To participate in the teleconference, the parties are to dial <b>888-251-2909</b> and enter <b>2429024#</b> as the access code. (Shafer, J.) (Entered: 10/20/2021)   |
| 10/20/2021 | 226                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Bench Trial set for <b>1-20-2022; 1-21-2022; 1-31-2022; 2-1-2022; 2-3-2022; and 2-4-2022 at 9:30 AM</b> in Courtroom Two, 450 Main St., Hartford, CT before Judge Vanessa L. Bryant. (Shafer, J.) (Entered: 10/20/2021)   |
| 10/21/2021 | 227                 | AMENDED SCHEDULING ORDER. The bench trial will begin on <b>3/14/2022 at 9:30AM</b> and will continue on <b>3/17/2022, 3/18/2022, 3/28/2022, 3/29/2022 and 3/31/2022</b> . A pretrial status teleconference will take place on <b>2/16/2022 at 9:30AM</b> . Dial-in information will be separately docketed. Signed by Judge Vanessa L. Bryant on 10/21/2021. (Burlingham, Corinne) (Entered: 10/21/2021)   |
| 10/21/2021 | 228                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. <i>RESET FROM 12-20-2021</i> . Pretrial teleconference is now set for <b>2-16-2022 at 9:30 AM</b> before Judge Vanessa L. Bryant. To participate in the teleconference, the parties are to dial <b>888-251-2909</b> and enter <b>2429024#</b> as the access code. (Shafer, J.) (Entered: 10/21/2021)   |
| 10/21/2021 | 229                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Bench Trial is now set for <b>3-14-2022; 3-17-2022; 3-18-2022; 3-28-2022; 3-29-2022; and 3-31-2022 at 9:30 AM</b> in Courtroom Two, 450 Main St., Hartford, CT before Judge Vanessa L. Bryant. (Shafer, J.) (Entered: 10/21/2021)   |
| 11/09/2021 | <a href="#">230</a> | RESPONSE re 224 Order,, <i>Plaintiffs' Supplemental Brief on Damages</i> filed by Carmen Arroyo, Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Exhibit 1, Damages Analysis, # <a href="#">2</a> Exhibit 2, Arroyo Dep. Excerpts)(Webber, Christine) (Entered: 11/09/2021)  |

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| 12/01/2021 | <a href="#">231</a> | RESPONSE re <a href="#">230</a> Response, to <i>Plaintiff's Supplemental Brief on Damages</i> filed by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B) (O'Toole, Jill) (Entered: 12/01/2021)   |
| 02/01/2022 | <a href="#">232</a> | MOTION for Attorney(s) Samantha Gerleman to be Admitted Pro Hac Vice (paid \$200 PHV fee; receipt number ACTDC-6813188) by Carmen Arroyo, Connecticut Fair Housing Ctr. (Attachments: # <a href="#">1</a> Affidavit of Samantha Gerleman)(Kazerounian, Salmun) (Entered: 02/01/2022)   |
| 02/02/2022 | 233                 | ORDER granting <a href="#">232</a> Motion for Attorney Samantha Gerleman to Appear Pro Hac Vice. Certificate of Good Standing due by 4/3/2022. Signed by Clerk on 2/2/22. (Velez, F.) (Entered: 02/02/2022)  |
| 02/04/2022 | <a href="#">234</a> | NOTICE of Appearance by Jill M. O'Toole on behalf of CoreLogic Rental Property Solutions, LLC ( <i>Amended</i> ) (O'Toole, Jill) (Entered: 02/04/2022)   |
| 02/14/2022 | 235                 | AMENDED SCHEDULING ORDER. The Court amends the scheduling order to add a newly available trial day for 3/15/2022. The bench trial will begin on <b>3/14/2022 at 9:30AM</b> and will continue on <b>3/15/2022, 3/17/2022, 3/18/2022, 3/28/2022, 3/29/2022 and 3/31/2022</b> . A pretrial status teleconference will take place on <b>2/16/2022 at 9:30AM</b> . Dial-in information will be separately docketed. Signed by Judge Vanessa L. Bryant on 2/14/2022. (Burlingham, Corinne) (Entered: 02/14/2022)               |
| 02/14/2022 |                     | Reset hearing: added Bench Trial date of 3-15-2022 per Dkt. 235 order. (Shafer, J.) (Entered: 02/14/2022)  |
| 02/14/2022 |                     | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Pretrial teleconference is set for 2-16-2022 at 9:30 AM before Judge Vanessa L. Bryant. To participate in the teleconference, the parties are to dial <b>888-251-2909</b> and enter <b>2429024#</b> as the access code. (Shafer, J.) (Entered: 02/14/2022)   |
| 02/14/2022 | <a href="#">236</a> | CERTIFICATE OF GOOD STANDING re <a href="#">232</a> MOTION for Attorney(s) Samantha Gerleman to be Admitted Pro Hac Vice (paid \$200 PHV fee; receipt number ACTDC-6813188) by Carmen Arroyo, Connecticut Fair Housing Ctr. (Gerleman, Samantha) (Entered: 02/14/2022)   |
| 02/14/2022 | <a href="#">237</a> | NOTICE of Appearance by Samantha Gerleman on behalf of Carmen Arroyo, Connecticut Fair Housing Ctr (Gerleman, Samantha) (Entered: 02/14/2022)  |
| 02/14/2022 | 238                 | AMENDED SCHEDULING ORDER. The Court amends the scheduling order to adjust the start time for the first day of the bench trial. The bench trial will begin on <b>3/14/2022 at 10:30AM</b> and will continue on <b>3/15/2022, 3/17/2022, 3/18/2022, 3/28/2022, 3/29/2022 and 3/31/2022</b> . A pretrial status teleconference will take place on <b>2/16/2022 at 9:30AM</b> . Dial-in information will be separately docketed. Signed by Judge Vanessa L. Bryant on 2/14/2022. (Burlingham, Corinne) (Entered: 02/14/2022) |
| 02/14/2022 | <a href="#">239</a> | MOTION to Amend/Correct <a href="#">178</a> Trial Memo, and <i>Memorandum in Support</i> by Carmen Arroyo, Connecticut Fair Housing Ctr.Responses due by 3/7/2022 (Attachments: # <a href="#">1</a> Exhibit Exhibits List)(Webber, Christine) (Entered: 02/14/2022)  |
| 02/16/2022 | <a href="#">240</a> | Minute Entry for proceedings held before Judge Vanessa L. Bryant: Pretrial teleconference held on 2-16-2022. Total Time: 46 minutes. (Court Reporter F. Velez, ECRO.) (Shafer, J.) (Entered: 02/16/2022)   |
| 02/16/2022 | <a href="#">241</a> | RESPONSE re <a href="#">239</a> MOTION to Amend/Correct <a href="#">178</a> Trial Memo, and <i>Memorandum in Support</i> filed by CoreLogic Rental Property Solutions, LLC. (O'Toole, Jill) (Entered: 02/16/2022)  |


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| 02/16/2022 | <a href="#">242</a> | MOTION to Amend/Correct <a href="#">178</a> Trial Memo, <i>to supplement Defendant's Exhibit List</i> by CoreLogic Rental Property Solutions, LLC. Responses due by 3/9/2022 (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Exhibit A (List of Proposed New Exhibits))(O'Toole, Jill) (Entered: 02/16/2022)   |
| 02/17/2022 | <a href="#">243</a> | REPLY to Response to <a href="#">239</a> MOTION to Amend/Correct <a href="#">178</a> Trial Memo, <i>and Memorandum in Support</i> filed by Carmen Arroyo, Connecticut Fair Housing Ctr. (Webber, Christine) (Entered: 02/17/2022)   |
| 02/21/2022 | <a href="#">244</a> | RESPONSE re <a href="#">242</a> MOTION to Amend/Correct <a href="#">178</a> Trial Memo, <i>to supplement Defendant's Exhibit List</i> filed by Carmen Arroyo, Connecticut Fair Housing Ctr. (Webber, Christine) (Entered: 02/21/2022)   |
| 02/22/2022 | <a href="#">245</a> | REPLY to Response to <a href="#">242</a> MOTION to Amend/Correct <a href="#">178</a> Trial Memo, <i>to supplement Defendant's Exhibit List</i> filed by CoreLogic Rental Property Solutions, LLC. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(O'Toole, Jill) (Entered: 02/22/2022)  |
| 02/24/2022 | <a href="#">246</a> | TRANSCRIPT of Proceedings: Type of Hearing: Telephone Conference. Held on 5-20-2020 before Judge Stefan R. Underhill. Court Reporter: Sharon L. Masse. <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at <a href="http://www.ctd.uscourts.gov">www.ctd.uscourts.gov</a> . Redaction Request due 3/17/2022. Redacted Transcript Deadline set for 3/27/2022. Release of Transcript Restriction set for 5/25/2022. (Corriette, M.) (Entered: 02/24/2022)                 |
| 02/25/2022 | <a href="#">247</a> | TRANSCRIPT of Proceedings: Type of Hearing: Status Conference. Held on April 6, 2021 before Judge Vanessa L. Bryant. Court Reporter: Martha Marshall (Transcriber). <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at <a href="http://www.ctd.uscourts.gov">www.ctd.uscourts.gov</a> . Redaction Request due 3/18/2022. Redacted Transcript Deadline set for 3/28/2022. Release of Transcript Restriction set for 5/26/2022. (Marshall, Martha) (Entered: 02/25/2022) |
| 02/25/2022 | <a href="#">248</a> | TRANSCRIPT of Proceedings: Type of Hearing: Status Conference. Held on May 18, 2021 before Judge Vanessa L. Bryant. Court Reporter: Martha Marshall (Transcriber). <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of  |


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|            |                     | Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at <a href="http://www.ctd.uscourts.gov">www.ctd.uscourts.gov</a> . Redaction Request due 3/18/2022. Redacted Transcript Deadline set for 3/28/2022. Release of Transcript Restriction set for 5/26/2022. (Marshall, Martha) (Entered: 02/25/2022)  |
| 02/25/2022 | <a href="#">249</a> | TRANSCRIPT of Proceedings: Type of Hearing: Motion Hearing (Telephonic). Held on December 17, 2020 before Judge Vanessa L. Bryant. Court Reporter: Martha Marshall (Transcriber). <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at <a href="http://www.ctd.uscourts.gov">www.ctd.uscourts.gov</a> . Redaction Request due 3/18/2022. Redacted Transcript Deadline set for 3/28/2022. Release of Transcript Restriction set for 5/26/2022. (Marshall, Martha) (Entered: 02/25/2022)      |
| 02/25/2022 | <a href="#">250</a> | TRANSCRIPT of Proceedings: Type of Hearing: Pretrial Conference (Telephonic). Held on February 16, 2022 before Judge Vanessa L. Bryant. Court Reporter: Martha Marshall (Transcriber). <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at <a href="http://www.ctd.uscourts.gov">www.ctd.uscourts.gov</a> . Redaction Request due 3/18/2022. Redacted Transcript Deadline set for 3/28/2022. Release of Transcript Restriction set for 5/26/2022. (Marshall, Martha) (Entered: 02/25/2022) |
| 03/03/2022 | <a href="#">251</a> | ORDER AND DECISION denying <a href="#">239</a> Plaintiffs' Motion to Amend and <a href="#">242</a> Defendant's Motion to Amend. Signed by Judge Vanessa L. Bryant on 3/3/2022. (Burlingham, Corinne) (Entered: 03/03/2022)   |
| 03/04/2022 | <a href="#">252</a> | Proposed Findings of Fact and Conclusions of Law by Carmen Arroyo, Connecticut Fair Housing Ctr. (Webber, Christine) (Entered: 03/04/2022)   |
| 03/04/2022 | <a href="#">253</a> | Proposed Findings of Fact and Conclusions of Law by CoreLogic Rental Property Solutions, LLC. (O'Toole, Jill) (Entered: 03/04/2022)  |
| 03/11/2022 | <a href="#">254</a> | MOTION for Patrick F. Dillard to Withdraw as Attorney by CoreLogic Rental Property Solutions, LLC. (O'Toole, Jill) (Entered: 03/11/2022)   |
| 03/14/2022 | <a href="#">255</a> | Minute Entry for proceedings held before Judge Vanessa L. Bryant: Bench Trial held on 3-14-2022. Total Time: 4 hours and 34 minutes. (Court Reporter F. Velez, ECRO.) (Shafer, J.) (Entered: 03/14/2022)   |
| 03/15/2022 | <a href="#">256</a> |  PDF with attached Audio File. Court Date & Time [03/14/2022 10:37:38 AM]. File Size [ 94506 KB ]. Run Time [ 05:57:10 ]. (admin). (Entered: 03/15/2022)  |
| 03/15/2022 | 257                 | Oral MOTION to Strike and Preclude Testimony by CoreLogic Rental Property  |

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|            |                     | Solutions, LLC. (Shafer, J.) (Entered: 03/15/2022)  |
| 03/15/2022 | 258                 | Oral MOTION for Reconsideration by CoreLogic Rental Property Solutions, LLC. (Shafer, J.) (Entered: 03/15/2022)   |
| 03/15/2022 | <a href="#">259</a> | Minute Entry for proceedings held on 3-15-2022 before Judge Vanessa L. Bryant: Bench Trial and motion hearing held, denying Dkt. 257 Oral Motion to Strike and Preclude Testimony and denying Dkt. 258 Oral Motion for Reconsideration. Bench Trial continued to 3-17-2022. Total Time: 5 hours and 46 minutes. (Court Reporter F. Velez, ECRO.) (Shafer, J.) (Entered: 03/15/2022)   |
| 03/15/2022 | <a href="#">260</a> |  PDF with attached Audio File. Court Date & Time [03/15/2022 09:17:29 AM]. File Size [ 112017 KB ]. Run Time [ 07:24:20 ]. (admin). (Entered: 03/15/2022)  |
| 03/16/2022 | 261                 | ORDER granting <a href="#">254</a> Motion to Withdraw as Attorney. Attorney Patrick F. Dillard terminated. Signed by Judge Vanessa L. Bryant on 3/16/2022. (Burlingham, Corinne) (Entered: 03/16/2022)  |
| 03/16/2022 | 262                 | NOTICE terminating the bench trial dates of 3-17-2022 and 3-18-2022. (Shafer, J.) (Entered: 03/16/2022)   |
| 03/17/2022 | <a href="#">263</a> | TRANSCRIPT of Proceedings: Type of Hearing: Bench Trial - Vol. I. Held on March 14, 2022 before Judge Vanessa L. Bryant. Court Reporter: Martha Marshall (Transcriber). <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov. Redaction Request due 4/7/2022. Redacted Transcript Deadline set for 4/17/2022. Release of Transcript Restriction set for 6/15/2022. (Marshall, Martha) (Entered: 03/17/2022)   |
| 03/21/2022 | <a href="#">264</a> | TRANSCRIPT of Proceedings: Type of Hearing: Bench Trial - Vol. II. Held on March 15, 2022 before Judge Vanessa L. Bryant. Court Reporter: Martha Marshall (Transcriber). <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov. Redaction Request due 4/11/2022. Redacted Transcript Deadline set for 4/21/2022. Release of Transcript Restriction set for 6/19/2022. (Marshall, Martha) (Entered: 03/21/2022) |
| 03/22/2022 | <a href="#">265</a> | Joint NOTICE by CoreLogic Rental Property Solutions, LLC <i>of Parties' Trial Availability</i> (O'Toole, Jill) (Entered: 03/22/2022)  |
| 03/24/2022 | 266                 | NOTICE: The bench trial dates of 3-28-2022, 3-29-2022 and 3-31-2022 are marked off due to a change in the Court's calendar. (Shafer, J.) (Entered: 03/24/2022)  |

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| 04/08/2022 | 267                 | ORDER scheduling a case status teleconference for <b>4/20/2022 at 4:00PM</b> . Dial-in information will be separately docketed. Signed by Judge Vanessa L. Bryant on 4/8/2022. (Burlingham, Corinne) (Entered: 04/08/2022)  |
| 04/11/2022 | 268                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Status teleconference set for <u>4-20-2022 at 4:00 PM</u> before Judge Vanessa L. Bryant. Dial <b>888-251-2909</b> and enter <b>2429024#</b> as the access code to participate. (Shafer, J.) (Entered: 04/11/2022)  |
| 04/20/2022 | 269                 | Minute Entry for proceedings held before Judge Vanessa L. Bryant: status teleconference held on 4-20-2022. Counsel will propose trial dates for the Fall months of this year. Total Time: 2 minutes. (Court Reporter F. Velez, ECRO.) (Shafer, J.) (Entered: 04/20/2022)  |
| 05/06/2022 | <a href="#">270</a> | Joint NOTICE by Carmen Arroyo, Connecticut Fair Housing Ctr re 269 Status Conference <i>to provide Fall Trial Availability</i> (Webber, Christine) (Entered: 05/06/2022)  |
| 05/25/2022 | 271                 | AMENDED SCHEDULING ORDER. The bench trial will resume starting on <b>10/24/2022 at 9:30AM</b> and will continue on <b>10/25/2022, 10/27/2022, 10/28/2022, 11/3/2022, and 11/4/2022</b> in Courtroom Two, 450 Main Street, Hartford, Connecticut before Judge Vanessa L. Bryant. Signed by Judge Vanessa L. Bryant on 5/25/2022. (Burlingham, Corinne) (Entered: 05/25/2022)   |
| 05/25/2022 | 272                 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Bench Trial set for 10-24-2022; 10-25-2022; 10-27-2022; 10-28-2022; 11-3-2022; and 11-4-2022 at 9:30 AM in Courtroom Two, 450 Main St., Hartford, CT before Judge Vanessa L. Bryant. (Shafer, J.) (Entered: 05/25/2022)  |
| 08/01/2022 | <a href="#">273</a> | Joint MOTION to Permit Defendant to Call First Trial Witness on Oct. 27, 2022 by CoreLogic Rental Property Solutions, LLC. Responses due by 8/22/2022 (O'Toole, Jill) (Entered: 08/01/2022)   |
| 08/22/2022 | 274                 | ORDER granting <a href="#">273</a> Motion to Permit Defendant to Call First Trial Witness on October 27, 2022. Signed by Judge Vanessa L. Bryant on 8/22/2022. (Burlingham, Corinne) (Entered: 08/22/2022)  |
| 10/18/2022 | <a href="#">275</a> | Emergency MOTION for Discovery Dispute Conference <i>or, in the Alternative, to Compel</i> by CoreLogic Rental Property Solutions, LLC. (O'Toole, Jill) (Entered: 10/18/2022)   |
| 10/18/2022 | <a href="#">276</a> | RESPONSE re <a href="#">275</a> Emergency MOTION for Discovery Dispute Conference <i>or, in the Alternative, to Compel</i> filed by Carmen Arroyo, Connecticut Fair Housing Ctr. (Webber, Christine) (Entered: 10/18/2022)  |
| 10/19/2022 | 277                 | ORDER regarding <a href="#">275</a> Motion for Discovery Dispute Conference or, in the Alternative, to Compel. Plaintiffs are ordered to file the disputed email to Lindenfelzer today under seal for the Court's review only. Signed by Judge Vanessa L. Bryant on 10/19/2022. (Burlingham, Corinne) (Entered: 10/19/2022)   |
| 10/19/2022 | <a href="#">278</a> | Sealed Document: 11-21-22 Email from Mr. Dunn to Mr. Lindenfelzer with attachments by Carmen Arroyo, Connecticut Fair Housing Ctr re 277 Order, . (Attachments: # <a href="#">1</a> Supplement 1st email attachment, # <a href="#">2</a> Supplement 2nd email attachment, # <a href="#">3</a> Supplement 3rd email attachment, # <a href="#">4</a> Supplement 4th email attachment, # <a href="#">5</a> Supplement 5th email attachment, # <a href="#">6</a> Supplement 6th email attachment, # <a href="#">7</a> Supplement 7th email attachment) (Gerleman, Samantha) (Entered: 10/19/2022) |
| 10/19/2022 | 279                 | VACATED AT DKT. 280 -- ORDER DISMISSING CASE as settled. It has been reported that this case has settled. This dismissal is without prejudice to re-opening on or before 70 days following this order. If the parties wish to file a stipulation of dismissal for approval  |





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|            |     | by the Court or simply for inclusion in the Court's file, they may do so on or before 70 days following this order. The Clerk is directed to close this case. Signed by Judge Vanessa L. Bryant on 10/19/2022. (Burlingham, Corinne) Modified on 10-19-2022 (Shafer, J.). (Entered: 10/19/2022)  |
| 10/19/2022 | 280 | ORDER VACATING ORDER DISMISSING CASE. Order 279 was entered in error. Signed by Judge Vanessa L. Bryant on 10/19/2022.(Burlingham, Corinne) (Entered: 10/19/2022)  |
| 10/21/2022 | 281 | AMENDED TRIAL SCHEDULING ORDER. Due to changes in the Court's schedule, the Court issues this modified trial scheduling order. The bench trial will resume on 10/24/2022, and continue on 10/25/2022, 10/28/2022, 10/31/2022 (beginning at 12:30PM), 11/2/2022 (ending at 12:30PM), 11/3/2022, 11/4/2022, 11/7/2022, 11/8/2022. Unless otherwise noted, on each trial day, trial will begin at 9:30AM and end around 4:30PM. Signed by Judge Vanessa L. Bryant on 10/21/2022.(Burlingham, Corinne) (Entered: 10/21/2022)   |
| 10/21/2022 | 282 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Per Dkt. 281, additional bench trial dates set for <u>10-31-2022 at 12:30 PM</u> ; <u>11-2-2022 at 9:30 AM</u> ; <u>11-7-2022 at 9:30 AM</u> ; and <u>11-8-2022 at 9:30 AM</u> in Courtroom Two, 450 Main St., Hartford, CT before Judge Vanessa L. Bryant. Trial date set for 10-27-2022 is terminated. Remaining dates and times listed at Dkt. 272 remain in effect. <i>All individuals who enter the Courtroom are required to wear a mask at all times and maintain proper physical distancing.</i> (Shafer, J.) (Entered: 10/21/2022)   |
| 10/21/2022 | 283 | ORDER granting in part and denying in part <a href="#">275</a> Defendant's emergency motion for a discovery dispute conference, or in the alternative, to compel. The disputed email correspondence, [dkt. <a href="#">278</a> ], is primarily comprised of documents already within Defendant's possession and information disclosed in the parties' joint trial memorandum (anticipated topics of witness testimony). With that said the compilation of records is work product because it was prepared in anticipation of trial and could arguably provide insight into what counsel believes is important and at issue with respect to Robert Lindefelzer's trial testimony. <i>See Hickman v. Taylor</i> , 329 U.S. 495, 511 (1947) (Proper preparation of a client's case demands that [an attorney] assemble information, sift what he considers to be the relevant from the irrelevant facts, prepare his legal theories and plan his strategy without undue and needles interference.... This work is reflected, of course, in interviews, statements, memoranda, <i>correspondence</i> , briefs, mental impressions, personal beliefs, and countless other tangible and intangible ways....") (emphasis added). However, the Court finds that Plaintiffs waived this privilege by communicating the information to a third-party witness who has no common interest with Plaintiffs. <i>See S.E.C. v. Gupta</i> , 281 F.R.D. 169, 173 (S.D.N.Y. 2012) ("When an attorney discloses work product to prepare a non-party witness for a deposition, and that witness does not share a common interest with the attorney's client, there has been a deliberate, affirmative and selective use of work product that waives the privilege."). <i>See also In re Steinhardt Partners, L.P.</i> , 9 F.3d 230, 236 (2d Cir. 1993) (citing with approval <i>In re Sealed Case</i> , 676 F.2d 793, 817 (D.C. Cir. 1982) for the proposition that "work product protection is only waived if privileged material is disclosed to a party who doesn't share such common interests."). Plaintiffs could not reasonably expect the secrecy of this information after sending it to the witness--who is a former employee of Defendant and who had to be subpoenaed to testify--where Plaintiffs took no precaution to protect the secrecy of this information, such as requesting the witness not release the information to Defendant. The fact that the witness has not yet disclosed this information does not establish a lack of waiver where there is nothing in the record showing Plaintiffs knew the witness would protect the information at the time of the disclosure. Therefore, the Court |





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|            |                     | finds Plaintiffs waived the work product privilege with respect to the disputed email correspondence. Plaintiffs are ordered to provide a copy of the disputed email correspondence to Defendant. The Court denies the Defendant's request for a status conference in light of this order resolving the dispute. Signed by Judge Vanessa L. Bryant on 10/21/2022. (Burlingham, Corinne) (Entered: 10/21/2022)   |
| 10/24/2022 | <a href="#">284</a> | Minute Entry for proceedings held before Judge Vanessa L. Bryant: Bench Trial held on 10-24-2022 and continued until 10-25-2022. Trial date set for 10-31-2022 is marked off. Total Time: 5 hours and 25 minutes. (Court Reporter A. Gaskins, ECRO.) (Shafer, J.) (Entered: 10/24/2022)   |
| 10/24/2022 | <a href="#">285</a> |  PDF with attached Audio File. Court Date & Time [10/24/2022 08:57:42 AM]. File Size [ 112553 KB ]. Run Time [ 08:17:46 ]. (admin). (Entered: 10/24/2022)  |
| 10/25/2022 | <a href="#">286</a> | Minute Entry for proceedings held before Judge Vanessa L. Bryant: Bench Trial held on 10-25-2022 and continued to 10-28-2022. Total Time: 5 hours and 25 minutes. (Court Reporter A. Gaskins, ECRO.) (Shafer, J.) (Entered: 10/25/2022)   |
| 10/25/2022 | <a href="#">287</a> |  PDF with attached Audio File. Court Date & Time [10/25/2022 09:05:31 AM]. File Size [ 107192 KB ]. Run Time [ 07:52:32 ]. (admin). (Entered: 10/25/2022)  |
| 10/28/2022 | <a href="#">288</a> |  PDF with attached Audio File. Court Date & Time [10/28/2022 09:05:51 AM]. File Size [ 110277 KB ]. Run Time [ 07:49:06 ]. (admin). (Entered: 10/28/2022)  |
| 10/28/2022 | <a href="#">289</a> | Minute Entry for proceedings held before Judge Vanessa L. Bryant: Bench Trial held on 10-28-2022 and continued to 11-2-2022. Trial scheduled for 11-3-2022 will begin at 8:30 a.m. Total Time: 5 hours and 20 minutes. (Court Reporter A. Gaskins, ECRO.) (Shafer, J.) (Entered: 10/31/2022)  |
| 11/02/2022 | 290                 | Oral MOTION for Judgment on Partial Findings Under Rule 52(c) by CoreLogic Rental Property Solutions, LLC. (Shafer, J.) (Entered: 11/02/2022)   |
| 11/02/2022 | 291                 | Oral MOTION to Strike Numerous Paragraphs from <a href="#">252</a> Proposed Findings of Fact and Conclusions of Law by CoreLogic Rental Property Solutions, LLC. (Shafer, J.) (Entered: 11/02/2022)   |
| 11/02/2022 | <a href="#">292</a> | Minute Entry for proceedings held before Judge Vanessa L. Bryant: Bench Trial held on 11-2-2022 and continued to 11-3-2022 at 8:30 AM. Motion hearing re Dkt. 290 Oral MOTION for Judgment on Partial Findings Under Rule 52(c) and Dkt. 291 Oral MOTION to Strike Numerous Paragraphs from <a href="#">252</a> Proposed Findings of Fact and Conclusions of Law. Total Time: 2 hours and 10 minutes. (Court Reporter A. Gaskins, ECRO.) (Shafer, J.) Modified docket text on 11-3-2022 (Shafer, J.). (Entered: 11/02/2022)   |
| 11/02/2022 | <a href="#">293</a> |  PDF with attached Audio File. Court Date & Time [11/02/2022 08:44:25 AM]. File Size [ 43271 KB ]. Run Time [ 03:06:32 ]. (admin). (Entered: 11/02/2022)   |
| 11/03/2022 | <a href="#">294</a> | TRANSCRIPT of Proceedings: Type of Hearing: Bench Trial - Vol III. Held on October 24, 2022 before Judge Vanessa L. Bryant. Court Reporter: Martha Marshall (Transcriber). <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov. Redaction Request due 11/24/2022. Redacted Transcript Deadline |


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|            |                     | set for 12/4/2022. Release of Transcript Restriction set for 2/1/2023. (Marshall, Martha) (Entered: 11/03/2022)  |
| 11/03/2022 | <a href="#">295</a> | TRANSCRIPT of Proceedings: Type of Hearing: Bench Trial - Vol IV. Held on October 25, 2022 before Judge Vanessa L. Bryant. Court Reporter: Martha Marshall (Transcriber). <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov. Redaction Request due 11/24/2022. Redacted Transcript Deadline set for 12/4/2022. Release of Transcript Restriction set for 2/1/2023. (Marshall, Martha) (Entered: 11/03/2022) |
| 11/03/2022 | <a href="#">296</a> | Minute Entry for proceedings held before Judge Vanessa L. Bryant: Bench Trial held on 11-3-2022 and continued until 11-4-2022 at 9:30 AM. Total Time: 5 hours and 59 minutes. (Court Reporter A. Gaskins, ECRO.) (Shafer, J.) (Entered: 11/03/2022)  |
| 11/03/2022 | <a href="#">297</a> |  PDF with attached Audio File. Court Date & Time [11/03/2022 08:13:39 AM]. File Size [ 124083 KB ]. Run Time [ 08:02:53 ]. (admin). (Entered: 11/03/2022)   |
| 11/04/2022 | <a href="#">298</a> | Minute Entry for proceedings held before Judge Vanessa L. Bryant: Bench Trial held on 11-4-2022 and continued to 11-7-2022 at 9:30 AM. Total Time: 4 hours and 2 minutes. (Court Reporter A. Gaskins, ECRO.) (Shafer, J.) (Entered: 11/04/2022)  |
| 11/04/2022 | <a href="#">299</a> |  PDF with attached Audio File. Court Date & Time [11/04/2022 08:59:22 AM]. File Size [ 81009 KB ]. Run Time [ 06:09:48 ]. (admin). (Entered: 11/04/2022)  |
| 11/07/2022 | <a href="#">300</a> | TRANSCRIPT of Proceedings: Type of Hearing: Bench Trial - Vol V. Held on October 28, 2022 before Judge Vanessa L. Bryant. Court Reporter: Martha Marshall (Transcriber). <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov. Redaction Request due 11/28/2022. Redacted Transcript Deadline set for 12/8/2022. Release of Transcript Restriction set for 2/5/2023. (Marshall, Martha) (Entered: 11/07/2022)  |
| 11/07/2022 | <a href="#">301</a> | Minute Entry for proceedings held before Judge Vanessa L. Bryant: Bench Trial held on 11-7-2022 and continued to 11-8-2022 at 9:30 AM. Total Time: 5 hours and 5 minutes. (Court Reporter F. Velez, A.M. ECRO; A. Gaskins, P.M. ECRO.) (Shafer, J.) (Entered: 11/07/2022)  |
| 11/07/2022 | <a href="#">302</a> |  PDF with attached Audio File. Court Date & Time [11/07/2022 09:40:26 AM]. File Size [ 31190 KB ]. Run Time [ 01:31:50 ]. (admin). (Entered: 11/07/2022)  |
| 11/07/2022 | <a href="#">303</a> |  PDF with attached Audio File. Court Date & Time [11/07/2022 11:26:41 AM]. File Size [ 68787 KB ]. Run Time [ 04:54:22 ]. (admin). (Entered: 11/07/2022)  |

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| 11/08/2022 | <a href="#">304</a> |  PDF with attached Audio File. Court Date & Time [11/08/2022 09:13:03 AM]. File Size [ 97516 KB ]. Run Time [ 06:41:57 ]. (admin). (Entered: 11/08/2022)   |
| 11/08/2022 | <a href="#">305</a> | Minute Entry for proceedings held before Judge Vanessa L. Bryant: Bench Trial completed on 11-8-2022. Total Time: 4 hours and 49 minutes. (Court Reporter A. Gaskins, ECRO.) (Shafer, J.) (Entered: 11/08/2022)   |
| 11/08/2022 | <a href="#">306</a> | Bench trial witness list. (Shafer, J.) (Entered: 11/09/2022)  |
| 11/08/2022 | <a href="#">307</a> | Bench trial exhibit list. (Shafer, J.) (Entered: 11/09/2022)  |
| 11/09/2022 | <a href="#">308</a> | TRANSCRIPT of Proceedings: Type of Hearing: Bench Trial - Vol VI. Held on November 2, 2022 before Judge Vanessa L. Bryant. Court Reporter: Martha Marshall (Transcriber). <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov. Redaction Request due 11/30/2022. Redacted Transcript Deadline set for 12/10/2022. Release of Transcript Restriction set for 2/7/2023. (Marshall, Martha) (Entered: 11/09/2022) |
| 11/26/2022 | <a href="#">309</a> | TRANSCRIPT of Proceedings: Type of Hearing: Bench Trial. Held on 11/7/22 before Judge Vanessa L. Bryant. Court Reporter: Suzanne Benoit. <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov. Redaction Request due 12/17/2022. Redacted Transcript Deadline set for 12/27/2022. Release of Transcript Restriction set for 2/24/2023. (Benoit, S.) (Entered: 11/26/2022)                                       |
| 11/28/2022 | <a href="#">310</a> | TRANSCRIPT of Proceedings: Type of Hearing: Bench Trial. Held on 11/8/22 before Judge Vanessa L. Bryant. Court Reporter: Suzanne Benoit. <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov. Redaction Request due 12/19/2022. Redacted Transcript Deadline set for 12/29/2022. Release of Transcript Restriction set for 2/26/2023. (Benoit, S.) (Entered: 11/28/2022)                                       |
| 03/28/2023 | <a href="#">311</a> | First MOTION for Samantha Gerleman to Withdraw as Attorney by Carmen Arroyo, Connecticut Fair Housing Ctr. (Gerleman, Samantha) (Entered: 03/28/2023)   |

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| 03/28/2023 | <a href="#">312</a> | TRANSCRIPT of Proceedings: Type of Hearing: Bench Trial. Held on 11/4/22 before Judge Vanessa L. Bryant. Court Reporter: Suzanne Benoit. <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at <a href="http://www.ctd.uscourts.gov">www.ctd.uscourts.gov</a> . Redaction Request due 4/18/2023. Redacted Transcript Deadline set for 4/28/2023. Release of Transcript Restriction set for 6/26/2023. (Benoit, S.) (Entered: 03/28/2023) |
| 03/28/2023 | <a href="#">313</a> | TRANSCRIPT of Proceedings: Type of Hearing: Bench Trial. Held on 11/3/22 before Judge Vanessa L. Bryant. Court Reporter: Joanne Auger. <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at <a href="http://www.ctd.uscourts.gov">www.ctd.uscourts.gov</a> . Redaction Request due 4/18/2023. Redacted Transcript Deadline set for 4/28/2023. Release of Transcript Restriction set for 6/26/2023. (Benoit, S.) (Entered: 03/28/2023)   |
| 03/28/2023 | <a href="#">314</a> | TRANSCRIPT of Proceedings: Type of Hearing: Bench Trial. Held on 11/7/22 before Judge Vanessa L. Bryant. Court Reporter: Suzanne Benoit. <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at <a href="http://www.ctd.uscourts.gov">www.ctd.uscourts.gov</a> . Redaction Request due 4/18/2023. Redacted Transcript Deadline set for 4/28/2023. Release of Transcript Restriction set for 6/26/2023. (Benoit, S.) (Entered: 03/28/2023) |
| 03/28/2023 | <a href="#">315</a> | TRANSCRIPT of Proceedings: Type of Hearing: Bench Trial. Held on 11/8/22 before Judge Vanessa L. Bryant. Court Reporter: Suzanne Benoit. <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at <a href="http://www.ctd.uscourts.gov">www.ctd.uscourts.gov</a> . Redaction Request due 4/18/2023. Redacted Transcript Deadline set for 4/28/2023. Release of Transcript Restriction set for 6/26/2023. (Benoit, S.) (Entered: 03/28/2023) |

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| 03/29/2023 | 316                 | ORDER granting <a href="#">311</a> Motion to Withdraw as Attorney. Attorney Samantha Gerleman terminated. Signed by Judge Vanessa L. Bryant on 3/29/2023. (Burlingham, Corinne) (Entered: 03/29/2023)   |
| 07/20/2023 | <a href="#">317</a> | MEMORANDUM OF DECISION AND ORDER following bench trial. The Court finds for the Defendant on the FHA and CUTPA claims, and finds for Mr. Arroyo on his FCRA claim for \$1,000 in statutory damages, \$3,000 in punitive damages, and reasonable attorneys' fees in an amount to be determined. Mr. Arroyo may file a motion for reasonable attorneys' fees as detailed in the attached decision within 35 days of this order. Signed by Judge Vanessa L. Bryant on 7/20/2023.(Burlingham, Corinne) (Entered: 07/20/2023)  |
| 07/21/2023 | <a href="#">318</a> | JUDGMENT.<br>Appeal forms may be obtained at <a href="http://www.ctd.uscourts.gov/forms/all-forms/appeals_forms">http://www.ctd.uscourts.gov/forms/all-forms/appeals_forms</a> .<br>Signed by Clerk on 7-21-2023. (Shafer, J.) (Entered: 07/21/2023)  |
| 07/21/2023 |                     | JUDICIAL PROCEEDINGS SURVEY - FOR COUNSEL ONLY: The following link to the confidential survey requires you to log into CM/ECF for SECURITY purposes. Once in CM/ECF you will be prompted for the case number. Although you are receiving this survey through CM/ECF, it is hosted on an independent website called SurveyMonkey. Once in SurveyMonkey, the survey is located in a secure account. The survey is not docketed and it is not sent directly to the judge. To ensure anonymity, completed surveys are held up to 90 days before they are sent to the judge for review. We hope you will take this opportunity to participate, please click on this link:<br><br><a href="https://ecf.ctd.uscourts.gov/cgi-bin/Dispatch.pl?survey">https://ecf.ctd.uscourts.gov/cgi-bin/Dispatch.pl?survey</a><br>(Shafer, J.) (Entered: 07/21/2023) |
| 08/02/2023 | <a href="#">319</a> | Acknowledgment of Receipt by CoreLogic Rental Property Solutions, LLC. (Shafer, J.) (Entered: 08/02/2023)   |
| 08/04/2023 | <a href="#">320</a> | NOTICE OF APPEAL as to <a href="#">318</a> Judgment, <a href="#">194</a> Order on Motion for Summary Judgment,,,,, <a href="#">317</a> Order,, by Carmen Arroyo, Connecticut Fair Housing Ctr. Filing fee \$ 505, receipt number ACTDC-7438305. (Webber, Christine) (Entered: 08/04/2023)   |
| 08/04/2023 | <a href="#">321</a> | Joint MOTION to Stay re <a href="#">317</a> Order,, <i>CERTAIN POST-TRIAL MATTERS PENDING APPEAL</i> by Carmen Arroyo, Connecticut Fair Housing Ctr.Responses due by 8/25/2023 (Webber, Christine) (Entered: 08/04/2023)  |
| 08/04/2023 | <a href="#">322</a> | CLERK'S CERTIFICATE RE: INDEX AND RECORD ON APPEAL re: <a href="#">320</a> Notice of Appeal. The attached docket sheet is hereby certified as the entire Index/Record on Appeal in this matter and electronically sent to the Court of Appeals, with the exception of any manually filed documents as noted below. Dinah Milton Kinney, Clerk. Documents manually filed not included in this transmission: None (Gaskins, A.) (Entered: 08/07/2023)   |
| 08/08/2023 | 323                 | ORDER granting <a href="#">321</a> Joint MOTION to Stay re 317 Order,, <i>CERTAIN POST-TRIAL MATTERS PENDING APPEAL</i> for the reasons stated in the parties' joint motion. Accordingly, the Court ORDERS: 1. All deadlines for filing any bill of costs and any motion for attorneys' fees and nontaxable costs in this matter is stayed until 30 days after the issuance of the mandate by the U.S. Court of Appeals for the Second Circuit, or until further order of this Court; and 2. No party shall be required to post an appeal bond in this matter under Fed. R. App. P 7. Signed by Judge Vanessa L. Bryant on 08/08/2023. (Lee, Elisabeth) (Entered: 08/08/2023)   |

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| 08/11/2023 | <a href="#">324</a> | Acknowledgment of Receipt by Carmen Arroyo and Connecticut Fair Housing Ctr. (Shafer, J.) (Entered: 08/11/2023)   |
| 08/14/2023 | <a href="#">325</a> | NOTICE OF CROSS APPEAL as to <a href="#">318</a> Judgment, <a href="#">317</a> Order,, by CoreLogic Rental Property Solutions, LLC. Filing fee \$ 505, receipt number ACTDC-7448347. (St. George, Timothy) (Entered: 08/14/2023)  |
| 08/14/2023 | <a href="#">326</a> | CLERK'S CERTIFICATE RE: INDEX AND RECORD ON APPEAL re: <a href="#">325</a> Notice of Cross Appeal. The attached docket sheet is hereby certified as the entire Index/Record on Appeal in this matter and electronically sent to the Court of Appeals, with the exception of any manually filed documents as noted below. Dinah Milton Kinney, Clerk. Documents manually filed not included in this transmission: None (Gaskins, A) (Entered: 08/15/2023)  |
| 02/28/2024 | <a href="#">327</a> | TRANSCRIPT of Proceedings: Type of Hearing: Bench Trial Vol. IV (Corrected Volume Number on Cover Page). Held on October 25, 2022 before Judge Vanessa L. Bryant. Court Reporter: Martha Marshall (Transcriber). <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov. Redaction Request due 3/20/2024. Redacted Transcript Deadline set for 3/30/2024. Release of Transcript Restriction set for 5/28/2024. (Marshall, Martha) (Entered: 02/28/2024) |
| 02/29/2024 | <a href="#">328</a> | TRANSCRIPT of Proceedings: Type of Hearing: Bench Trial. Held on 11/3/22 before Judge Vanessa L. Bryant. Court Reporter: Suzanne Benoit. <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov. Redaction Request due 3/21/2024. Redacted Transcript Deadline set for 3/31/2024. Release of Transcript Restriction set for 5/29/2024. (Benoit, S.) (Entered: 02/29/2024)   |
| 02/29/2024 | <a href="#">329</a> | TRANSCRIPT of Proceedings: Type of Hearing: Bench Trial. Held on 11/4/22 before Judge Vanessa L. Bryant. Court Reporter: Suzanne Benoit. <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov. Redaction Request  |

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| 02/29/2024 | <a href="#">330</a> | TRANSCRIPT of Proceedings: Type of Hearing: Bench Trial. Held on 11/7/22 before Judge Vanessa L. Bryant. Court Reporter: Suzanne Benoit. <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov. Redaction Request due 3/21/2024. Redacted Transcript Deadline set for 3/31/2024. Release of Transcript Restriction set for 5/29/2024. (Benoit, S.) (Entered: 02/29/2024) |
| 02/29/2024 | <a href="#">331</a> | TRANSCRIPT of Proceedings: Type of Hearing: Bench Trial. Held on 11/8/22 before Judge Vanessa L. Bryant. Court Reporter: Suzanne Benoit. <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov. Redaction Request due 3/21/2024. Redacted Transcript Deadline set for 3/31/2024. Release of Transcript Restriction set for 5/29/2024. (Benoit, S.) (Entered: 02/29/2024) |

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UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

CONNECTICUT FAIR HOUSING CENTER

and

CARMEN ARROYO, individually and as next  
friend for Mikhail Arroyo

*Plaintiffs,*

v.

CORELOGIC RENTAL PROPERTY  
SOLUTIONS, LLC

*Defendant.*

Case No.

April 24, 2018

**COMPLAINT**

**I. INTRODUCTION**

1. The Connecticut Fair Housing Center (“CFHC”) and Carmen Arroyo, individually and as next friend for Mikhail Arroyo (collectively, “Plaintiffs”), bring this suit for injunctive, monetary, and declarative relief against Defendant CoreLogic Rental Property Solutions, LLC, formerly known as Corelogic SafeRent, LLC, (“CoreLogic” or “Defendant”) for engaging in a pattern or practice of illegal discrimination on the basis of race, national origin, and disability in violation of the Fair Housing Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 *et seq.* Carmen Arroyo also brings this suit against Defendant for violating the Connecticut Unfair Trade Practices Act, Conn. Gen. Stat. §§ 42-110a, *et seq.*, individually and as next friend for Mikhail Arroyo, and for violating the Fair Credit Reporting Act (FCRA), 15 U.S.C. §§ 1681, *et seq.*, as next friend for Mikhail Arroyo. Defendant’s discriminatory criminal screening product—which disproportionately disqualifies African Americans and Latinos

from securing sorely needed rental housing—resulted in the denial of housing to Mr. Arroyo, caused and continues to cause CFHC to divert scarce resources to address the ongoing discrimination, and frustrates CFHC’s mission of ensuring equal access to housing for all.

2. Defendant is a consumer-reporting agency specializing in tenant screening that compiles and maintains files on consumers on a nationwide basis. It maintains an extensive database of public records regarding consumers. It then sells consumer reports generated from its database and furnishes these consumer reports to housing providers who use the reports to accept or reject prospective tenants.

3. Defendant offers a tenant screening product called “Registry CrimSAFE” (“CrimSAFE”) that determines whether a housing provider should accept or reject an application for tenancy based on an applicant’s criminal history. CrimSAFE uses an algorithm to interpret and evaluate an applicant’s criminal records as found in Defendant’s national public records database, which it aggregates from a number of primarily governmental sources. Defendant then reports to a housing provider a “Crim Decision” that says the applicant should be accepted or is disqualified.

4. Under Defendant’s CrimSAFE product, the housing provider never knows the nature of the applicant’s criminal record. CrimSAFE only reports that a “disqualifying record” has been found, but does not provide any information about the record itself or information sufficient for the housing provider to locate the record.

5. Plaintiff Mikhail Arroyo (“Mr. Arroyo”) is a conserved person with disabilities who was injured in an accident in July 2015 that left him unable to speak, walk, or care for himself. At the time of the events alleged herein, he resided in a nursing home but was eligible for discharge. His mother and conservator, Plaintiff Carmen Arroyo (“Ms. Arroyo”), sought to have Mr. Arroyo

move out of the nursing home and into her apartment. She submitted a rental application on his behalf to her property manager, WinnResidential Connecticut, LLC (“WinnResidential”), which contracted with Defendant for tenant screening services, including the automated CrimSAFE decision-making product. Mr. Arroyo’s application to move into Ms. Arroyo’s apartment was denied because Defendant’s CrimSAFE report told WinnResidential he had “disqualifying” criminal records.

6. In determining that Mr. Arroyo’s criminal record disqualified him from living in Ms. Arroyo’s apartment, Defendant did not take into account the nature or recency of Mr. Arroyo’s alleged criminal offense, the outcome of the case, evidence of rehabilitation, the facts or circumstances surrounding the alleged criminal conduct, whether he was now able to commit a crime given his significant disabilities at the time of the application, or any other factor related to whether Mr. Arroyo posed any actual threat to safety or property.

7. Defendant also did not provide WinnResidential with any information that would have allowed WinnResidential to take these factors into account and override Defendant’s determination that Mr. Arroyo’s criminal record was “disqualifying,” nor, upon information and belief, did Defendant have a practice of providing this information to housing providers. Defendant did not tell WinnResidential the nature, number, or seriousness of the “disqualifying” criminal records; the reason the record “disqualified” Mr. Arroyo; whether it consisted of an arrest, charge, pending case, dismissal, or a conviction; or the date of the criminal record. The only information Defendant gave WinnResidential in the CrimSAFE report was that the “Crim Decision” based on Mr. Arroyo’s record was “disqualifying.”

8. Upon information, Mr. Arroyo has never been convicted of a crime. His criminal record consists solely of a single charge for retail theft in Pennsylvania in 2014, when he was

twenty years old. The grade of the charge was “summary offense,” which is below the level of a misdemeanor. The charge was ultimately withdrawn.

9. Had Defendant appropriately screened Mr. Arroyo or provided information to the Arroyos or WinnResidential about the disqualifying criminal record, he would have been able to move in to Ms. Arroyo’s apartment. As a result of Defendant’s actions and its determination that his criminal record disqualified him from tenancy, Mr. Arroyo remained in a nursing home for an additional year, even though it was no longer medically necessary and he desired to live with Ms. Arroyo.

10. Defendant’s policy or practice of making automated determinations, without individualized assessments, that applicants are disqualified from rental housing because of the existence of a criminal record has an unlawful disparate impact on Latinos and African Americans.

11. Latinos and African Americans are arrested, convicted, and incarcerated at rates disproportionate to their share of the general population.<sup>1</sup> This is true nationally, in Connecticut where Mr. Arroyo lives, and in Pennsylvania where he was charged with a crime. Consequently, Defendant’s policy of disqualifying people from rental housing based solely on the existence of a charge or conviction record has a predictable disparate impact on Latinos and African Americans.

12. A policy that has a disparate impact may be permissible under the Fair Housing Act

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<sup>1</sup> See generally U.S. Dep’t of Housing & Urban Dev., Office of General Counsel, *Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-related Transactions* (Apr. 4, 2016), [https://www.hud.gov/sites/documents/HUD\\_OGCGUIDAPPFHASTANDCR.PDF](https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF) [hereinafter “HUD Guidance”].

if it is necessary to achieve a legitimate business interest, and there is no less discriminatory alternative that would achieve that interest. Defendant's use of arrests and/or charges, without convictions, to determine that applicants, including Mr. Arroyo, are disqualified from rental housing cannot be justified by a legitimate business purpose. The fact of an arrest does not constitute proof of past misconduct<sup>2</sup> and is not a reliable basis upon which to evaluate the potential risk to resident safety or property,<sup>3</sup> which Defendant cites as a goal of its criminal records screening products. Defendant's automated disqualification decisions based on prior convictions are also not necessary to achieve the goal of improving safety because they fail to consider information about the nature, seriousness, type, or recency of the underlying offense or information about what the applicant has done since the conviction.<sup>4</sup>

13. Defendant also has available to it at least two obvious less discriminatory alternatives for dealing with any potential concerns raised by applicants with criminal records. Instead of automatically determining that an applicant is disqualified for rental housing based on the existence of a criminal history, Defendant could evaluate applicants on an individualized basis by considering relevant mitigating circumstances, including the facts or circumstances surrounding the criminal conduct, the age of the applicant at the time of the conduct, evidence of rehabilitation efforts, and evidence that the individual has maintained a good tenant history before

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<sup>2</sup> See also *Schwartz v. Bd of Bar Examiners*, 353 U.S. 232, 241 (1957) (explaining "[t]he mere fact that a man has been arrested has very little, if any, probative value in showing that he has engaged in any misconduct. An arrest shows nothing more than that someone probably suspected the person apprehended of an offense.").

<sup>3</sup> See HUD Guidance at 5.

<sup>4</sup> *Id.*

and after the criminal conduct. Alternatively, Defendant could supply information about the criminal history to the housing provider and allow the housing provider to conduct an individualized assessment to determine whether the applicant's criminal history demonstrates a realistic risk to safety or property, as some of Defendant's other tenant screening products already do.

14. By conducting an individualized assessment into each applicant's criminal history, or by providing sufficient information to housing providers to allow them to do so, Defendant could achieve any legitimate business interest such as protecting resident safety and property. This approach would have a less discriminatory effect because fewer African-American and Latino applicants would be disqualified from rental housing when, like Mr. Arroyo, they present no realistic risk to safety or property.

15. Defendant's policy or practice of declaring applicants disqualified for rental housing based on criminal records also constitutes intentional discrimination based on race and national origin. Defendant's discriminatory intent can be inferred because, upon information, it is aware of the overwhelming racial and ethnic disparity among those with criminal records, and of the obvious less discriminatory alternatives. Defendant nevertheless persists in offering a product that unjustifiably excludes Latino and African-American applicants, like Mr. Arroyo, from rental housing who present no risk to other residents or property.

16. Defendant further discriminated against Plaintiffs on the basis of disability in violation of the Fair Housing Act by denying Mr. Arroyo's request for a reasonable accommodation and refusing to provide Mr. Arroyo with his consumer file or other information related to the "disqualifying" tenant screening report because his disabilities required that he make this request through his conservator.

17. In her capacity as Mr. Arroyo's conservator, Ms. Arroyo repeatedly asked Defendant over a seven-month period to provide the consumer file it maintained on Mr. Arroyo so she could determine the reasons Defendant had disqualified Mr. Arroyo from tenancy, assess their accuracy, and, if necessary, request tenancy approval from WinnResidential as a reasonable accommodation of Mr. Arroyo's disabilities. Defendant knew that Mr. Arroyo's disabilities prevented him from making the request himself and that Ms. Arroyo was his court-appointed conservator. Defendant nevertheless refused to provide Mr. Arroyo's consumer file or any information about the disqualifying criminal record. Defendant further improperly demanded that Ms. Arroyo provide a power of attorney executed by Mr. Arroyo, even though Mr. Arroyo was conserved and lacked the capacity to designate a power of attorney as a result of his disabilities.

18. Defendant's actions constitute intentional discrimination based on disability, and its policy or practice of refusing to provide consumer files to conservators or guardians<sup>5</sup> and requiring a power of attorney has an unlawful, disparate impact on persons with disabilities who are disproportionately likely to be conserved or lack the capacity to designate a power of attorney.

19. Defendant's discriminatory tenant screening product, including its disqualification of housing applicants with criminal records without individualized consideration, its restrictions on providing information to conserved applicants who lack the mental capacity to designate a power of attorney, and the disparate impact its policies and practices have on African-American and Latino applicants and applicants with disabilities, frustrate CFHC's mission of eliminating housing discrimination and ensuring that all people have equal access to the housing of their

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<sup>5</sup> "Conservatorship" is used within this complaint to refer to a court-appointed substitute decision-maker for an adult, regardless of whether this is referred to as a conservatorship or guardianship under state law.

choice. To counteract this frustration of its mission, CFHC has had to divert its scarce resources to confront Defendant's discriminatory actions.

20. As a direct result of Defendant's actions, CFHC diverted resources from other activities in order to investigate Defendant's conduct and assist individuals who have been denied housing as a result of its actions, including Mr. Arroyo. CFHC staff spent a significant amount of time helping Mr. Arroyo obtain permission to live in his mother's apartment after Defendant reported his criminal record as disqualifying. CFHC has also diverted resources towards education and outreach efforts aimed at rebutting the impression amongst housing providers, applicants, and advocates that automated criminal record screening products, like Defendant's, are permissible. CFHC has developed and distributed materials to assist housing applicants with criminal records, including applicants with disabilities, in avoiding unlawful discrimination in their housing search; investigated dozens of housing providers' criminal background policies that impose blanket bans rather than make individualized assessments; and investigated numerous complaints from people with criminal records who have been denied housing. In the absence of Defendant's discriminatory conduct, CFHC would have devoted its scarce time and resources to other activities, including education and outreach aimed at other protected classes.

21. Defendant further violated the Fair Credit Reporting Act by failing to provide Mr. Arroyo's consumer file and by failing to establish reasonable requirements for proper identification so as to enable conserved consumers or consumers without the legal capacity to execute a power of attorney to receive a copy of their consumer file.

22. Defendant's actions towards Plaintiffs, its provision of an automated tenant screening product that fails to make an individualized assessment of an applicant's criminal history and frustrates housing providers' ability to do the same, and its policies that constrain the ability

of conserved consumers to access their consumer file constitute unfair practices in violation of the Connecticut Unfair Trade Practices Act.

## **II. JURISDICTION AND VENUE**

23. This Court has subject-matter jurisdiction pursuant to 15 U.S.C. § 1681(p) and 42 U.S.C. § 3613. This Court also has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343 because the claims arise under the laws of the United States. This Court has supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367.

24. Venue is proper in the District of Connecticut under 28 U.S.C. § 1391(b) as the acts complained of occurred in the District of Connecticut.

## **III. PARTIES**

25. Plaintiff Carmen Arroyo is a natural person and the co-conservator of Mikhail Arroyo. Ms. Arroyo brings this action individually and as next friend for Mikhail Arroyo.

26. Mikhail Arroyo is a natural person and a "consumer" as protected and governed by the FCRA.

27. Carmen Arroyo and Mikhail Arroyo reside in Connecticut.

28. Plaintiff CFHC is a nonprofit corporation incorporated in Connecticut. CFHC's office is located at 60 Popieluszko Court, Hartford, Connecticut 06106.

29. Defendant CoreLogic Rental Property Solutions, LLC, formerly known as CoreLogic SafeRent, LLC, is a Delaware limited liability company with a principal place of business in Rockville, Maryland.

30. Defendant is a "consumer reporting agency," as defined in 15 U.S.C. § 1681(f). It regularly engages in the business of assembling, evaluating, and disbursing information concerning consumers for the purpose of furnishing consumer reports to third parties.

#### IV. FACTS

##### A. Defendant's Tenant Screening Services

31. Tenant screening is the process by which owners and managers of rental housing receive and review applications to decide whether to offer an available home or apartment to an applicant. Housing providers typically charge each applicant a fee, which is used to obtain a report from a third-party company, such as CoreLogic, that includes information in a person's background, including credit information, eviction history, and criminal records.

32. Defendant offers a number of tenant screening products under the rubric of "Rental Property Solutions" (formerly "SafeRent"), which it describes as a "comprehensive leasing decision service to the single and multifamily housing industry."<sup>6</sup>

33. Defendant offers housing providers at least two distinct criminal records screening products as part of its tenant screening services: Registry CrimCHECK, which provides housing providers with copies of criminal records to interpret on their own, and Registry CrimSAFE, which automatically interprets criminal histories and provides housing providers with a decision generated by a computer algorithm on whether the applicant qualifies for housing but does not provide the criminal histories themselves.

34. Defendant markets CrimSAFE as rendering a decision on an applicant's suitability for tenancy based on their criminal history so that housing providers do not have to make this

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<sup>6</sup> See CoreLogic Rental Property Solutions Resident Screening, <https://www.corelogic.com/products/resident-screening.aspx#home-ProductDetails> (last visited Apr. 3, 2018).

determination.

35. Defendant describes CrimSAFE as an “automated tool [that] processes and interprets criminal records and notifies leasing staff when criminal records are found that do not meet the criteria you establish for your community.”<sup>7</sup> Its marketing materials state that CrimSAFE “automate[s] the evaluation of criminal records, relieving your staff from the burden of interpreting criminal search results.”<sup>8</sup> Defendant describes the removal of “human bias or judgment” as a “benefit” of its CrimSAFE product.<sup>9</sup>

36. Upon information, a housing provider that contracts with Defendant for CrimSAFE fills out a short electronic form, generated by Defendant, that lists general categories of crimes Defendant’s CrimSAFE algorithm should screen applicants for. When a housing provider subsequently receives a rental application, it provides basic identifying information about the applicant to Defendant. Defendant in turn delivers a one-page “CrimSAFE Report” to the housing provider that lists a “CrimSAFE Result,” indicating whether or not disqualifying criminal records were found.

37. The CrimSAFE result either states “Accept” or states that there is a “Disqualifying Record.” The cover page of the full tenant screening report further lists a “Crim Decision,” which tracks the “CrimeSAFE Result.”

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<sup>7</sup> *Id.* (select “Registry CrimSAFE”).

<sup>8</sup> *See* CoreLogic Rental Property Solutions – Criminal Screening, <https://www.corelogic.com/products/criminal-screening.aspx> (select “Registry CrimSAFE”) (last visited Apr. 3, 2018); CoreLogic Registry CrimSafe, [http://corporate.corelogic.com/landing-pages/asset\\_upload\\_file691\\_14887.pdf](http://corporate.corelogic.com/landing-pages/asset_upload_file691_14887.pdf) (last visited Mar. 14, 2018).

<sup>9</sup> *Id.*, CoreLogic Registry CrimSafe.

38. The CrimSAFE report does not disclose the criminal record, the nature of the alleged crime, the date of the offense, the outcome of the case (if any), or information sufficient for the housing provider or applicant to locate the “disqualifying record.” The report merely states whether or not the applicant’s purported criminal record disqualifies the applicant.

39. When the CrimSAFE report states that a “disqualifying record” has been found, Defendant also provides the housing provider an adverse action letter addressed to the applicant that states “At this time we are unable to approve your application” and that the decision was based on “Information contained in consumer report(s) obtained from or through CoreLogic SafeRent, LLC.” Again, the adverse action letter does not disclose the criminal record, the nature of the crime, or information sufficient to locate the criminal record.

40. Upon information, Defendant does not make information about the criminal record or the nature of the crime available to the housing provider through its CrimSAFE service, even if the housing provider requests it.

41. When Defendant, through CrimSAFE, processes and interprets an applicant’s criminal record, notifies a housing provider that the applicant should be accepted or is disqualified, and generates an adverse action letter, it provides a service in connection with housing subject to the Fair Housing Act.

42. Defendant additionally markets CrimSAFE as “improv[ing]” or “optimiz[ing]” “Fair Housing compliance,” yet CrimSAFE fails to take into account an individualized assessment of relevant mitigating information beyond that contained in an individual’s criminal record when

it determines that an applicant's criminal record is disqualifying.<sup>10</sup>

43. Since CrimSAFE provides no information to housing providers about the disqualifying criminal record, Defendant also prevents housing providers from themselves making an individualized assessment of relevant mitigating information.

**B. Plaintiff Mikhail Arroyo**

44. Mikhail Arroyo is a Hispanic<sup>11</sup> male.

45. Mr. Arroyo is a person with disabilities who has a traumatic brain injury and is substantially limited in the major life activities of walking, speaking, and caring for himself.

46. As a result of his disabilities, Mr. Arroyo is incapable of caring for himself or managing his affairs, and he lacks the capacity to enter into a contract or designate a power of attorney.

47. Mr. Arroyo's disabilities were caused by an accident in July 2015 that left him in a coma for nearly six months. Mr. Arroyo was hospitalized until around March 2016 when he was transferred to a nursing home to continue to recover from his injuries.

48. On August 12, 2015, the Windham-Colchester Probate Court of the State of Connecticut ordered an involuntary conservatorship over Mr. Arroyo's person and estate in a case styled *In the Matter of Mikhail J. Arroyo*, Docket No. 15-00319. The Court appointed Mr. Arroyo's mother, Carmen Arroyo, as Mr. Arroyo's fiduciary and conservator and gave her broad decision-making authority over Mr. Arroyo's affairs. Pursuant to Connecticut law, the

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<sup>10</sup> See CoreLogic Rental Property Solutions – Criminal Screening and CoreLogic Registry CrimSafe, *supra* note 8.

<sup>11</sup> The terms "Hispanic" and "Latino" are used interchangeably herein.

appointment of the conservator revoked any powers of attorney executed by Mr. Arroyo and rendered Mr. Arroyo presumptively incapable of entering into contracts or designating a power of attorney.

49. Mr. Arroyo's conservatorship was affirmed by the Windham-Colchester Probate Court on August 5, 2016. Mr. Arroyo remains conserved as of the date of this complaint.

**C. Defendant Disqualified Mr. Arroyo from Tenancy Based on an Undisclosed Criminal Record**

50. At all times relevant to this Complaint, Ms. Arroyo resided at ArtSpace Windham, an apartment complex managed at the time of the events alleged herein by WinnResidential.

51. WinnResidential contracted with Defendant to provide tenant screening services using Defendant's automated CrimSAFE criminal background screening product and another of Defendant's automated decision-making products that assesses an applicant's credit, RegistrySCOREx.

52. In or around April 2016, the nursing home told Ms. Arroyo that Mr. Arroyo was ready to be discharged to a caregiver. Ms. Arroyo was his primary caregiver, and she and Mr. Arroyo both desired that he live with her. Ms. Arroyo therefore asked WinnResidential to transfer her to a two-bedroom unit and permit Mr. Arroyo to move in with her.

53. WinnResidential required that Mr. Arroyo pass a tenant screening check conducted by Defendant before it would allow him to move in. As his conservator, Ms. Arroyo consented to Defendant conducting a tenant screening report on Mr. Arroyo, and she paid WinnResidential a fee for Defendant's report.

54. Defendant prepared a tenant screening report on Mr. Arroyo using its automated CrimSAFE criminal background screening product and its credit screening product, which it provided to WinnResidential on or around April 26, 2016. Defendant's report included a "Lease

Decision” regarding Mr. Arroyo’s credit-worthiness and a “Crim Decision” regarding his suitability as a tenant based on his criminal background.

55. Defendant’s tenant screening report disqualified Mr. Arroyo from tenancy based on unspecified criminal records.

56. The first page of the Defendant’s report on Mr. Arroyo lists a “Crim Decision” that states “Record(s) Found” but provides no other information.

57. The fourth page of the Defendant’s report consists of a single-page “CrimSAFE Report” that lists a “CrimSAFE result,” which states that “disqualifying records were found.”

58. By reporting “disqualifying records were found” rather than “accept” as the “CrimSAFE result,” Defendant determined that Mr. Arroyo’s criminal background disqualified him from tenancy at ArtSpace Windham.

59. However, Defendant did not provide any information in the report or to WinnResidential about the nature of the criminal record or the reasons Mr. Arroyo was disqualified.

60. The only information the CrimSAFE Report or tenant screening report list about Mr. Arroyo’s supposed “disqualifying” criminal record is his name, his date of birth, and the cryptic entry “000000033501.PA” under the field “jurisdiction.”

61. Defendant’s tenant screening report did not disclose any additional information about the purported criminal record, the nature or seriousness of the alleged crime, the date of the offense, the outcome of the case (if any), the reasons the record disqualified Mr. Arroyo from tenancy, or information sufficient for WinnResidential, Mr. Arroyo, or Ms. Arroyo to locate the purported “disqualifying record.”

62. Upon information, Mr. Arroyo’s sole criminal record is a single charge in

Pennsylvania for “grade S” retail theft under 18 Pa. C.S.A. § 3929(a)(1) filed on July 18, 2014, when he was twenty years old and prior to his accident. “Grade S” in Pennsylvania means “summary offense,” which is below the level of a misdemeanor and is often called a non-traffic citation. A charge for summary offense retail theft indicates that this was his first offense and the value of the merchandise he allegedly stole was under \$150. 18 Pa. C.S.A. § 3929(b)(1). On April 20, 2017, the charge against Mr. Arroyo was withdrawn.

63. In determining that Mr. Arroyo’s criminal background disqualified him from tenancy, Defendant did not take into consideration relevant mitigating circumstance, including the facts or circumstances surrounding the criminal conduct, his age at the time of the conduct, evidence of rehabilitation efforts, evidence that Mr. Arroyo was highly unlikely to engage in criminal activity or endanger the community given his significant disabilities, or evidence that he had maintained a good tenant history before and after the criminal conduct.

64. Defendant generated an adverse action letter addressed to Mr. Arroyo that it included as part of the report provided to WinnResidential.

65. Defendant’s adverse action letter states that “we are unable to approve your application” and that “this decision was based on information contained in consumer report(s) obtained from or through CoreLogic SafeRent, LLC.” The adverse action letter states that Mr. Arroyo has the right of disclosure of the information contained in his consumer file.

66. WinnResidential told Ms. Arroyo in or around late April 2016 that Mr. Arroyo could not move in with her because Defendant had disqualified him from tenancy at ArtSpace Windham, and it provided her with Defendant’s adverse action letter.

67. Defendant did not give WinnResidential any information about Mr. Arroyo’s disqualifying criminal record or the reason it disqualified him.

68. WinnResidential told Ms. Arroyo that it did not know and could not find out from Defendant the reasons Defendant disqualified Mr. Arroyo from tenancy at ArtSpace Windham.

69. WinnResidential told Ms. Arroyo that she had to contact Defendant to find out the reasons Mr. Arroyo was disqualified from tenancy, and it provided Ms. Arroyo with Defendant's phone number.

70. As a result of Defendant's disqualification of Mr. Arroyo, he was denied housing at ArtSpace Windham and remained in a nursing home.

**D. Defendant Refused to Provide the Arroyos with Information About the "Disqualifying" Criminal Record**

71. Ms. Arroyo contacted Defendant by telephone shortly after Mr. Arroyo was denied housing at ArtSpace Windham to determine the reasons Defendant's tenant screening report had disqualified Mr. Arroyo. Ms. Arroyo desired to obtain this information so she could request that WinnResidential override Defendant's decision and approve Mr. Arroyo's tenancy.

72. Ms. Arroyo told Defendant that Mr. Arroyo had disabilities, could not make the request on his own, and could not speak, and that she was his conservator. Ms. Arroyo asked Defendant to allow her to make a request on Mr. Arroyo's behalf.

73. Defendant did not provide any information to Ms. Arroyo over the phone about Mr. Arroyo's consumer file or the reasons Defendant's tenant screening report had disqualified him. It mailed her a written application to request Mr. Arroyo's consumer file in early May 2016.

74. In or around May 2016, Ms. Arroyo submitted the written application to Defendant requesting Mr. Arroyo's consumer file along with the documentation requested by Defendant, including documentation of her court-appointment as Mr. Arroyo's conservator.

75. Ms. Arroyo's written application provided proper identification, triggering Defendant's obligation under the Fair Credit Reporting Act to provide Mr. Arroyo's consumer file

as either a disclosure following an adverse action or as a free annual report.

76. Defendant did not provide Mr. Arroyo's consumer file.

77. Ms. Arroyo did not receive any written response from Defendant regarding her request for Mr. Arroyo's consumer file or any explanation of the reasons he was disqualified from tenancy.

78. In or around September 2016, Ms. Arroyo spoke to Defendant by telephone and again requested Mr. Arroyo's consumer file or an explanation of the reasons he was disqualified from tenancy. Ms. Arroyo reiterated to Defendant that Mr. Arroyo had disabilities, could not make the request on his own, and that she was his conservator.

79. During this telephone conversation, Defendant acknowledged that it had received Ms. Arroyo's prior written request for Mr. Arroyo's consumer file months earlier but had not provided it.

80. Defendant further told Ms. Arroyo that it could not provide a consumer file to a conservator and that she needed to get a "power of attorney" from Mr. Arroyo in order to obtain information about the reasons he was disqualified from tenancy.

81. Thereafter, Ms. Arroyo contacted Mr. Arroyo's court-appointed counsel for the conservatorship in an effort to obtain a power of attorney. Ms. Arroyo learned that her appointment as conservator over Mr. Arroyo's estate and person granted her more authority over his financial and personal affairs than she could get through a power of attorney.

82. Moreover, Mr. Arroyo still lacked mental capacity to designate a power of attorney as a result of his disabilities, so Ms. Arroyo could not have lawfully obtained a power of attorney from him.

83. Ms. Arroyo contacted Defendant again via telephone and informed it that she could

not obtain a power of attorney and that the conservatorship entitled her to request Mr. Arroyo's consumer file on his behalf. Defendant did not agree to provide Mr. Arroyo's consumer file. Defendant told Ms. Arroyo to contact a different representative of Defendant called "Tina Marie."

84. Ms. Arroyo spoke to "Tina Marie" via telephone. Ms. Arroyo told Tina Marie she was entitled to request Mr. Arroyo's consumer file as his conservator. Tina Marie did not agree to provide Mr. Arroyo's consumer file. Tina Marie told Ms. Arroyo she would have to check with Defendant's lawyers whether it could provide any information to a court-appointed conservator.

85. Tina Marie subsequently told Ms. Arroyo to make another written request for Mr. Arroyo's consumer file.

86. Ms. Arroyo submitted another written application to Defendant in or around November 2016, signed by both her and Mr. Arroyo's co-conservator, Tad Stimson. Her application included a new certificate of conservatorship, a utility bill showing Ms. Arroyo's address, and mail received by Ms. Arroyo on Mr. Arroyo's behalf.

87. Ms. Arroyo's written application provided proper identification, triggering Defendant's obligation under the Fair Credit Reporting Act to provide Mr. Arroyo's consumer file as either a disclosure following an adverse action or as a free annual report.

88. Defendant again failed to provide Mr. Arroyo's consumer file.

89. Ms. Arroyo did not receive any written response from Defendant to her request for Mr. Arroyo's consumer file or an explanation of the reasons he was disqualified from tenancy.

90. In December 2016, Ms. Arroyo contacted WinnResidential to request its assistance in obtaining from Defendant either Mr. Arroyo's consumer file or an explanation of the reasons he was disqualified from tenancy.

91. Upon information, WinnResidential spoke to Defendant and was told Ms. Arroyo

needed to submit a written request for the consumer file, which WinnResidential conveyed to Ms. Arroyo. Defendant did not provide WinnResidential with any information concerning the disqualifying records.

92. Upon information, Defendant does not provide housing providers with information about disqualifying criminal records reported in CrimSAFE reports, even if a housing provider requests this information.

93. WinnResidential again acknowledged that it “wasn’t privy to the details” of Defendant’s disqualification of Mr. Arroyo and that it had “no knowledge of the extent of the criminal finding and what impact that might have on resident safety.” WinnResidential explained that Defendant “simply give[s] an accept or decline” for applicants and that applicants have to contact Defendant directly to learn the reasons.

94. Defendant has never provided Mr. Arroyo or Ms. Arroyo with Mr. Arroyo’s consumer file, disclosed the disqualifying criminal records, or explained the reasons Mr. Arroyo was disqualified from tenancy.

95. To this date, Ms. Arroyo and Mr. Arroyo do not know with certainty the identity of the supposedly disqualifying criminal records or the reasons Defendant disqualified Mr. Arroyo from tenancy.

**E. Defendant’s Disqualification of Mr. Arroyo and Its Refusal to Provide Information about Its Reasons Prolonged His Stay in a Nursing Home for an Additional Year**

96. Defendant’s actions and omissions prevented and/or materially frustrated the Arroyos’ ability to move Mr. Arroyo out of a nursing home and into Ms. Arroyo’s apartment.

97. Because neither the Arroyos nor WinnResidential knew the reasons Defendant had disqualified Mr. Arroyo from tenancy, Ms. Arroyo and Mr. Arroyo were prevented from challenging the accuracy or appropriateness of the Defendant’s decision or formulating a request

to approve Mr. Arroyo's tenancy as a reasonable accommodation of his disabilities with enough specificity to satisfy WinnResidential.

98. WinnResidential nevertheless granted Ms. Arroyo's transfer request, and she moved into a two-bedroom apartment in or around November 2016 in the hope that Mr. Arroyo would eventually be allowed to move in.

99. Ms. Arroyo persisted in her efforts to move Mr. Arroyo out of the nursing home and into her home and, as a result of Defendant's actions, had to expend significant time and effort to achieve this goal.

100. Mr. Arroyo remained in a nursing home until June 2017, when WinnResidential finally allowed him to move in with Ms. Arroyo after Ms. Arroyo and Mr. Arroyo filed an administrative fair housing complaint against it and ArtSpace Windham and provided evidence that Mr. Arroyo's retail theft charge—the only criminal record Ms. Arroyo was aware of—had been withdrawn.

101. Had Defendant appropriately screened Mr. Arroyo or provided information to the Arroyos or WinnResidential about the disqualifying criminal record, he would have been able to move in to Ms. Arroyo's apartment in approximately May 2016.

102. Defendant's actions thus delayed Mr. Arroyo's admission to ArtSpace Windham by approximately one year, during which time he unnecessarily remained in a nursing home. Residing in a nursing home was less desirable housing than ArtSpace Windham as it was no longer medically necessary, prevented Ms. Arroyo from acting as her son's primary caregiver, was located far away from family and friends, and was an institutional rather than a community setting.

103. As a result of Defendant's actions, Ms. Arroyo and Mr. Arroyo also had additional medical, travel, and housing expenses, and Ms. Arroyo paid increased rent on her two-bedroom

apartment without Mr. Arroyo's additional household income or housing subsidy.

104. As a result of Defendant's actions, Ms. Arroyo and Mr. Arroyo suffered loss of a housing opportunity, emotional distress, humiliation, embarrassment, and damage to reputation.

**F. Defendant's Criminal Records Screening Policy Has an Unlawful Disparate Impact on the Basis of Race and National Origin**

105. A facially neutral policy or practice that has a disparate impact based on race or national origin violates the Fair Housing Act unless it is necessary to satisfy a substantial, legitimate, non-discriminatory business interest and there is no less discriminatory alternative that would achieve that interest.

106. Defendant has a policy or practice of contracting with owners and managers of rental housing to screen applicants by: (i) searching its national database to locate applicants' criminal records; (ii) determining that applicants' criminal records, including but not limited to arrests and/or charges that do not lead to convictions, disqualify them from tenancy based on an automated evaluation; (iii) making these determinations without individualized assessments that examine relevant mitigating information outside the criminal records themselves; (iv) reporting to housing providers that applicants' criminal records are "disqualifying"; and (v) not providing to housing providers any information about the nature, recency, or seriousness of the offense, or information sufficient to locate the criminal record ("Defendant's Automated Criminal Records Screening Policy").

107. As set forth below, Defendant's Automated Criminal Records Screening Policy has an unjustified disproportionate adverse impact on African Americans and Latinos in violation of the Fair Housing Act. Defendant's policy is not necessary to achieve a legitimate interest because it does not accurately distinguish between criminal conduct that indicates a demonstrable risk to safety and/or property. Defendant has available to it at least two obvious less discriminatory

alternatives: conduct an individualized assessment of each prospective tenant with a criminal record by considering relevant mitigating information beyond what is contained in the applicant's criminal record, or provide sufficient information about the underlying criminal offense to allow housing providers to do individualized assessments on their own.

108. Defendant's discriminatory intent can be inferred because, upon information, it is aware of the overwhelming racial and ethnic disparity among those with criminal records, and of the obvious less discriminatory alternatives. Defendant nevertheless persists in offering a product that unjustifiably results in denial of housing to Latino and African-American applicants, like Mr. Arroyo, who present no risk to other residents or property.

i. Defendant's Criminal Records Screening Policy has a Clear Discriminatory Effect

109. In April 2016, the U.S. Department of Housing and Urban Development (HUD) issued guidance on the application of Fair Housing Act standards to the use of criminal records in housing-related activities. Specifically, the guidance addresses disparate impact liability when an individual's criminal history forms the basis for an adverse housing action, such as a refusal to rent.

110. HUD determined by analyzing national criminal records data that a policy that restricts access to housing solely because of a criminal record has a discriminatory effect because it disproportionately harms Latino and African-American applicants.<sup>12</sup>

111. Defendant's Automated Criminal Records Screening Policy relies on data from a national database of criminal records that Defendant aggregates from multiple sources, including state departments of corrections and administrative offices of the courts. Defendant's database

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<sup>12</sup> HUD Guidance at 2-4.

includes incarceration records and court records of criminal cases. Upon information, the database also includes individuals who are arrested and/or charged with a crime but never convicted.

112. Upon information, Defendant's national database contains more than 400 million individual criminal records.

113. African Americans and Latinos are more likely than whites to be arrested, charged with a crime, convicted, and incarcerated.<sup>13</sup> Defendant's national database is therefore comprised disproportionately of criminal records of African-Americans and Latinos and, consequently, Defendant's Automated Criminal Records Screening Policy disproportionately reports to housing providers that African Americans and Latinos applicants are disqualified by their criminal records.

114. As HUD notes, more than 100 million people are estimated to have a criminal record of some kind,<sup>14</sup> and more than 2.2 million people are currently incarcerated, with an average of 650,000 people released each year.<sup>15</sup> These individuals are disproportionately African-American and Latino.

115. Nationally, African Americans are incarcerated at more than five times the rate of

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<sup>13</sup> *Id.* at 2-3.

<sup>14</sup> *Id.* at 1 (citing Bureau of Justice Statistics, U.S. Dep't of Justice, *Survey of State Criminal History Information Systems*, 2012, at 3 (Jan. 2014), <https://www.ncjrs.gov/pdffiles1/bjs/grants/244563.pdf>).

<sup>15</sup> *Id.* (citing E. Ann Carson, Bureau of Justice Statistics, U.S. Dep't of Justice, *Prisoners in 2014* (Sept. 2015) at 29, Appendix tbls. 1 and 2, <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5387>).

whites,<sup>16</sup> while Latinos are incarcerated at 1.4 times the rate of whites.<sup>17</sup>

116. African Americans comprise 36% of U.S. prisoners but only 12% of the total population, while Latinos were 22% of prisoners and only 17% of the total population. By contrast, 34% of prisoners are white even though whites represent 62% of the total U.S. population.<sup>18</sup>

117. Racial and ethnic disparities among prisoners are even more pronounced in Connecticut, where CFHC operates and Mr. Arroyo lives, and in Pennsylvania, where Mr. Arroyo was charged with a crime.

118. In Connecticut, African Americans are incarcerated at 9.4 times the rate of whites and Latinos are incarcerated at 3.9 times the rate of whites. African Americans comprise 41.6% of Connecticut's prison population but only 9.7% of the total population. Latinos comprise 26.2% of the prison population but only 14.7% of the overall population.<sup>19</sup>

119. In Pennsylvania, African Americans are incarcerated in state prisons at 8.9 times the rate of whites and Latinos are incarcerated at 3.3 times the rate of whites. Forty-nine percent of Pennsylvania's prison population is African-American, but only 10.6% of its total population is African-American. Latinos comprise 10.7% of its prison population, but only 6.3% of its total

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<sup>16</sup> The term "white" is used herein to describe non-Hispanic whites.

<sup>17</sup> Ashley Nellis, The Sentencing Project, *The Color of Justice: Racial and Ethnic Disparity in State Prisons* (June 14, 2016) <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons>.

<sup>18</sup> See *supra* note 12.

<sup>19</sup> The Sentencing Project, *supra* note 17.

population.<sup>20</sup>

120. One out of every three African-American males in the U.S. can expect to go to prison at some point in his lifetime, as can one of every six Latino males. By contrast, only one in 17 white males can expect the same fate.<sup>21</sup> In other words, African-American males are six times more likely than white males to be incarcerated, and Latino males are three times more likely than white males.

121. Over 95 percent of inmates are eventually released.<sup>22</sup> As HUD notes, when these individuals, who are disproportionately African-American and Latino, are released from prisons and jails, their ability to access safe and affordable housing is critical to their successfully re-entry, yet they encounter significant barriers to securing housing because of their criminal histories.<sup>23</sup>

122. HUD further explains that individuals who are convicted of crimes but never incarcerated, and even those who are arrested and/or charged but never convicted, also face significant barriers to securing housing.<sup>24</sup> These individuals are also disproportionately African-American and Latino.

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<sup>20</sup> *Id.*

<sup>21</sup> The Sentencing Project, *Report of The Sentencing Project to the United Nations Human Rights Committee Regarding Racial Disparities in the United States Criminal Justice System*, at \_\_ (Aug. 2013), <http://sentencingproject.org/wp-content/uploads/2015/12/Race-and-Justice-Shadow-Report-ICCPR.pdf>.

<sup>22</sup> Bureau of Justice Statistics, U.S. Dep't of Justice, *Reentry Trends in the United States*, at 1, <http://www.bjs.gov/content/pub/pdf/reentry.pdf>.

<sup>23</sup> HUD Guidance at 1-2.

<sup>24</sup> *Id.*

123. Nationally, African Americans and Latinos are arrested at a rate that is two to three times their proportion of the general population.<sup>25</sup> Overall, African Americans are arrested at a rate of more than double their share of the general population.<sup>26</sup> African American comprise 30% of all arrestees in Connecticut but only 9.9% of the total population.<sup>27</sup> African Americans comprise 31% of all arrestees in Pennsylvania but only 10.6% of its total population.<sup>28</sup>

124. Latinos comprised 42% of federal drug arrests made in 2014, nearly three times their share of the population. In total, 64% of federal drug arrests were of Latinos and African Americans, who comprised 29% of the total population. Only 31% of federal drug arrestees were of whites, less than half their share of the population.<sup>29</sup> African Americans and Latinos are more

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<sup>25</sup> See U.S. Equal Employment Opportunity Commission, *EEOC Enforcement Guidance*, Number 915.002 (Apr. 25, 2012), [http://www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm) [hereinafter EEOC Guidance].

<sup>26</sup> See HUD Guidance at 3 (citing See FBI Criminal Justice Information Services Division, *Crime in the United States*, 2013, tbl.43A, available at <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/table-43> (Fall 2014)).

<sup>27</sup> State of Connecticut Department of Emergency Services and Public Protection, *Crime in Connecticut*, 2016, <http://www.dpsdata.ct.gov/dps/ucr/data/2016/Crime%20in%20Connecticut%202016.pdf>; U.S. Census Bureau, *2016 American Community Survey 1-year Estimates*, Table DP05: ACS Demographic and Housing Estimates, <https://factfinder.census.gov> [hereinafter ACS 1-year Demographic Estimates].

<sup>28</sup> Commonwealth of Pennsylvania, *Crime in Pennsylvania, Annual Uniform Crime Report (2015)*, <http://www.paucrs.pa.gov/UCR/Reporting/Annual/AnnualFrames.asp?year=2015>; 2015 ACS 1-year Demographic Estimates, *supra* note 27.

<sup>29</sup> Mark Motivans, Bureau of Justice Statistics, U.S. Department of Justice, *Federal Justice Statistics, 2013-14*, at 10 (March 2017), <https://www.bjs.gov/content/pub/pdf/fjs1314.pdf>; 2014 ACS 1-year Demographic Estimates, *supra* note 27; see also EEOC Guidance, *supra* note 25 at n. 67. As noted by the EEOC,

likely than whites to be arrested, convicted, and sentenced for drug offenses even though their rates of drug use are comparable to those of whites.<sup>30</sup>

125. More than half (55%) of individuals charged with crimes in U.S. district courts are Latino, even though Latinos comprise only 17.1% of the total population. African Americans comprise 19% of those charged in federal court, but only 12% of the population. By contrast, only 22% of federal defendants are white, even though whites comprise 61% of the population.<sup>31</sup> Similar disparities persist among those convicted of federal crimes, as 53.3% are Latino and 20.4% are African-American, while 22.3% are white.<sup>32</sup>

126. One of the most common ways that the public interacts with police is during traffic stops, with an estimated 20 million Americans stopped each year for traffic violations.<sup>33</sup> Nationally, African-American drivers are stopped at nearly 1.5 times the rate of white drivers. While Latino drivers nationwide are stopped at rates similar to whites, both Latino and African-

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accurate data on overall arrests of Latinos is limited. In its analogous guidance on the use of criminal records in employment screening, the EEOC relies on federal drug arrests because the DEA disaggregates arrests by ethnicity. *Id.* Neither Connecticut nor Pennsylvania track arrests by ethnicity. See Urban Institute, *The Alarming Lack of Data on Latinos in the Criminal Justice System*, <http://apps.urban.org/features/latino-criminal-justice-data/> (last visited Apr. 3, 2018).

<sup>30</sup> See, e.g., EEOC Guidance, *supra* note 25, at n. 68.

<sup>31</sup> Motivans, *supra* note 29.

<sup>32</sup> U.S. Sentencing Commission, *Overview of Federal Criminal Cases*, Fiscal Year 2016, at 3 (May 2017), [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/FY16\\_Overview\\_Federal\\_Criminal\\_Cases.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/FY16_Overview_Federal_Criminal_Cases.pdf).

<sup>33</sup> Emma Pierson, et al., *A Large-Scale Analysis of Racial Disparities in Police Stops across the United States*, at 1 (2017), <https://5harad.com/papers/traffic-stops.pdf>.

American drivers are approximately twice as likely as white drivers to be searched and arrested during traffic stops.<sup>34</sup> Similar disparities exist in both Connecticut and Pennsylvania.<sup>35</sup>

127. As a result of these clear racial and ethnic disparities, Latinos and African Americans are much more likely than whites to have criminal records that appear in Defendant's national database. Consequently, they are disproportionately likely to be denied housing when Defendant reports to housing providers that their criminal records are disqualifying.

ii. Defendant's Automated Criminal Records Screening Policy is Not Necessary to Achieve a Substantial and Legitimate Business Purpose

128. Defendant's Automated Criminal Records Screening Policy is not necessary to achieve a legitimate, non-discriminatory business interest, and two obvious less discriminatory alternatives are available.

129. Defendant states that the purpose underlying its criminal records screening products is to protect safety and property in a housing complex because "[c]riminals can disrupt – and even endanger – the entire neighborhood."<sup>36</sup> Protecting resident safety may be a legitimate interest, but a policy of making housing decisions based on criminal history must be justified with proof that it actually assists in protecting resident safety or property. As explained in HUD's guidance memo,

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<sup>34</sup> *Id.*

<sup>35</sup> See Robin Shepard Engel, et al., *Project on Police-Citizen Contacts*, at 295 (Feb. 2, 2004), [https://www.uc.edu/content/dam/uc/ccjr/docs/reports/project\\_reports/PApolicecitizenscontact0203.pdf](https://www.uc.edu/content/dam/uc/ccjr/docs/reports/project_reports/PApolicecitizenscontact0203.pdf); TrendCT, Black and Hispanic Drivers Searched Twice as Often as White Drivers in Connecticut (June 22, 2016), <http://trafficstops.trendct.org/story/black-hispanic-drivers-searched-twice-as-often-as-white-drivers-in-connecticut>.

<sup>36</sup> See CoreLogic Rental Property Solutions – Criminal Screening, *supra* note 8.

“[b]ald assertions based on generalizations or stereotypes that any individual with an arrest or conviction record poses a greater risk than any individual without such a record are not sufficient to satisfy this burden.”<sup>37</sup> Defendant’s policy does not meet this burden.

130. Defendant’s use of arrest and charge records that do not lead to convictions to determine and report to housing providers that applicants, including Mr. Arroyo, are disqualified from rental housing cannot be justified as necessary to achieve the goal of improving safety.

131. HUD’s guidance provides that a policy of excluding individuals based on prior arrest, without conviction, cannot be justified as necessary to achieve a legitimate, nondiscriminatory interest because, “arrest records do not constitute proof of past unlawful conduct and are often incomplete (e.g., by failing to indicate whether the individual was prosecuted, convicted, or acquitted).” Accordingly, “the fact of an arrest is not a reliable basis upon which to assess the potential risk to resident safety or property posed by a particular individual.”<sup>38</sup>

132. In the employment context, a federal court concluded that an employer’s policy of excluding from employment people with arrests without convictions constituted unlawful discrimination against African-American applicants because there “was no evidence to support a claim that persons who have suffered no criminal convictions but have been arrested on a number

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<sup>37</sup> HUD Guidance at 5.

<sup>38</sup> *Id.* (citing *Schwabe v. Bd of Bar Examiners*, 353 U.S. at 241 (stating “[t]he mere fact that a man has been arrested has very little, if any, probative value in showing that he has engaged in any misconduct. An arrest shows nothing more than that someone probably suspected the person apprehended of an offense.”)).

of occasions can be expected, when employed, to perform less efficiently or less honestly than other employees,” adding that “information concerning a ... record of arrests without conviction, is irrelevant to [an applicant’s] suitability or qualification for employment.”<sup>39</sup>

133. Defendant’s automated disqualification decisions based on prior convictions are also not necessary to achieve the goal of improving safety. A policy of excluding individuals from housing based on the existence of any conviction record – “no matter when the conviction occurred, what the underlying conduct entailed, or what the convicted person has done since then” – cannot be justified as necessary to achieve a legitimate, nondiscriminatory interest. Even a more tailored policy that considers the type of the offense and its recency does not satisfy this burden if it does not “accurately distinguish between criminal conduct that indicates a demonstrable risk to resident safety/property and that which does not.”<sup>40</sup>

134. Defendant’s policy fails to meet this standard because it does not consider the nature, seriousness, or recency of a criminal record, the circumstances surrounding a criminal offense, or what the applicant has done since the offense, before determining and reporting to a housing provider that the criminal record is disqualifying.

135. In addition to citing protection of safety and property as the goal of its automated criminal screening product, Defendant claims that it serves the business purposes of ensuring consistency across criminal records screening decisions and improving a housing provider’s fair housing compliance. Ensuring consistency across criminal records screening decisions is not a

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<sup>39</sup> *Gregory v. Litton Systems, Inc.*, 316 F. Supp. 401, 403 (C.D. Cal. 1970), *aff’d*, 472 F.2d 631 (9th Cir. 1972).

<sup>40</sup> HUD Guidance at 5.

legitimate, nondiscriminatory business purpose when those decisions have an unjustified discriminatory effect. As discussed *supra*, these automatic disqualifications undermine, rather than improve, fair housing compliance because they do not allow housing providers to conduct the type of individualized assessment required by the Fair Housing Act. Defendant's automated criminal records screening product therefore facilitates or encourages other housing providers' violation of the Fair Housing Act, in addition to violating the Fair Housing Act itself.

iii. Defendant Has Available At Least Two Obvious Less Discriminatory Alternatives to its Automated Criminal Records Screening Policy

136. To the extent protecting safety and property are legitimate business goals, HUD outlines an obvious less discriminatory alternative: individualized assessment of relevant mitigating information beyond what is contained in the applicant's criminal record. Specifically, HUD prescribes examining the facts or circumstances surrounding the alleged criminal conduct, the age of the individual at the time of the conduct, evidence of good tenant history before and/or after the record, and any other evidence of rehabilitation.<sup>41</sup>

137. Consistent with HUD's prescription, Defendant has available to it at least two obvious less discriminatory alternatives for dealing with any potential concerns presented by applicants with criminal records.

138. First, Defendant could evaluate each criminal record on an individualized basis by considering relevant mitigating circumstance outside the record itself to determine the actual risk to safety before reporting to a housing provider that the applicant is disqualified.

139. Alternatively, rather than making the disqualification decision on its own,

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<sup>41</sup> *Id.* at 7.

Defendant could simply supply the underlying information about the criminal history to the housing provider so it can do an individualized assessment on its own, as some of Defendant's other tenant screening products already do. By failing to provide housing providers with information about the criminal record, the nature of the underlying conduct, the recency of the offense, and the disposition of the case, Defendant makes it impossible or at least impracticable for them to do a case-by-case assessment of the actual risk to safety or property presented by each applicant. Without this information, housing providers have no information or basis upon which to override Defendant's "Crim Decision."

140. Providing information about the underlying criminal record to the housing provider would also help ensure that applicants are not denied housing because of inaccurate, sealed, or expunged criminal records. The criminal history reports that Defendant sells to housing providers sometimes include errors, including attributing criminal records to the wrong person<sup>42</sup> and reporting records that are vacated and/or sealed.<sup>43</sup> There is no conceivable legitimate business justification for denying housing to an individual based on a criminal record that is not accurate. Although Defendant states that a consumer may request a copy of their consumer file and dispute

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<sup>42</sup> See *Williams v. Corelogic Rental Prop. Sols., LLC*, No. CV PX 16-58, 2016 WL 6277675, at \*1 (D. Md. Oct. 26, 2016) (stating the reports Defendant provides to landlords and management companies "sometimes contain errors" such as falsely attributing criminal records to the wrong person).

<sup>43</sup> See *Wilson v. Corelogic SafeRent, LLC*, No. 14-CV-2477 (JPO), 2017 WL 4357568, at \*2 (S.D.N.Y. Sept. 29, 2017) (stating applicant was denied housing because Defendant reported to a housing provider he had been convicted of a crime even though the conviction had been vacated and sealed).

its accuracy, Defendant acknowledges that this process can take 35 days,<sup>44</sup> by which time the housing unit sought by an applicant is likely to have already been leased to another person. Giving the underlying information about the alleged offense to the housing provider would allow the applicant a chance to explain directly to the housing provider why it is inaccurate, or more generally, why it should not be a bar to tenancy.

141. Indeed, no legitimate business interest justifies Defendant's policy or practice of not providing basic information to housing providers about an applicant's criminal record when it reports that the record is disqualifying. Defendant maintains in its database information about whether the applicant's record consists of an arrest, pending charge, dismissal, or a conviction, the date of the incident, the nature of the alleged offense, and the jurisdiction. Defendant locates this information each time it renders an automatic disqualification determination. Defendant simply elects not to provide this information to housing provider after it renders its automatic determination, reporting only that the record is "disqualifying."

142. An individualized assessment of Mr. Arroyo's criminal record would have revealed that he did not actually present a risk to other residents or property. Upon information, he had only a single charge of the lowest level of shoplifting; this was his first and only offense; he was never convicted of any crime; and he was extraordinarily unlikely to commit another crime because of the significant mental and physical disabilities he developed after the alleged criminal offense.

143. An individualized assessment – whether conducted by Defendant or housing

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<sup>44</sup> See CoreLogic Rental Property Solutions – Consumer Assistance, <https://www.corelogic.com/solutions/rental-property-solutions-consumer-assistance.aspx> (select "How long does it take to receive my CoreLogic Rental Property Solutions Consumer File" and "The information in my file is not correct, how do I dispute it?") (last visited Apr. 3, 2018).

providers themselves – would achieve the goal of screening applicants whose criminal records demonstrate a realistic threat to other residents or property. It would be less discriminatory because it would deny housing to fewer Latino and African-American applicants when, like Mr. Arroyo, they do not represent a realistic risk to safety or property.

iv. Defendant's Criminal Records Screening Policy Constitutes Intentional Discrimination in Violation of the Fair Housing Act

144. Upon information, Defendant is aware of the HUD guidance on the use of the criminal records in tenant screening decisions; of the overwhelming racial and ethnic disparities in the criminal justice system and consequently the discriminatory effect of automatic disqualification; and of the obvious less discriminatory alternatives of doing individualized assessments or providing sufficient information to housing providers to allow them to do so. Defendant's discriminatory intent can be inferred from the fact that, despite this knowledge, it continues to offer a screening service to housing providers that, without justification, adversely harms Latinos and African Americans.

145. Defendant also intentionally encourages, facilitates, and assists housing providers' unlawful discrimination in violation of the Fair Housing Act by offering and marketing a product for screening tenants with criminal records that prevents them from conducting an individualized assessment of relevant mitigating information. Defendant encourages housing providers not to conduct an individualized assessment by advertising that CrimSAFE "relieves" them of the "burden" of individually evaluating applicants' criminal records, even though it knows that individual consideration would be less discriminatory than automatic decision-making.

v. Defendant's Automated Criminal Records Screening Policy Has Caused, and Continues to Cause, Significant Harm

146. Defendant's discriminatory criminal records screening causes significant harm both

in the sheer number of people affected and in terms of the consequences for individuals reentering society and the well-being of our communities.

147. At the same time as the number of individuals with criminal records has skyrocketed, it has become significantly easier to identify and ban people with criminal records because of companies, like CoreLogic, which provide near-instant background checks based on databases from multiple data sources.<sup>45</sup> Indeed, in 2005, 80% of members of the National Multi-Housing Council, which is comprised of large rental companies, reported that they screen prospective tenants for criminal history,<sup>46</sup> and that number is likely even higher today.

148. Defendant is one of the leading companies providing commercial tenant screening services. In 2010, Defendant boasted that it is the “leading screening and risk management provider for the multifamily industry, with 30+% [market] share in [the] U.S.,” and that it conducts 75+ million applicant screening transactions annually, more than three times its largest competitor.<sup>47</sup> Its customers include some of the largest rental companies in the country, such as WinnResidential, which manages more than 100,000 units.<sup>48</sup>

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<sup>45</sup> See Rebecca Oyama, *Do Not (Re)enter: The Rise of Criminal Background Tenant Screening As A Violation of the Fair Housing Act*, 15 Mich. J. Race & L. 181, 187 (2009)(explaining that people with criminal records now face “unprecedented stigmatization” because of technological advances in commercial background checks).

<sup>46</sup> David Thacher, *The Rise of Criminal Background Screening in Rental Housing*, 33 Law & Soc. Inquiry 5, 12 (2008).

<sup>47</sup> Anand Nallathambi, CoreLogic, Inc. Investor Day, at 67 (May 11, 2010), <https://www.scribd.com/document/51691119/CoreLogic-investor-day-May-2010> (last visited Apr. 3, 2018).

<sup>48</sup> See WinnResidential, <https://www.winncompanies.com/winnresidential> (last visited Apr. 3, 2018).

149. As a consequence of the scale of its tenant screening services, Defendant's screening policies as outlined *supra* result in a wholesale disparate impact that, without justification, denies housing to a significant number of African Americans and Latinos.

150. The harm to these individuals, their families, and the well-being of our society cannot be overstated. As HUD has recognized, "[w]hen individuals are released from prisons and jails, their ability to access safe, secure, and affordable housing is critical to their successful reentry to society."<sup>49</sup>

151. Researchers have explained "how the increasing numbers of people leaving carceral institutions face an increased risk for homelessness and, conversely, how people experiencing homelessness are vulnerable to incarceration."<sup>50</sup> Research has also found a causal link between a former prisoner's ability to find stable housing and the likelihood of reoffending.<sup>51</sup>

**G. Defendant Discriminated Against Mr. Arroyo on the Basis of Disability by Refusing to Grant His Reasonable Accommodation Request**

152. Under the Fair Housing Act, it is unlawful disability discrimination for any person or entity to refuse "to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford ... person(s) [with disabilities] equal opportunity to use and enjoy a dwelling." 42 U.S.C. § 3604(f)(2) & (f)(3)(B).

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<sup>49</sup> HUD Guidance at 1.

<sup>50</sup> Stephen Metraux, et al., *Incarceration and Homelessness*, 2007 National Symposium on Homelessness Research, at \_\_, <https://www.huduser.gov/portal/publications/pdf/p9.pdf>.

<sup>51</sup> Caterina Gouvis Roman and Jeremy Travis, The Urban Inst., *Taking Stock: Housing, Homelessness, and Prisoner Reentry*, at 7-10 (Mar. 8, 2004), available at <http://www.urban.org/publications/411096.html>.

153. Defendant was aware that Mr. Arroyo was a person with disabilities that prevented him from being able to request his consumer file through Defendant's ordinary procedures.

154. Ms. Arroyo requested, as a reasonable accommodation of Mr. Arroyo's disabilities, that Defendant permit her, in her capacity as conservator, to request and receive Mr. Arroyo's consumer file on his behalf.

155. Defendant failed to make the requested accommodation in violation of the Fair Housing Act.

**H. Defendant's Policy Regarding Requests by Conservators for Information about Tenant Screening Reports Has an Unlawful Disparate Impact on the Basis of Disability**

156. When Defendant's tenant screening report disqualifies an applicant, neither the housing provider nor the applicant will likely know the reasons for the disqualification. The applicant will thus need to obtain this information from Defendant in order to dispute a denial from housing or less favorable terms in housing, from either this or future housing providers that may use Defendant's tenant screening services.

157. If the Defendant fails to promptly provide information about the reasons for the disqualification to the applicant, or provide it at all, then there is a likelihood the housing provider will rent the unit to another person, even if the applicant should have qualified for it.

158. Defendant's actions on requests for information that form the basis for tenant screening reports from individuals subject to these reports therefore impacts the availability of housing and the terms and conditions of housing.

159. Defendant provides a service in connection with housing subject to the Fair Housing Act when it receives and acts on requests from individuals subject to Defendant's tenant screening reports for their consumer file or the information that forms the basis for Defendant's

report.

i. Defendant's Policies or Practices Prevent Conservators from Obtaining Information about Wards' Tenant Screening Reports

160. Upon information, Defendant maintains a policy or practice of refusing to provide court-appointed conservators or guardians with the consumer file of the ward or information that forms the basis for Defendant's tenant screening report on a ward.

161. Defendant's policy or practice is evidenced by its statements to Ms. Arroyo and its refusal to provide her with Mr. Arroyo's consumer file despite her repeated explanation and documentation of the conservatorship.

162. Upon information, Defendant maintains a policy or practice of requiring or preferring that third parties, including court-appointed conservators or guardians, submit a power of attorney executed by the consumer in order to request and receive the consumer file or information that forms the basis for Defendant's tenant screening report.

163. Defendant's policy or practice is evidenced by its instructions to Ms. Arroyo to submit a "power of attorney" executed by Mr. Arroyo to obtain his consumer file, even though Defendant was aware that she was his court-appointed conservator, and its statements to Ms. Arroyo that implied that acceptance of documentation of a conservatorship rather than a power of attorney would deviate from its standard policies and require individualized approval from its counsel.

164. Upon information, Defendant maintains a policy or practice of requiring that court-appointed conservators or guardians provide more onerous documentation of their authority than a power of attorney designated by a consumer in order to request and receive the consumer file, which impedes, delays, or entirely prevents wards from accessing their consumer file or information that forms the basis for Defendant's tenant screening report. Defendant's policy or

practice is evidenced by its statements and actions towards Ms. Arroyo, as described herein.

165. A facially neutral policy or practice that has a disparate impact based on disability violates the Fair Housing Act unless it is necessary to satisfy a legitimate business interest and there is no less discriminatory alternative that would achieve that interest. Defendant's policies and practices of (1) refusing to allow court-appointed conservators or guardians to receive the consumer file of the individual subject to the conservatorship or guardianship; (2) requiring that third-parties, including court-appointed conservators or guardians, submit a "power of attorney" executed by the consumer in order to receive the consumer file; and/or (3) requiring that court-appointed conservators or guardians provide more onerous documentation of their authority than an individual holding a power of attorney designated by a consumer in order to request and receive a consumer file constitute unlawful discrimination under this standard.

ii. Defendant's Policies Have a Clear Discriminatory Effect That Serves No Legitimate Business Interest

166. Most states offer a court procedure to appoint a surrogate decision-maker for an adult who is found incapacitated, typically as a result of an intellectual disability, mental illness, or cognitive impairment. Once a surrogate decision-maker has been appointed, the incapacitated adult loses his or her right to make basic life decisions, a condition that has been referred to as "civil death." States varyingly refer to this court procedure as a guardianship or a conservatorship.<sup>52</sup>

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<sup>52</sup> See generally, Rebekah Diller, *Legal Capacity for All: Including Older Persons in the Shift from Adult Guardianship to Supported Decision-Making*, 43 Fordham Urb. L.J. 495(2016), available at <https://ir.lawnet.fordham.edu/ulj/vol43/iss3/2>.

167. Because a guardianship or conservatorship requires a court finding of functional incapacity, meaning a lack of cognitive ability to understand and appreciate decisions, they mostly affect persons with cognitive impairments or stroke-related conditions, intellectual disabilities, or psychosocial disabilities.<sup>53</sup> Adults subject to a conservatorship or guardianship are thus significantly more likely to be persons with disabilities, particularly cognitive disabilities,<sup>54</sup> than the general population.<sup>55</sup>

168. In Connecticut, adults subject to an involuntary conservatorship over the person and the estate are all or nearly all persons with disabilities, since a person must have a disability

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<sup>53</sup> *Id.* See also Kristin Booth Glen, *Changing Paradigms: Mental Capacity, Legal Capacity, Guardianship, and Beyond*, 44 Colum. Hum. Rts. L. Rev. 93, 94 (2012) (describing history of guardianship and “functional incapacity” model in use today).

<sup>54</sup> Most states do not track demographic data or the underlying reason for a conservatorship or guardianship, but studies support high rates of cognitive disabilities among wards. In Indiana, a review of guardianship petitions found allegations of dementia (26%), cognitive impairment (22%), severe mental illness (10.5%), stroke-related conditions (5.4%), and acquired brain injuries (5%). In New York, a review of 2,400 adult guardianship cases listed dementia (41%) and mental illness (20%). A survey of public guardianship programs found similarly high rates of cognitive disabilities; for instance, Hawaii reported that all of its wards had cognitive disabilities (55% developmental disabilities, 34% dementia, 9% mental illness, and 1% head injury). See Michael J. Jenuwine, *The State of Adult Guardianship in Indiana* (2012), <http://www.in.gov/judiciary/admin/files/ad-guard-2012-full-report.pdf>; Jean Callahan et al., *Guardianship Proceedings in New York State: Findings and Recommendations*, Bifocal, Vol. 37, No. 4, at 83 (Mar.-Apr. 2016), <https://www.americanbar.org/content/dam/aba/publications/bifocal/BIFOCALMar-Apr2016.authcheckdam.pdf>; Pamela B. Teaster et al., *Wards of the State: A National Study of Public Guardianship*, (Apr. 2005) [https://www.americanbar.org/content/dam/aba/administrative/law\\_aging/wardofstatefinal.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/law_aging/wardofstatefinal.authcheckdam.pdf).

<sup>55</sup> An estimated 12.8% of the U.S. population have disabilities and 5.2% have cognitive disabilities. William Erickson et al, *Disability Statistics from the American Community Survey* (ACS), Cornell University Yang-Tan Institute (YTI) (2017), [www.disabilitystatistics.org](http://www.disabilitystatistics.org).

within the meaning of the Fair Housing Act in order to meet the more stringent legal standard for imposing a conservatorship, which removes the individual's legal right to make decisions and imposes a substitute decision-maker.<sup>56</sup> In contrast, only an estimated 12.8% of the general adult population of Connecticut have disabilities, and only 4.4% have cognitive disabilities.<sup>57</sup>

169. Because Connecticut's involuntary conservatorship law only applies to a sub-set of individuals with disabilities who also lack the cognitive capacity to care for themselves or their personal affairs, an adult subject to an involuntary conservatorship over the person and the estate necessarily meets the Fair Housing Act's much broader definition of a person with a disability.

170. In order for a probate court to order an involuntary conservatorship over the estate, it must find by clear and convincing evidence that the person is "incapable of managing his or her affairs," meaning the "person has a mental, emotional or physical condition that results in such person being unable to receive and evaluate information or make or communicate decisions to such an extent that the person is unable, even with appropriate assistance, to perform the functions inherent in managing his or her affairs..." Conn. Gen. Stat. §§ 45a-644(d); 45a-650.

171. In order for a probate court to order an involuntary conservatorship over the person, it must find by clear and convincing evidence that he or she is "incapable of caring for one's self,"

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<sup>56</sup> Connecticut's probate courts do not track the demographics of conserved persons or the underlying disability resulting in a conservatorship, just the number and type of conservatorship. There were approximately 1,744 involuntary conservatorships over the person and estate in Fiscal Year 2014 and 1,798 in Fiscal Year 2015. *See* Connecticut Probate Courts, *2014-2015 Biennial Report of the Probate Court Administrator*, at 16, <http://www.ctprobate.gov/Documents/2014%20-%202015%20Biennial%20Report.pdf>. Based on Connecticut's legal standard for imposing an involuntary conservatorship, it can be inferred that all or nearly all of the conserved persons in these cases have a disability as defined under the Fair Housing Act.

<sup>57</sup> *See* Erickson, *supra* note 55.

meaning the “person has a mental, emotional or physical condition that results in such person being unable to receive and evaluate information or make or communicate decisions to such an extent that the person is unable, even with appropriate assistance, to meet essential requirements for personal needs.” Conn. Gen. Stat. §§ 45a-644(c); 45a-650. “Personal needs” include, but are not limited to “the need for food, clothing, shelter, health care and safety.” Conn. Gen. Stat. § 45a-644(i).

172. Thus, in order for a probate court to order an involuntary conservatorship over the person and the estate, the conserved person must by definition also have “a physical or mental impairment which substantially limits one or more of [a] person's major life activities,” the definition of a disability under the Fair Housing Act. *See* 42 U.S.C. § 3602(h).

173. Connecticut adults subject to an involuntary conservatorship over the person and the estate are thus significantly more likely to be persons with disabilities, particularly cognitive disabilities, than the general adult population of the state.

174. Individuals who are subject to an involuntary conservatorship over the person and the estate also lack the mental capacity to execute a power of attorney.<sup>58</sup> This is because a probate court may only order an involuntary conservatorship if it is the least restrictive means of intervention to assist the individual in managing his or her affairs and caring for him or herself. Conn Gen. Stat. § 45a-650. Because a power of attorney is significantly less restrictive than a conservatorship, a person with the mental capacity to execute a power of attorney should not be involuntarily conserved.

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<sup>58</sup> Prior to October 1, 2016, a conservatorship automatically revoked any power of attorney executed by the conserved individual, even if it was durable, meaning it survived incapacity of the principal. *See* Conn. Gen. Stat. § 45a-562(b) (2015).

175. Individuals who lack the mental capacity to execute a power of attorney are more likely to be persons with disabilities than the general adult population of Connecticut. This is because the legal definition of mental incapacity for purposes of designating a power of attorney—an inability to understand in a reasonable manner the nature of the transaction and its consequences and effects upon their rights and interests—only applies to a sub-set of disabled individuals who also meet the Fair Housing Act’s much broader definition of a person with a disability.

176. As a result of these clear disparities in Connecticut and on a national basis in the number of people with disabilities who are subject to a conservatorship or guardianship or lack the mental capacity to execute a power of attorney, Defendant’s policies that deny conservators or guardians access to wards’ consumer files, require powers of attorney, and impose more onerous requirements on persons subject to a conservatorship or guardianship are much more likely to deny or restrict individuals with cognitive disabilities from accessing the consumer files Defendant uses to make tenant screening decisions.

177. Defendant’s policies have a disproportionate adverse effect on disabled individuals as they prevent them from timely obtaining, or obtaining at all, the information that forms the basis of Defendant’s tenant screening reports, which may be necessary to challenge the accuracy of Defendant’s report, challenge the appropriateness of a housing provider’s decisions to approve or deny a tenancy or set the terms of a tenancy based on Defendant’s report, or to request as a reasonable accommodation that a housing provider deviate from its ordinary tenant screening policies.

178. Defendant’s policies and practices of preventing conservators from obtaining wards’ consumer files, requiring or preferring a power of attorney for requests by third parties, and imposing more onerous requirements on conserved individuals do not serve any legitimate

business purpose.

iii. Defendant Intentionally Discriminated against Mr. Arroyo

179. Defendant states that it provides the consumer file that forms the basis of its tenant screening report within 5 days of receiving a written request from a consumer.<sup>59</sup>

180. Upon information, Defendant promptly provides consumer files to individuals who lack serious cognitive disabilities that result in conservatorship upon their written request or the request of their power of attorney, with minimal documentation.

181. Defendant knew Mr. Arroyo was a person with disabilities.

182. Defendant also knew that, as a result of Mr. Arroyo's disabilities, he was conserved and unable to directly request information about his tenant screening report or designate a power of attorney.

183. Upon information, Defendant knew that adults subject to conservatorships or guardianships are disproportionately likely to be persons with disabilities and lack the mental capacity to designate a power of attorney.

184. Defendant intentionally discriminated against Mr. Arroyo by failing to provide him with equal access to his consumer file as compared to non-disabled individuals because of his disabilities. Defendant required more onerous documentation from Mr. Arroyo and did not timely provide, or provide at all, his consumer file or any information about the reasons Defendant disqualified him from tenancy.

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<sup>59</sup> See CoreLogic Rental Property Solutions – Consumer Assistance, *supra* note 44.

**I. Defendant's Actions Have Frustrated CFHC Mission and Diverted Its Scarce Resources**

185. Defendant's discriminatory tenant screening product, including its disqualification of housing applicants with criminal records without individualized consideration, its restrictions on providing information to conserved applicants who lack the mental capacity to designate a power of attorney, and the disparate impact its policies and practices have on African-American and Latino applicants and applicants with disabilities frustrate CFHC's mission of eliminating housing discrimination and ensuring that all people have equal access to the housing of their choice.

186. Defendant's Automated Criminal Records Screening Policy has made it substantially more difficult for Connecticut residents with criminal records, who are disproportionately African American and Latino, to find safe and affordable housing, directly and significantly frustrating CFHC's mission of eliminating discriminatory barriers and ensuring equal housing opportunities for all.

187. Defendant has further frustrated CFHC's mission by openly advertising to housing providers that they can improve their fair housing compliance by *not* giving individualized consideration to applicants with criminal records, long after HUD has made clear that individualized consideration is less discriminatory.

188. To counteract this frustration of its mission, CFHC has had to divert its scarce resources to confront Defendant's discriminatory actions.

189. As a direct result of Defendant's actions, CFHC diverted resources from other activities in order to investigate Defendant's conduct and assist individuals who have been denied housing as a result of its actions, including Mr. Arroyo. CFHC staff spent more than 100 hours helping Mr. Arroyo obtain permission to move into his mother's apartment after his application

was denied because of Defendant's discriminatory actions.

190. CFHC has also diverted resources towards education and outreach efforts aimed at rebutting the impression amongst housing providers, applicants, and advocates that automated criminal record screening products that do not allow for individualized consideration, like Defendant's, are permissible under the Fair Housing Act. CFHC has developed and distributed materials to assist housing applicants with criminal records, including applicants with disabilities, in avoiding unlawful discrimination in their housing search; investigated dozens of housing providers' criminal background policies that impose blanket bans rather than make individualized assessments; and investigated numerous complaints from people with criminal records who have been denied housing.

191. As a result of diverting its resources to address Defendant's discriminatory conduct, CFHC has been unable to devote as much time and resources to other activities, including education and outreach aimed at other protected classes and direct assistance to individuals who experience housing discrimination.

192. Until Defendant's unlawful, discriminatory conduct permanently ceases, its actions with continue to injure CFHC by, *inter alia*:

- a. interfering with its efforts intended to ensure equal access to housing;
- b. requiring the commitment of its scarce resources, including staff time and funding, to investigate and counteract Defendant's discriminatory conduct, thus diverting those resources away from CFHC's other activities and services; and
- c. frustrating CFHC's mission to ensure that all residents have access to the housing of their choice, free from discrimination.

## V. CAUSES OF ACTION

### **COUNT I: National Origin and Race Discrimination in Violation of the Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.* (on behalf of all Plaintiffs)**

193. Plaintiffs repeat and re-allege the foregoing paragraphs of the Complaint as though fully set forth herein.

194. Defendant's policies and practices have a disproportionate adverse impact on Latinos and African Americans as compared to similarly situated whites. This disproportionate impact is the direct result of Defendant's tenant screening product that automatically and without an individualized assessment determines and reports to a housing provider that an applicant is disqualified for rental housing based on the existence of a criminal record. This policy is not necessary to achieve any substantial, legitimate, nondiscriminatory interest. There are at least two alternatives that would have a less discriminatory effect: conducting an individualized assessment or providing sufficient information to housing providers to allow them to do so.

195. Defendant's policies and practices have the intention to discriminate based on national origin and race. Defendant is aware of the overwhelming disparate impact of automatic disqualification of applicants with criminal records and of the less discriminatory alternatives, yet it continues to provide and market a product that unjustifiably results in the denial housing to Latinos and African Americans.

196. Defendant also intentionally encourages, facilitates, and assists housing providers' unlawful discrimination in violation of the Fair Housing Act by offering and marketing a product for screening tenants with criminal records that prevents them from conducting an individualized assessment of relevant mitigating information, and by encouraging housing providers not to conduct an individualized assessment.

197. Defendant's policies and practices constitute unlawful discrimination in violation of the Fair Housing Act, 42 U.S.C. § 3604, by:

- a. making housing unavailable on the basis of race and national origin in violation of 42 U.S.C. § 3604(a); and
- b. providing different terms and conditions and discriminating in the provision of services in connection with housing on the basis of race and national origin in violation of 42 U.S.C. § 3604(b).

198. Plaintiffs have been injured by Defendant's discriminatory conduct and suffered damages as a result.

199. Defendant's conduct was intentional, willful, and made in reckless disregard for the known rights of others.

**COUNT II: Disability Discrimination in Violation of the  
Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.*  
(on behalf of all Plaintiffs)**

200. Plaintiffs repeat and re-allege the foregoing paragraphs of the Complaint as though fully set forth herein.

201. Defendant's policy and practice of refusing to allow court-appointed conservators or guardians to receive the consumer file of wards; requiring or preferring that third parties, including court-appointed conservators or guardians, submit a "power of attorney" executed by the consumer in order to request and receive the consumer file; and requiring that court-appointed conservators or guardians provide more onerous documentation of their authority than a person holding a power of attorney discriminates in the provision of services or facilities in connection with a dwelling because of handicap in violation of the Fair Housing Act, 42 U.S.C. § 3604(f).

202. Defendant's policy and practice prevents individuals with disabilities from

obtaining the information that forms the basis of Defendant's tenant screening reports, which they may need to challenge the accuracy of Defendant's report; challenge the appropriateness of a housing provider's decision to approve or deny their tenancy or set the terms of the tenancy based on Defendant's report; or to request as a reasonable accommodation that a housing provider deviate from its ordinary tenant screening policies. Defendant's policy and practice thus makes housing unavailable, denies rental housing, and discriminates in the terms, conditions, or privileges of sale or rental of a dwelling because of handicap in violation of the Fair Housing Act, 42 U.S.C. § 3604(f).

203. Defendant further intentionally discriminated against Mr. Arroyo on the basis of disability by failing to provide him with equal access to his consumer file as compared to non-disabled individuals because his cognitive disabilities required he be conserved.

204. Plaintiffs have been injured by Defendant's discriminatory conduct and suffered damages as a result.

205. Defendant's conduct was intentional, willful, and made in reckless disregard for the known rights of others.

**COUNT III: Disability Discrimination in Violation of the  
Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.*  
(on behalf of Arroyo Plaintiffs)**

206. Plaintiffs repeat and re-allege the foregoing paragraphs of the Complaint as though fully set forth herein.

207. Defendant unlawfully discriminated against Plaintiff Mikhail Arroyo on the basis of disability in violation of 42 U.S.C. § 3604(f)(2) and (f)(3)(B) by refusing to grant Plaintiff Carmen Arroyo's request that, as a reasonable accommodation of Mr. Arroyo's disabilities, Defendant permit her, in her capacity as conservator, to request and receive Mr. Arroyo's consumer file on his behalf.

208. Plaintiffs have been injured by Defendant's discriminatory conduct and suffered damages as a result.

209. Defendant's conduct was intentional, willful, and made in reckless disregard for the known rights of others.

**COUNT IV: Violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681g  
(on behalf of Plaintiff Mikhail Arroyo only)**

210. Plaintiffs repeat and re-allege the foregoing paragraphs of the Complaint as though fully set forth herein.

211. Plaintiff Mikhail Arroyo requested his consumer file from Defendant, through his conservator.

212. Defendant had knowledge that Mr. Arroyo was a person with disabilities, who, as a result of those disabilities, was subject to a conservatorship of his person and his estate and was unable to directly request his consumer file from Defendant.

213. Plaintiff provided Defendant with proper identification, including documentation of the conservatorship.

214. Defendant violated 15 U.S.C. § 1681g by failing to disclose Mr. Arroyo's consumer file to the Arroyo Plaintiffs.

215. As a result of Defendant's conduct, Mr. Arroyo was unable to obtain his consumer file or learn the nature, source, or accuracy of the "disqualifying record" reported on the April 26, 2016 Safe Rent report as the "CrimSafe Decision."

216. As a result of Defendant's conduct, Mr. Arroyo suffered actual damages including but not limited to: denial of housing; frustration of his right under the Fair Housing Act to request a reasonable accommodation from a prospective housing provider; a prolonged stay in a nursing home, which was less desirable housing and was not medically necessary; increased medical costs

as a result of his prolonged stay in a nursing home; damage to reputation; embarrassment; humiliation; and other mental and emotional distress.

217. Defendant's conduct, actions and inactions were willful, or in the alternative, negligent.

**COUNT V: Violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681h  
(on behalf of Plaintiff Mikhail Arroyo only)**

218. Plaintiffs repeat and re-allege the foregoing paragraphs of the Complaint as though fully set forth herein.

219. Defendant violated 15 U.S.C. § 1681h by failing to establish reasonable requirements for proper identification so as to enable consumers subject to a conservatorship or guardianships and/or consumers with disabilities without the legal capacity to execute a power of attorney to receive a copy of their consumer file.

220. Defendant further violated 15 U.S.C. §§ 1681g and § 1681h by placing unreasonable preconditions on the disclosure of consumer files to consumers subject to a conservatorship or guardianship and/or consumers with disabilities without the legal capacity to execute a power of attorney.

221. As a result of Defendant's conduct, Mr. Arroyo was unable to obtain his consumer file or learn the nature, source, or accuracy of the "disqualifying record" reported on the April 26, 2016 Safe Rent report as the "CrimSafe Decision."

222. As a result of Defendant's conduct, Mr. Arroyo suffered actual damages including but not limited to: denial of housing; frustration of his right under the Fair Housing Act to request a reasonable accommodation from a prospective housing provider; a prolonged stay in a nursing home, which was less desirable housing and was not medically necessary; increased medical costs as a result of his prolonged stay in a nursing home; damage to reputation; embarrassment;

humiliation; and other mental and emotional distress.

223. Defendant's conduct, actions and inactions were willful, or in the alternative, negligent.

**COUNT VI: Violation of the Connecticut Unfair Trade Practices Act  
(on behalf of Arroyo Plaintiffs)**

224. The actions of Defendant were done in the conduct of trade or commerce.

225. Defendant is a "person" within the meaning of Conn. Gen. Stat. § 42-110b, as defined in § 42-110a(3).

226. Defendant has engaged in unfair and/or deceptive acts or practices within the meaning of Conn. Gen. Stat. § 42-110b(a) including, but not limited to:

- a. Disqualifying Mr. Arroyo based on his criminal record without making an individualized assessment of his record;
- b. Reporting to WinnResidential that Mr. Arroyo was disqualified based on his criminal record without disclosing the record itself or information sufficient for WinnResidential to locate the record;
- c. Facilitating or encouraging WinnResidential's failure to make an individualized assessment of Mr. Arroyo's criminal record;
- d. Failing to provide the Arroyos with information concerning the criminal record that was the basis of Defendant's tenant screening report;
- e. Failing to accept documentation of Mr. Arroyo's conservatorship, and requiring that Mr. Arroyo execute a power of attorney;
- f. Discriminating against Mr. Arroyo on the basis of his disability and/or national origin;
- g. Through its CrimSAFE product, violating the Fair Housing Act and/or facilitating

or encouraging housing providers' predictable violation of the Fair Housing Act to the detriment of housing applicants with criminal records, who are disproportionately likely to be African American or Hispanic;

- h. Inaccurately marketing the CrimSAFE product to housing providers as improving Fair Housing Act compliance when it in fact violates the Fair Housing Act and/or predictably results in housing providers' violation of the Fair Housing Act to the detriment of housing applicants with criminal records, who are disproportionately likely to be African-American or Hispanic; and
- i. Maintaining policies and/or practices that frustrate the ability of conserved consumers or consumers who lack the capacity to execute a power of attorney, who are disproportionately likely to have disabilities, to access information that forms the basis of a tenant screening report.

227. Defendant's actions have offended public policy, including the policies set forth in the Fair Housing Act, 42 U.S.C. § 3601 *et seq.*; Connecticut's fair housing laws, Conn. Gen. Stat. § 46a-64b *et seq.*; Connecticut's laws prohibiting discrimination by places of public accommodation, Conn. Gen. Stat. §46a-63 *et seq.*; the HUD Guidance; the Fair Credit Reporting Act and its implementing regulations, 15 U.S.C. § 1681, *et seq.*; and Connecticut's conservatorship laws, Conn. Gen. Stat. § 45a-644 *et seq.*

228. Defendant's actions were willful, immoral, unscrupulous, unethical, and oppressive, and cause substantial injury to consumers like Ms. Arroyo and Mr. Arroyo. Defendant's actions and failures to act were willful, and exhibit a blatant disregard for Ms. Arroyo's and Mr. Arroyo's well-being.

229. Defendant's actions caused Ms. Arroyo and Mr. Arroyo injury that they could not

have reasonably avoided. This injury was not outweighed by any countervailing benefits to consumers that the conduct produced.

230. As a result of Defendant's actions, Mr. Arroyo has suffered an ascertainable loss as that term is used in Conn. Gen. Stat. § 42-110g(a) including, without limitation, denial of housing, increased expenses as a result of the denial of housing, and an unnecessarily prolonged stay in a nursing home.

231. As a result of Defendant's actions, Ms. Arroyo has suffered an ascertainable loss as that term is used in Conn. Gen. Stat. § 42-110g(a) including, without limitation, payment of an application fee, increased rent and expenses as a result of Mr. Arroyo's denial of housing, and increased medical and travel expenses as a result of Mr. Arroyo's prolonged stay in the nursing home.

232. The foregoing conduct of the Defendant was calculated, deceitful, and unfair and demonstrated reckless indifference to Ms. Arroyo's and Mr. Arroyo's rights. Accordingly, the Plaintiffs are entitled to punitive damages under Conn. Gen. Stat. § 42-110g(a).

233. As a result of its violation of CUTPA, Defendant is liable to Ms. Arroyo and Mr. Arroyo for actual and consequential damages, costs, and attorney's fees pursuant to Conn. Gen. Stat. § 42-110g(d).

234. A copy of this pleading has been electronically delivered to the Attorney General and the Commissioner of Consumer Protection pursuant to Conn. Gen. Stat. § 42-100g(c).

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that judgment be entered against Defendant as follows:

- a. Declaring that the Defendant's actions violate the Fair Housing Act and the

Connecticut Unfair Trade Practices Act;

- b. Permanently enjoining Defendant from engaging in the conduct described herein and directing Defendant to take all affirmative steps necessary to remedy the effects of the conduct described herein and to prevent additional instances of such conduct or similar conduct from occurring in the future, including, but not limited to appointment of a monitor;
- c. Awarding all available damages to Plaintiffs including compensatory damages for economic losses, emotional distress, violation of their rights, and loss of housing opportunity;
- d. Awarding punitive damages in an amount that would punish Defendant for the willful, wanton, and reckless conduct alleged herein and that would effectively deter similar conduct in the future;
- e. Awarding punitive damages for violation of the Connecticut Unfair Trade Practices Act, pursuant to Conn. Gen. Stat. § 42-110g(a);
- f. Awarding actual damages and/or statutory damages and punitive damages to Plaintiff Mikhail Arroyo for violation of the Fair Credit Reporting Act pursuant to 15 U.S.C. § 1681n and § 1681o;
- g. Awarding reasonable attorneys' fees and costs under 42 U.S.C. § 3613(c); 15 U.S.C. § 1681n and § 1681o; and Conn. Gen. Stat. § 42-110g(d); and
- h. Awarding such other and further relief as this Court may deem just and proper.

Dated: April 24, 2018

PLAINTIFFS

By Counsel: \_\_\_\_\_/s/\_\_\_\_\_  
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UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

CONNECTICUT FAIR HOUSING CENTER  
*et al.*,

*Plaintiffs,*

v.

CORELOGIC RENTAL PROPERTY  
SOLUTIONS, LLC,

*Defendant.*

No. 3:18-CV-705 (VLB)

**PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

Plaintiffs, by counsel, hereby move for summary judgment on Counts II, III, IV, V, and VI of their complaint.

**I. Introduction**

The Fair Credit Reporting Act ("FCRA") provides every U.S. consumer with the basic right to obtain a copy of any information that a consumer reporting agency, such as a credit bureau or criminal background screener, has on file about that information at the time of the consumer's request.<sup>1</sup> In the rental housing context, this means an applicant who is denied admission to an apartment can obtain copies of the information that contributed to the denial of the application.<sup>2</sup> Access to such reports enables an applicant to dispute

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<sup>1</sup> See 15 U.S.C. § 1681g(a).

<sup>2</sup> See, e.g., *Taylor v. Screening Reports, Inc.*, 294 F.R.D. 680, 685 (N.D.Ga. 2013)

inaccurate or misleading items, provide explanatory or mitigating information to the housing provider, or simply make wise decisions about the kinds of housing opportunities available to him or her.

All the FCRA requires a consumer to do to obtain these disclosures is to make a request and provide “proper identification.”<sup>3</sup> For most consumers, obtaining such disclosures may be a simple matter of contacting the consumer reporting agency, providing a driver’s license or other basic identification, and requesting the disclosure. But for consumers whose disabilities prevent them from being able to request these disclosures or provide particular forms of identification, this is easier said than done.

Nevertheless, a consumer’s disability neither denies him or her the right to obtain FCRA consumer disclosures, nor relieves the consumer reporting agency of the duty to make them. The FCRA itself facilitates disclosures to “persons accompanying the consumer.”<sup>4</sup> And in the rental housing context, the duty to make reasonable accommodations under the Fair Housing Act (“FHA”) ensures that tenant-screening companies must cooperate with the efforts of certain caregivers to obtain consumer disclosures on behalf of people whose disabilities

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<sup>3</sup> See 15 U.S.C. § 1681h(a)(1).

<sup>4</sup> See 15 U.S.C. § 1681h(d).

prevent them from doing so directly—at least when those disclosures are sought in connection with access or enjoyment of housing.<sup>5</sup>

Contrary to these requirements, Defendant CoreLogic Rental Property Solutions, LLC, adopted a policy to make consumer disclosures to someone other than the named consumer only if the person requesting the disclosure supplied a “power of attorney” reflecting an authorization (by the named consumer) for the disclosure. CoreLogic does not consider a court-ordered conservatorship to carry adequate authority to receive consumer disclosures for the conserved person. At least in Connecticut, this policy prevents conserved persons—who, for reasons of disability, lack the ability to request consumer disclosures themselves or to grant powers of attorney—from being able to access their consumer disclosures from CoreLogic. CoreLogic has also failed without excuse to grant exceptions from this policy in accordance with its duty to make reasonable accommodations.

Carmen Arroyo is one such conservator who was unable, because of this policy, to obtain consumer disclosures from CoreLogic on behalf of her son, Mikhail Arroyo (a conserved person). By this motion, she seeks the relief to which she is entitled under the FCRA, FHA, and Connecticut Unfair Trade Practice Act (“CUTPA”). In addition, she and the Connecticut Fair Housing Center seek injunctive relief designed to correct this policy so that other conserved

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<sup>5</sup> See 42 U.S.C. § 3604(f)(3)(B) (requiring “reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.”).

persons are not similarly denied access to their consumer disclosures in the future.

## **II. Issues Presented**

1. Whether Defendant CoreLogic violated the FCRA by failing to disclose the contents of Mikhail Arroyo's consumer file to his conservator upon receiving requests for such disclosures.
2. Whether Defendant CoreLogic violated the FHA by failing to deviate from its policy of requiring a "power of attorney" before disclosing the contents of Mikhail Arroyo's consumer file to his conservator, despite being aware that Mikahil Arroyo had a disability which impaired his ability to request the disclosures himself or execute a power of attorney.
3. Whether Defendant CoreLogic's refusal to disclose the contents of Mikhail Arroyo's consumer file to his conservator violated the CUTPA.
4. Whether the Court should order CoreLogic to cease and desist from maintaining consumer file disclosure policies under which a court-appointed conservatorship does not establish adequate authority to receive consumer disclosures on behalf of the conserved person.

Plaintiff maintains the Court should answer each question in the affirmative.

## **III. Statement of Facts**

Plaintiff Carmen Arroyo is the conservator for her son, Mikhail Arroyo, who sustained a traumatic brain injury in a 2015 accident that left him unable to walk, speak, or care for himself. Plaintiffs' Local Rule 56(a)(1) Statement of Material Facts ("SOF") at ¶ 1. In April 2016, Ms. Arroyo requested permission from her landlord, WinnResidential, to move Mikhail from a nursing home into her apartment after he had recovered sufficiently for discharge. SOF ¶ 2. But the application was denied when a criminal background report from Defendant CoreLogic indicated that Mikhail had disqualifying criminal history. SOF ¶ 3.

Carmen Arroyo did not know what criminal records Mikhail had, or what records had caused CoreLogic to deem him unqualified, and was told by the WinnResidential leasing agent who processed Mikhail's application that she had to obtain that information directly from CoreLogic. SOF ¶ 4. The letter from CoreLogic denying Mikhail's application for tenancy did not contain any information about what criminal records were attributed to him or used to deem him unqualified. SOF ¶ 5. In order to secure the information she needed to challenge the denial, Ms. Arroyo contacted CoreLogic on multiple occasions between April and November, 2016, to request disclosure of the information it had on file about Mikhail. SOF ¶ 8-22. She intended to use these disclosures both to understand and hopefully formulate a persuasive request to WinnResidential that Mikhail be admitted despite the criminal history. SOF ¶ 7.

Carmen Arroyo's first request for disclosures was made by telephone on or about April 27, 2016, following the denial of his admission to Artspace Windham. SOF ¶ 8. This was only the first of several telephone calls Ms. Arroyo had with CoreLogic for this purpose between then and November 2016. SOF ¶ 9. In those calls, Ms. Arroyo communicated to CoreLogic that she was Mikhail's court-appointed conservator, that she sought disclosure of his consumer file in connection with an effort to secure rental housing, and that Mikhail had disabilities that prevented him from making the request himself. SOF ¶ 10. CoreLogic did not make any disclosures of Mikhail Arroyo's consumer information in response to these requests. SOF ¶ 11.

CoreLogic sent Ms. Arroyo a copy of CoreLogic's consumer disclosure request form, and instructed her to return the completed form along with copies of both her own identification and Mikhail's, as well as documentation showing that she was appointed conservator over Mr. Arroyo's person and estate. SOF ¶ 12. Ms. Arroyo returned the completed form by mail on June 14, 2016, and enclosed: (i) the completed consumer disclosure request form, listing Mikhail Arroyo's name, date of birth, and previous addresses and was signed by Carmen Arroyo, (ii) copies of Carmen and Mikhail Arroyo's driver's licenses, and (iii) a copy of the certificate of conservatorship establishing that Carmen Arroyo had authority to request the consumer file on Mikhail Arroyo's behalf. SOF ¶ 13. CoreLogic, which reports having received these materials on June 30, 2016, did not make any disclosures in response. SOF ¶ 14.

When CoreLogic did not produce any disclosures in response to her earlier requests, Ms. Arroyo had a series of additional telephone calls with CoreLogic in the fall of 2016. SOF ¶ 15. Again she orally requested Mikhail Arroyo's consumer file from CoreLogic, and referenced her earlier requests. SOF ¶ 16. She also reiterated to CoreLogic that Mr. Arroyo had was unable to make the request himself due to his disabilities, and that she was his conservator. SOF ¶ 16. CoreLogic's representative acknowledged that CoreLogic had received Ms. Arroyo's earlier requests and follow-up documentation, but that CoreLogic would not provide any information to Ms. Arroyo unless she provided a "power of attorney" from Mikhail. SOF ¶ 17.

After learning of the “power of attorney” requirement, Ms. Arroyo contacted the attorney handling the conservatorship and was told that a conservatorship provided even greater authority than a power of attorney would carry. SOF ¶ 18. Ms. Arroyo called CoreLogic again and explained this to CoreLogic’s representative, who promised to follow up with CoreLogic’s legal department regarding the issue. SOF ¶ 19.

Over the next several weeks, Ms. Arroyo had additional telephone conversations with a specific CoreLogic employee, Tina Marie Santos, throughout which Ms. Santos repeatedly stated that CoreLogic’s legal department was reviewing the matter. SOF ¶ 20. Ms. Santos requested additional documentation throughout this period, including yet another version of the consumer disclosure request form, additional proof of Ms. Arroyo’s address, and another copy of the conservatorship certificate. SOF ¶ 21. Ms. Arroyo provided all of the requested additional materials (which included (i) an additional consumer disclosure request form signed by both herself and Tad Stimson, Mikhail’s co-o-conservator, (ii) another copy of her certificate of conservatorship, (iii) a utility bill showing her address, and (iv) correspondence from the government addressed to Mikhail Arroyo but sent to Carmen Arroyo) by fax and mail on November 14 and 15, 2016. SOF ¶ 21-22. Nonetheless, CoreLogic still did not provide the disclosures. SOF ¶ 23.

In December 2016, Ms. Arroyo sought assistance with this matter from the Connecticut Fair Housing Center and had no further communication with

CoreLogic after that point in time. SOF ¶ 24. Ms. Arroyo still had not received disclosures of Mikhail's consumer information from CoreLogic by then. SOF ¶ 25.

**IV. Evidence Relied Upon**

This motion relies upon all evidence in the court record, specifically including:

1. Declaration of Carmen Arroyo in Support of Plaintiffs' Motion for Summary Judgment on File Disclosure Claims.
2. Defendant CoreLogic Rental Property Solutions, LLC, Responses to Requests for Admissions Nos. 2-20, 27-30, 33-37, 40, 44, 49-50, 54, 64 (attached as Ex. A).
3. Expert Report of Nancy B. Alisberg, April 15, 2019 (attached as Ex. G) and Resume of Nancy B. Alisberg (attached As Ex. H).
4. Deposition Transcript of Naeem Kayani (Defendant's 30(b)(6) Designee) at 235:20-236:8, 239:16-240:2, Ex. 24 at 1 (attached as Ex. H).
5. Deposition Transcript of Robert Lindenfelzer, pp. 13-19, 105:3-107:12; Lindenfelzer Dep. Ex. 6 at 27 (attached as Ex. H).
6. Carmen Arroyo's written file disclosure requests (attached as Exs. D, E).

**V. Argument**

- A. Count IV: Violations of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681g(a)

The FCRA affords every consumer the right to obtain, on request, disclosure of substantially all information that a "consumer reporting agency" (or "CRA") has on file about that consumer at the time of the request. See 15 U.S.C. § 1681g(a). The FCRA also establishes statutory procedures for making such file

disclosures, including requirements that CRAs establish reasonable identification requirements for obtaining disclosures. See 15 U.S.C. § 1681h(a).

1. Undisputed facts show CoreLogic violated duty to make consumer disclosures required by 15 U.S.C. § 1681g(a).

CoreLogic had information on file about Mikhail Arroyo at all relevant times. SOF 36. Mr. Arroyo, with the assistance of his conservator, requested disclosure of his consumer file from CoreLogic on multiple occasions. SOF ¶¶ 8-16, 21-22. These included an initial telephonic request in April 2016, a written request in June 2016, and then a series of telephonic and written requests in fall 2016, ending in November 2016. SOF ¶¶ 8-16, 21-22. Each of these requests triggered CoreLogic's duty to make the file disclosures within a reasonable time thereafter. See 15 U.S.C. §§ 1681g(a), 1681h(d). CoreLogic never made the disclosures. SOF ¶ 26.

CoreLogic has declined to admit being a consumer reporting agency. See Defendant's Admission No. 1. But the evidence in the case establishes that CoreLogic assembles criminal history information about consumers, uses that information in furnishing reports to third parties (i.e., landlords), actually furnishes such reports—and in multiple states—through electronic transmissions, and receives monetary fees for providing these reports. SOF ¶ 36. These facts establish beyond any colorable dispute that CoreLogic is indeed a consumer reporting agency. See 15 U.S.C. § 1681a(f) ("consumer reporting agency" means any person which, for monetary fees ... regularly engages in whole or in part in the practice of assembling or evaluating ... information on consumers for the purpose of furnishing consumer reports to third parties, and

which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.”). Multiple courts have previously found that CoreLogic is consumer reporting agency, including with respect to its criminal background check products. See, e.g., *Williams v. CoreLogic Rental Prop. Sols.*, LLC, No. CV PX 16-58, 2016 WL 6277675, at \*1 (D. Md. Oct. 26, 2016) (stating “CoreLogic [Rental Property Solutions] is a consumer reporting agency that compiles and maintains files on consumers. It then sells these consumer reports to management companies and landlords who use them to make decisions regarding tenants.”); see also *Wilson v. CoreLogic SafeRent, LLC*, No. 14-CV-2477 (JPO), 2017 WL 4357568 (S.D.N.Y. Sept. 29, 2017).

**2. CoreLogic’s failure to make FCRA-required disclosures was willful.**

Violations of the Fair Credit Reporting Act are actionable under two different provisions of the statute, depending on whether the violation was willful (in which case 15 U.S.C. § 1681n applies) or merely negligent (in which case 15 U.S.C. § 1681o applies). In this case, undisputed facts show CoreLogic’s failure to make the required disclosures was willful.

Notably, Carmen’s communications with CoreLogic included several phone conversations and multiple written communications over a period of nearly seven months (late April to mid-November 2016), and CoreLogic even represented to her that its “legal” department would be reviewing the matter. SOF ¶¶ 8-23. CoreLogic nevertheless refused to make the disclosures because of a policy under which only persons having “power of attorney” may request disclosures on behalf of others, and CoreLogic did not consider Carmen Arroyo’s

conservatorship as supplying such “power of attorney.” SOF ¶ 17. In other words, the violation occurred because CoreLogic either misunderstood (or purposefully deviated from) its consumer file disclosure obligations under the FCRA.

With respect to such cases, the U.S. Supreme Court held in *Safeco Ins. v. Burr* that a willful FCRA violation occurs when a consumer reporting agency commits “reckless disregard” of its responsibilities under the Act. *Safeco Ins. Co. v. Burr*, 551 U.S. 47, 69 (2007). This means a violation is willful when it reflects more than a “merely careless” reading of the FCRA but an “objectively unreasonable” one. See *Safeco* at 69-70. CoreLogic’s refusal to provide Mikhail Arroyo’s consumer file to his conservator is precisely the kind of “objectively unreasonable” practice that amounts to willfulness under *Safeco*. This is true for three key reasons.

First, as the existence of the power-of-attorney policy itself demonstrates, CoreLogic undoubtedly knew that its tenant-screening reports would sometimes be used to evaluate rental applicants who, for various reasons, would be unable to request copies of their consumer disclosures themselves and would require assistance of a third person. In formulating that policy, it should have been obvious that people with intellectual disabilities, including conserved persons, would be among the groups of people likely to need such assistance. To adopt a rule requiring a power-of-attorney, which by definition conserved persons lack the legal authority to give, effectively denies all conserved persons access to their disclosures. Such a measure goes beyond mere carelessness and shows

the level of reckless disregard for the rights of conserved persons to which willfulness liability attaches. See *Safeco* at 68 (recklessness involves action with “an unjustifiably high risk of harm that is either known or so obvious that it should be known.”).

The second reason is that CoreLogic failed to correct its erroneous policy despite multiple opportunities. See, e.g., *Smith v. HireRight Solutions, Inc.*, 711F.Supp.2d 426, 435 (E.D.Pa. 2010) (consumer reporting agency’s “repeated engagement in the same type of objectionable conduct without justification could, at minimum, rise to the level of reckless disregard”); See also *Wenning v. On-Site Manager, Inc.*, 2016 WL 3538379 at \*24 (S.D.N.Y. June 22, 2016) (consumer reporting agency’s failure to promptly correct errors once brought to their attention tends to show willfulness). Even if CoreLogic’s disregard for the interests of consumers subject to conservatorships in originally establishing its power-of-attorney policy could properly be attributed to mere carelessness, once Carmen Arroyo brought the matter to its attention, CoreLogic’s persistent failure to revise the policy (or even provide Mikhail Arroyo’s file as a one-off accommodation) deepens the showing of willfulness. Notably, Carmen’s communications with CoreLogic included several phone conversations and multiple written communications over a period of nearly seven months (late April to mid-November 2016), and CoreLogic even represented to her that its “legal” department would be reviewing the matter. See SOF ¶ 15. Mere carelessness cannot account for CoreLogic’s failure to make FCRA-required disclosures in this circumstance.

The third reason CoreLogic's violation was willful is because the necessary correction to CoreLogic's file disclosure policy would have been so easy to make. *See Smith v. Lexisnexis Screening Solutions, Inc.*, 138 F.Supp.3d 872, 887 (E.D.Mich. 2015) (where consumer reporting agency's omission of middle names caused it to mismatching criminal records to job applicants, fact that agency could easily have incorporated middle names into searches supported finding of willfulness), *aff'd in part and rev'd in part* 837 F.3d 604, 611 (6th Cir. 2016) (willfulness overturned because of other evidence showing steps the defendant had taken to prevent mismatches, thus precluding finding of reckless disregard); *See also Redman v. Radioshack Corp.*, 768 F.3d 622, 638 (7th Cir. 2014) (consumer reporting agency's failure to take precautions against a known risk was willful where "a completely adequate precaution would have cost nothing"). Unlike with some types of improper CRA practices, CoreLogic would not have had to re-configure software or make other expensive, potentially difficult changes to avoid repeating its unlawful denial of consumer disclosures to Mikhail Arroyo (or potentially other conserved consumers). All CoreLogic would need to have done is treat a conservatorship as at least equal to a power-of-attorney for file disclosure purposes. Failing over seven months to make this simple fix can only be the product of willful noncompliance with the duty to make disclosures.

#### B. Count III: Failure to make reasonable accommodation

CoreLogic's failure to make an exception in its "power of attorney policy" and disclose Mikhail Arroyos consumer file to his conservator also constituted a violation of the duty to make reasonable accommodations for persons with

disabilities under the FHA. As with the FCRA claim described above, the essential facts that establish this violation are beyond dispute.

The duty to make reasonable accommodations arises under two provisions of 42 U.S.C. § 3604(f), one of which prohibits discrimination “in the provision of services or facilities in connection with [a] dwelling” based on a handicap, and another that defines such discrimination to include “a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling[.]” 42 U.S.C. § 3604(f)(2), (3)(B). “The elements of a failure-to accommodate claim are: (1) the plaintiff had a “handicap,” (2) the defendant knew or reasonably should have been known of the handicap; (3) an accommodation was likely necessary to afford the person with the handicap equal opportunity to use and enjoy a dwelling; (4) the accommodation requested was reasonable; and (5) the defendant refused to make the accommodation. *Olsen v. Stark Homes, Inc.*, 759 F.3d 140, 156 (2d Cir. 2014).

The FHA definition of “handicap” includes “a physical or mental impairment which substantially limits one or more of such person’s major life activities.” 42 U.S.C. § 3602(h). Mr. Arroyo, due to a traumatic brain injury, has a physical condition that substantially limits major life activities such as speaking, walking, and caring for himself. See SOF.¶ 1. There is also no question that CoreLogic knew of these handicaps, as Ms. Arroyo notified CoreLogic about Mikhail’s condition on multiple occasions. SOF ¶ 10.

Mikhail Arroyo's handicaps also prevented him from being able to obtain disclosure of his consumer file from CoreLogic, whose policy limited disclosure to only the actual individuals or a representative possessing a power of attorney. SOF ¶¶ 16-17. He therefore needed someone else to request the disclosures for him.

Here, as a conserved person, Mikhail Arroyo had no ability to give a power of attorney. SOF ¶ 30. Therefore, to obtain his disclosures Mikhail needed an accommodation from CoreLogic's file disclosure policy. Carmen Arroyo's requests for CoreLogic to provide Mikhail's file disclosures to her based on her conservatorship, rather than requiring a power of attorney, is a request for an exception to a generally applicable rule or policy that is necessary based on disability – that is, a request for a reasonable accommodation. See SOF ¶ 10; See also HUD-DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act, p. 10 (May 17, 2004) (“the Fair Housing Act does not require that a request be made in a particular manner or at a particular time. . . a reasonable accommodation request does not need to mention the Act or use the words ‘reasonable accommodation.’”).

The requested accommodation was “reasonable” because disclosing Mikhail's consumer file to Carmen would not have been any more burdensome on CoreLogic than sending the disclosures directly to Mikhail or to a person with “power of attorney,” and also because Carmen's conservatorship appointment carried adequate legal authority over Mr. Arroyo's affairs to receive the disclosure. SOF ¶ 1 (Ms. Arroyo's conservatorship is of the person and the

estate); Conn. Gen. Stat. § 45a-644(a), § 45a-656(a) (outlining authority of each type of conservatorship). Accommodations are reasonable where “they do not pose an undue hardship or a substantial burden” and “cost is modest.” *Olsen*, 759 F.3d at 156.

Finally, the requested accommodation was necessary to afford Mikhail equal access to housing. Carmen intended to use the information from the CoreLogic file to formulate a request that WinnResidential reconsider Mikhail’s application.<sup>6</sup> See SOF ¶ 7. The denial was in fact improper and the information from CoreLogic that Ms. Arroyo sought was essential to proving it so. But without access to the CoreLogic file, Carmen was unable to find out what criminal history Mikhail had that triggered the denial, or to demonstrate to WinnResidential that the criminal history was insignificant and did not even include conviction records. See SOF ¶¶ 4, 6, 37. Mikhail’s application would almost certainly have been approved on individualized review, as his significant disabilities made him extremely unlikely to engage in criminal behavior in the future.<sup>7</sup> SOF ¶ 1. 29.

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<sup>6</sup> In fact, this is precisely the procedure that CoreLogic instructs WinnResidential and other clients that they must follow. In trainings provided to WinnResidential staff, CoreLogic states that “[i]f the applicant questions the decision, suggest they contact [CoreLogic’s] Consumer Relations to review a copy of their [consumer] reports... The applicant must contact Consumer Relations. Property staff should not contact Consumer Relations.” See SOF ¶ 28.

<sup>7</sup> Mikhail’s criminal history consisted entirely of a single, minor charge that did not result in a conviction (see SOF ¶ 37), which was an improper basis on which to deny admission under the HUD criminal records guidance. See HUD Guidance at 5 (“A housing provider with a policy or practice of excluding individuals because of

Indeed, after Carmen, with the assistance of the Connecticut Fair Housing Center, determined what Mikhail's criminal record consisted of, she was able to use that information to persuade her landlord to overlook his criminal history. SOF ¶ 29.

But for his disabilities, Mikhail could have personally requested and obtained the file disclosures himself or executed a power of attorney to allow his mother to do so, and used the contents to challenge the determination that his file contained "disqualifying" records. SOF ¶ 27. Since his disability prevented him from doing so, CoreLogic's refusal to make that disclosure to Mikhail's conservator prevented him from having the same chance to have his application reconsidered as a non-disabled person would have. Consequently, although Mikhail Arroyo's application was processed on April 26, 2016, his admission to housing was delayed by more than a year until June 2017. SOF ¶ 18. Because the accommodation (providing the file disclosure to his conservator) was necessary to afford him equal opportunity to use and enjoy a dwelling, it was required by the FHA.

It is undisputed that CoreLogic declined the accommodation request by refusing to provide Ms. Arroyo with the requested information. CoreLogic never proposed any alternative accommodation, and never made the file disclosures. SOF ¶ 3. There is no suggestion of any undue burden that would've resulted from granting her request and it is difficult to conceive of any as the FCRA requires

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one or more prior arrests (without any conviction) cannot satisfy its burden of showing that such policy or practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest ").

CoreLogic to make such disclosures upon request as a part of its normal course of business.

**C. Count VI: CUTPA violations**

CoreLogic's failure to disclose Mikhail Arroyo's consumer file to his conservator also constitutes a violation of Connecticut's Unfair Trade Practices Act, which prohibits certain unfair practices within the practice of trade or commerce. See Conn. Gen. Stat. § 42-110b(a). Under the so-called "cigarette rule," whether a trade practice is unfair (and thus in violation of CUTPA) depends on whether the practice (1) offends public policy; (2) is immoral, unethical, oppressive, or unscrupulous; or (3) causes substantial injury to consumers. See *Harris v. Bradley Memorial Hospital & Health Center, Inc.*, 296 Conn. 315, 350 (2010). "All three criteria do not need to be satisfied to support a finding of unfairness." *Glazer v. Dress Barn, Inc.*, 274 Conn. 33, 82 (2005). "A practice may be unfair because of the degree to which it meets one of the criteria or because to a lesser extent it meets all three." *Cheshire Mortgage Serv., Inc. v. Montes*, 223 Conn. 80, 106 (1992).

CoreLogic's refusal to disclose tenant-screening reports to conservators is oppressive and causes substantial harm to consumers because that practice effectively makes those disclosures fully unavailable to conserved persons. The practice offends public policy because it frustrates the purpose of 15 U.S.C. § 1681g, a provision of the FCRA that gives all consumers a right to access their credit reports and other background files—access that is necessary for consumers to dispute inaccurate or misleading items, provide explanatory or

mitigating information to the housing providers, creditors, or other users, or simply make wise decisions about the kinds of credit, housing, and other economic opportunities available to the consumer. See also *Handlin v. On-Site Manager, Inc.*, 351 P.3d 226, 230 (Wash. 2015) (tenant-screening company's failure to disclose screening report to rental applicants "deprived the [consumers] of their right to obtain information that has commercial utility for them," frustrating the FCRA's "design[] to benefit consumers by giving them the same right of access to their credit information as is available to landlords, employers, or others who are evaluating their creditworthiness."); See also *Cortez v. Trans Union, LLC*, 617 F.3d 688, 712 (3d Cir. 2010).

**D. Count II: Disability discrimination in services connected with housing**

CoreLogic's policy of refusing to disclose consumer files to people with court-appointed conservators, and its inflexible exclusion of conservators from its "power-of-attorney" policy, can similarly be expected to harm any other conserved person in Connecticut who seeks file disclosures from CoreLogic. While that policy does not overtly discriminate based on disability, a housing practice that has a discriminatory *effect* may violate the Fair Housing Act "even if the practice was not motivated by a discriminatory *intent*." 24 C.F.R. § 100.500 (*italics added*). Indeed, disparate impact claims often "are the result of policies or practices that are not necessarily intended to discriminate but in fact have a disproportionately adverse effect on a protected class." *Rhode Island Human Rights Comm'n v. Graul*, 120 F.Supp.3d 110, 122-23 (D.R.I. 2015). CoreLogic's policy has an unlawful discriminatory effect on people with serious cognitive

disabilities, for which reason the Court should enjoin CoreLogic from continuing to apply that policy throughout Connecticut.

FHA discriminatory effects claims are analyzed under a three-step burden-shifting framework in which (1) the plaintiff must first establish a prima facie case by demonstrating that a policy has a disparate impact, (2) the defendant must then rebut the prima facie case by proving that the “challenged practice is necessary to achieve one or more substantial, legitimate, nondiscriminatory interests,” and (3) the burden then shifts back to the plaintiff to show that the interests justifying the challenged practice “could be served by another practice that has a less discriminatory effect.” *MHANY Mgmt., Inc. v. County of Nassau*, 819 F.3d 581, 617 (2d Cir. 2016); See 24 C.F.R. § 100.500(c).

Establishing a prima facie case requires showing “that a challenged practice caused or predictably will cause a discriminatory effect.” 24 C.F.R. § 100.500(c)(1). The Second Circuit breaks this standard into three parts: (i) “certain outwardly neutral practices,” (ii) “a significantly adverse or disproportionate impact on persons of a particular type,” and (iii) a causal connection between the facially neutral practices and the discriminatory effect. *MHANY Mgmt.*, 819 F.3d at 617, See also *Graul* at 123-24 (“a prima facie case is shown by proof that the plaintiff has suffered an injury because a facially neutral policy deprives members of a protected group in disproportionate numbers of a benefit available to non-members of the group.”); See also *Williams v. ABM Parking Services, Inc.*, 296 F.Supp.3d 779, 789 (E.D.Va. 2017) (disparate impact claim under Americans with Disabilities Act requires showing that a challenged practice “had an adverse

impact on the plaintiff with a disability” and a causal relationship between the identified practice and the disparate impact).

CoreLogic’s policy of not disclosing a consumer’s files to his or her court-appointed conservator, and of requiring people with conservatorships to execute a power-of-attorney authorizing that disclosure, is outwardly neutral; it applies to all consumers and does not facially discriminate on the basis of disability or other protected class status. However, the policy has a significant and disproportionate effect on conserved persons, all or substantially all of whom are people with disabilities and who as a matter of law are unable to execute powers-of-attorney. SOF ¶ 32.

Connecticut law authorizes a conservatorship only when a person is found, by clear and convincing evidence, to have a cognitive impairment that renders him or her “unable to receive and evaluate information or make or communicate decisions to such an extent that the person is unable, even with appropriate assistance, to meet essential requirements for personal needs” and when no less-restrictive means of intervention will enable them to manage their affairs. Conn. Gen. Stat. §§ 45a-644(c); 45a-650. This means every conserved person has or is regarded as having a physical or mental impairment that substantially limit a major life activity—and thus has a cognizable disability (or “handicap”) for Fair Housing Act purposes. See 42 U.S.C. § 3602(h); SOF ¶ 33.

There is a clear disparate impact on people with disabilities because CoreLogic’s policy of refusing to make file disclosures to court-appointed conservators only affects people subject to conservatorship, who by definition are

people with disabilities. In other words, people with disabilities comprise 100% of those harmed by CoreLogic's policy in Connecticut, and this is true despite that people with disabilities comprise only 11% of the general population in Connecticut (12.7% nationally). SOF ¶ 34. By comparison, 0% of those impacted have no disability (since people without disabilities by definition cannot be conserved), even though people without disabilities comprise 89% of the general population. The policy targets people with disabilities with surgical precision, as they're infinite times likelier to be harmed by Defendant's policy than people without disabilities (since no non-disabled people are harmed). See, e.g., *Huntington Branch, N.A.A.C.P. v. Town of Huntington*, 844 F.2d 926, 938 (2d Cir. 1988) (finding the failure to rezone a property for multi-family housing had a disparate impact on minority residents in violation of the FHA when 28% of minority residents were low income compared to 11% of white residents).

There is also a causal link between CoreLogic's power-of-attorney requirement and the discriminatory impact. The same cognitive impairments that require some consumers to have conservatorships also prevents many or all of those consumers from requesting their consumer disclosures on their own. See SOF 32; See also, e.g., SOF at ¶ 9. By requiring a power-of-attorney and refusing to make disclosures to a conservator, CoreLogic effectively denies all such disclosures to conserved persons. SOF ¶ 35. This is a significant, detrimental impact on the entire population of conserved persons and bears a close nexus to their disabilities.

Once a practice is shown to have a discriminatory effect, it only “may still be lawful if supported by a legally sufficient justification[.]” 24 C.F.R. § 100.500. But this requires that the challenged practice advance “one or more substantial, legitimate, nondiscriminatory interests” of CoreLogic and that “[t]hose interests could not be served by another practice that has a less discriminatory effect.” 24 C.F.R. § 100.500(b)(1). Refusing to send consumer disclosures to conservators on behalf of conserved persons does not advance any such interest. CoreLogic has not offered any such purpose and any post-hoc justification formulated in response to this motion would necessarily fail because a “legally sufficient justification must be supported by evidence and may not be hypothetical or speculative.” 24 C.F.R. § 100.500(b)(2).

Accordingly, the Court should find that CoreLogic’s power-of-attorney policy violates the Fair Housing Act, insofar as it precludes conservators from obtaining disclosures on behalf of conserved persons in Connecticut, and permanently enjoin CoreLogic from carrying out that policy. See 42 U.S.C. § 3613(c)(1) (“if the court finds that a discriminatory housing practice has occurred [the Court] may grant as relief, as the court deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order (including an order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate).”).

## VI. Conclusion

For all of the foregoing reasons, the Court should enter judgment under Fed.R.Civ.P. 56(a) in favor of the Plaintiffs as to liability on Counts II, III, IV, and VI

of their Complaint, reserving for trial the amount of damages and other relief to award. The Court should also enter an order permanently enjoining the Defendant from denying requests for consumer disclosures made by conservators seeking information from the consumer files of conserved persons in Connecticut.

Dated: September 11, 2019

Respectfully submitted,

/s/ Greg Kirschner  
Greg Kirschner  
Salmun Kazerounian  
Sarah White  
CONNECTICUT FAIR HOUSING CENTER  
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Joseph M. Sellers (PHV)  
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cwebber@cohenmilstein.com  
bcorman@cohenmilstein.com

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

CONNECTICUT FAIR HOUSING CENTER  
*et al.,*

*Plaintiffs,*

v.

CORELOGIC RENTAL PROPERTY  
SOLUTIONS, LLC,

*Defendant.*

No. 3:18-CV-705 (VLB)

DECLARATION OF CARMEN ARROYO IN SUPPORT OF PLAINTIFFS'  
MOTION FOR SUMMARY JUDGMENT ON FILE DISCLOSURE CLAIMS

Carmen Arroyo states that the following is true and correct:

1. I, Carmen Arroyo, am the plaintiff in this action on behalf of myself and as next-friend for my son, Mikhail Arroyo.

2. Mikhail was involved in an accident in 2015 that has left him unable to walk, speak, or care for himself.

3. Because of Mikhail's disabilities, I provide care for him. I have also been appointed as Mikhail's conservator and am responsible for managing his legal and financial affairs (i.e. conservator of the estate and the person).

4. Following Mikhail's accident, he recuperated in a nursing home; by early 2016, he was nearing the point when he would be ready for discharge.

5. I planned to move Mikhail into my apartment after he had recovered sufficiently for discharge from the nursing home. For that reason I secured a

larger apartment, and in April 2016 submitted an application formally requesting permission from my landlord, WinnResidential, to add Mikhail to my household.

6. WinnResidential subsequently informed me that my request to add Mikhail to my household was declined based on disqualifying criminal records in his background report from Defendant CoreLogic.

7. Despite this denial of Mikhail's application, I still wanted to secure permission from WinnResidential to add Mikhail to my household. I decided to gather additional information with which I hoped to persuade WinnResidential to admit him.

8. At the time, I was not aware of Mikhail having criminal records. I asked Melissa Curry, the WinnResidential office manager in my building, for more information about the reason for denial, but she stated that she could not give me more information, directed me to contact CoreLogic and provided their telephone number.

9. I called CoreLogic and spoke with someone in their consumer relations department. I requested a copy of Mikhail's consumer file. I don't recall the exact date of the call but it took place in April 2016 and was after the denial of Mikhail's application on April 26. This was the first of several telephone calls I had with CoreLogic between then and November 2016.

10. In my telephone calls with CoreLogic I communicated that I was the court-appointed conservator for Mikhail Arroyo and was authorized to obtain a copy of his consumer file, that the information was needed in an effort to secure

rental housing, and that Mikhail had disabilities that prevented him from making the request himself.

11. After calling CoreLogic the first time, I received a consumer disclosure request form in the mail from CoreLogic. I returned the completed form on June 14, 2016 and enclosed with the form with certain documentation CoreLogic requested. This documentation included a completed consumer disclosure request form that I had signed, and which listed Mikhail's name, date of birth, and previous addresses; copies of my driver's license and of Mikhail's photo ID, and a copy of my certificate of conservatorship over Mikhail. Attached as Exhibit C is copies of the documents I sent CoreLogic in June 2016.

12. By the fall of 2016, I had not received any further response from CoreLogic regarding my request for Mikhail's file. I therefore called CoreLogic again and reiterated my request for disclosure of Mikhail's consumer file. I again communicated that Mikhail had disabilities that kept him from making the request himself, that I was his conservator, and that the disclosures were needed in connection with an effort to secure housing. The CoreLogic representative with whom I spoke acknowledged that CoreLogic had received my earlier requests and follow-up documentation, but stated that I would need to obtain a "power of attorney" from Mikhail in order to receive his file.

13. After being told I needed a "power of attorney" to obtain Mikhail's consumer file, I spoke with the attorney handling Mikhail's conservatorship and learned that a conservatorship carries greater authority than a power of attorney. Upon learning that information, I called CoreLogic again and told the

representative I had learned a power of attorney wasn't necessary to obtain Mikhail's disclosures because the conservatorship provided even greater authority; the representative promised to follow up with CoreLogic's legal department regarding this issue.

14. After this call, a CoreLogic employee, Tina Marie Santos, began following up with me regarding the request. I had multiple phone conversations with Ms. Santos, throughout which I made clear that I was seeking a copy of Mikhail's consumer file, that I was his conservator and was requesting the file for him because Mikhail's disabilities made him unable to request the file himself, and that the disclosures were sought in connection with an effort to secure housing. Ms. Santos also requested additional documentation from me, which I faxed to her on or about November 15, 2016. A copy of the fax I sent to Ms. Santos on or about November 15, 2016, is attached as Exhibit D.

15. Despite the extensive follow-up, my conversations with Ms. Santos did not result in me receiving disclosures of Mikhail's CoreLogic file. Ms. Santos repeatedly stated that "legal" would need to make a decision on whether to provide the disclosures and, if so, what documentation CoreLogic would require first. Ms. Santos continually reported that she was waiting on "legal" to make a decision, but to my knowledge no such decision was ever made. Neither Ms. Santos nor CoreLogic offered any alternative proposals as to how I could obtain Mikhail's file.

16. I understand that CoreLogic produced audio recordings of telephone calls between myself and CoreLogic personnel, and that those recordings have

been transcribed by a court reporter. I have reviewed the transcripts. Attached as Exhibit E to this declaration are true and correct transcripts of certain telephone communications between me and CoreLogic personnel that took place between April and November of 2016, in connection with my efforts to obtain a copy of Mikhail's consumer file disclosures.

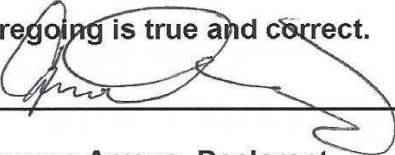
17. When I still could not obtain a copy of Mikhail's file from CoreLogic after my conversations with Ms. Santos, I contacted the Connecticut Fair Housing Center for assistance with this matter in December 2016. I had no further communications with CoreLogic after that point.

18. But for his disabilities, Mikhail could have personally requested and obtained the file disclosures himself or executed a power of attorney to allow me to do so and used the contents to challenge the determination that his file contained "disqualifying" records.

19. After I determined what Mikhail's criminal record consisted of on my own, with the assistance of the Connecticut Fair Housing Center I was able to persuade WinnResidential to reverse its decision and allow Mikhail to move into my apartment. I was finally able to move Mikhail out of the nursing home in June 2017.

20. I am of sound mind and have made these statements of my own free will; I am competent to testify and if called as a witness in this matter would state as contained in this declaration.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

  
\_\_\_\_\_

Carmen Arroyo, Declarant

Date: 11 Sept 2019



# CONSUMER DISCLOSURE REQUEST FORM

Form CRD-001

(Please print legibly in blue or black ink)

## SECTION A: Type of Request

(Check one of the following. Refer to the Instructions on page 1, item #1-#3 for assistance.)

1. ☒ I qualify for a free copy of my consumer file because: (See item #2 of the Instructions)

Check one of the following:

- (a) ☐ I am requesting my free annual consumer file disclosure under the Fair Credit Reporting Act (FCRA).  
 (b) ☐ I reside where state laws entitle me to one or more free copies per year, and under such law, I qualify for another free copy of my consumer file. (See instructions sheet for states.)  
 (c) ☐ I have been notified of an adverse action based on information in my consumer file and have enclosed the qualifying information. (Proceed to section B)  
 (d) ☐ I suspect my file may contain fraudulent information or I may be the victim of identity theft.  
 (e) ☐ I can certify in writing that I am unemployed or currently receiving public assistance. I have enclosed the qualifying information.  
 (f) ☐ I am requesting a copy of a consumer file for a minor. (Complete All of Section C Below)

## SECTION B: Where/With Whom You Applied

(Complete this section if you checked boxes #1 and (b) above)

Housing/Employment Application Date: MAY 2016Prospective Landlord/Employer Name: ARTSPACE WINDHAMContact Person: Melissa Desjardins Phone Number: (860) 423-1283Street Address: 480 main st Apt 312City: WHTC State: CT Zip: 06226

## SECTION C: Consumer Identifying Information

A legible copy of a valid and verifiable government-issued photo identification

(i.e. driver's license, passport, etc.).

Full Name: First: Mikhail Middle: J Last: ARROYOCheck one if applicable: ☐ Jr. ☐ Sr. Date of Birth: 1994List Maiden or Other Names Used: NONE

Social Security or Individual Tax Identification Number (ITIN): \_\_\_\_\_

Phone Numbers: Home(\_\_\_\_\_) \_\_\_\_\_ Work(\_\_\_\_\_) \_\_\_\_\_ Cell (860) 420-7211

Minor's Name: First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_

Check if applicable: ☐ Jr. Date of Birth: \_\_\_\_\_

Social Security or Individual Tax Identification Number (ITIN): \_\_\_\_\_

List all addresses where you have resided over the past seven years: (Information will be mailed to current address).  
 If your current address is different from the address listed on your photo ID, please include a recent tax bill, or utility bill for proof of address (i.e. phone bill, cable bill, electric bill etc.)

1. Current Street Address: 745 main st (Riverside Rehab Center) Apt.#: \_\_\_\_\_City: East Hartford State: CT Zip: 06108

(Form continues on next page)

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2. Previous Street Address: 24 Carey St Apt.#: 1st Floor  
 City: Ham Willimantic State: CT Zip: 06220

3. Previous Street Address: 574 Ashford Center Apt.#: \_\_\_\_\_  
 City: Ashford State: CT Zip: 06278

4. Previous Street Address: \_\_\_\_\_ Apt.#: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

5. Previous Street Address: \_\_\_\_\_ Apt.#: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

6. Previous Street Address: \_\_\_\_\_ Apt.#: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

7. Previous Street Address: \_\_\_\_\_ Apt.#: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

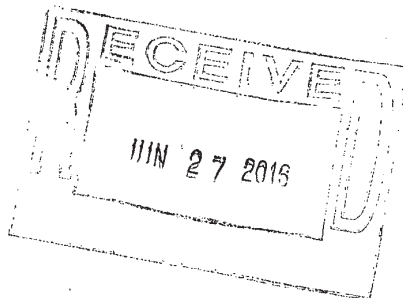
BY SUBMITTING THIS FORM, I AGREE THAT I AM THE PERSON NAMED ABOVE AND I UNDERSTAND THAT IT MAY BE A VIOLATION OF FEDERAL AND/OR STATE LAW TO OBTAIN A CONSUMER REPORT ON ANY PERSON OTHER THAN MYSELF, AND THAT UNDER THE FAIR CREDIT REPORTING ACT, ANY PERSON WHO KNOWINGLY AND WILLFULLY OBTAINS INFORMATION ON A CONSUMER FROM A CONSUMER REPORTING AGENCY UNDER FALSE PRETENSES SHALL BE FINED UNDER TITLE 18, UNITED STATES CODE, IMPRISONED FOR NOT MORE THAN 2 YEARS, OR BOTH.

I swear, under penalty of law, that to the best of my knowledge, the information provided above is true and correct.

Printed Name: Mikhail J Arroyo

Signature: \_\_\_\_\_ Date: 6/14/2016

Carmen m Arroyo (mother of mikhail J. Arroyo)



FIDUCIARY'S PROBATE  
CERTIFICATE/CONSERVATORSHIP  
PC-450C REV. 10/14

STATE OF CONNECTICUT  
COURT OF PROBATE

|  |  |  |
|--|--|--|
| COURT OF PROBATE, Windham - Colchester Probate District                          |  | DISTRICT NO. PD28                          |
| ESTATE OF/IN THE MATTER OF<br><br>Mikhail J. Arroyo (15-00319)                   |  | DATE OF CERTIFICATE<br><br>August 13, 2015 |
| FIDUCIARY'S NAME AND ADDRESS<br>Michael Arroyo, CMR 450, Box 585, APO., AE 09705 | FIDUCIARY'S POSITION OF TRUST<br>Co Conservator of person and estate | DATE OF APPOINTMENT<br>August 12, 2015     |
| Carmen Arroyo, P.O. Box 900, Willimantic, CT 06226                               | Co Conservator of person and estate                                  | August 12, 2015                            |

*The undersigned hereby certifies that the fiduciary in the above-named matter has accepted appointment, is legally authorized and qualified to act as such fiduciary, and the appointment is unrevoked and in full force as of the above date of certificate.*

**This certificate is valid for one year from the date of the certificate.**

*Limitation, if any, on the above certificate:*

The Court assigns the conservator(s) of the person the following duties and authorities that are the least restrictive means of intervention necessary to meet the needs of the conserved person:

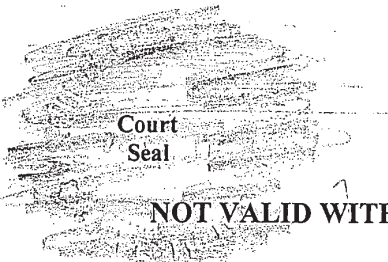
1. Make decisions regarding general custody of the conserved person;
2. Establish the conserved person's residence within the state, subject to the provisions of C.G.S. §45a-656b
3. Give consent for the conserved person's medical and other professional care, counsel, treatment or services; and
4. Provide for the care, comfort and maintenance of the conserved person

**CONSERVATOR OF ESTATE:**

1. Manage the estate, property and finances of the of the conserved person (includes banking transactions), including but not limited to, the authority to collect and receive all funds and benefits to which the conserved person is entitled to, such as by way of example, but not limited to Social Security benefits and any other governmental benefits and income and/or distributions in any form to which the conserved person may be entitled to receive from time to time;
2. Apply the estate of the conserved person to support the conserved person;
3. Pay legal debts and obligations of the conserved person; and
4. Apply for such benefits as the conserved person may be entitled to, including but not limited to, disability, Title XIX, Social Security and other similar governmental benefits or governmental programs, if she is not already receiving said benefits or programs, and to take whatever action is necessary to maintain such benefits and/or programs.

The conservator of the person shall immediately determine whether the conserved person owns or has access to firearms, ammunition or electronic defense weapons, and take immediate steps to secure them.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of this court on the above date of certificate.



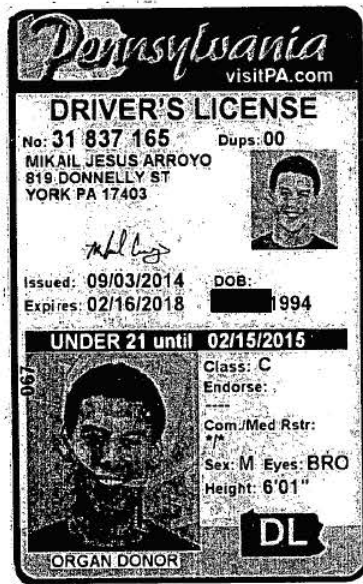
*Kelley J. Clairmont*  
Kelley J. Clairmont, Chief Clerk

**NOT VALID WITHOUT COURT OF PROBATE SEAL IMPRESSED**

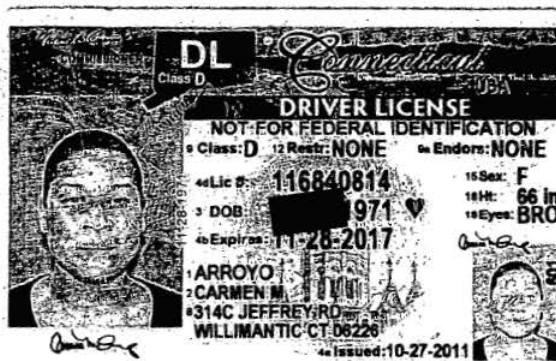
**ARROYO000577**

FIDUCIARY'S PROBATE CERTIFICATE/CONSERVATORSHIP

PC-450C



ARROYO000578



ARROYO000579

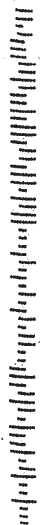
18-cv-00705-VLB Document 87-6 Filed 09/11/19 Page

Mikhail Arroyo  
Carmen Arroyo  
480 Main St Apt 312  
WUTC CT 06226

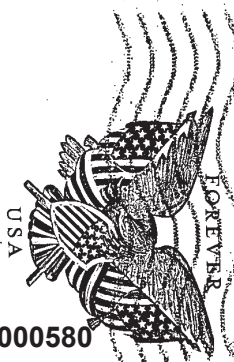
Core Logic Safe Rent  
P.O. Box 509124  
San Diego, CA 92150

RECEIVED  
JUN 27 2016

92150-912424



HARTFORD CT 061  
02 JUN 2016 PM 41



ARROYO000580

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THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT 



ARROYO000581

**NANCY B. ALISBERG**

80 Fox Chase Lane  
West Hartford, CT 06117  
(h) 860 561-3310 (c) 860 716-6713 Nancy.alisberg@gmail.com

**EMPLOYMENT**2017-18 **DISABILITY RIGHTS CONNECTICUT**

Hartford, CT

*Founder* – One of the founders of the non-profit legal agency designated by Governor Malloy to be the protection and advocacy system for the State of Connecticut. Instrumental in writing new agency by-laws and in selecting original board members.

*Legal Director* - Responsible for supervision of Legal Unit of agency that advocates for the civil rights of persons with disabilities within Connecticut. Participated in hiring decisions. Supervised staff attorneys and legal interns. Worked extensively with Titles I, II, III and V of the Americans with Disabilities Act, § 504 of the Rehabilitation Act, and state anti-discrimination laws. Lead attorney on all federal court litigation within agency, including individual cases and systemic class actions. Advised Executive Director on disability related legal issues. Collaborated with other civil rights and disability rights public and private agencies.

2000 - **STATE OF CONNECTICUT OFFICE OF PROTECTION AND ADVOCACY FOR PERSONS**  
2017 **WITH DISABILITIES** Hartford, CT

MANAGING ATTORNEY – Responsible for supervision of Legal Unit of State agency that advocated for the civil rights of persons with disabilities within the state until 2017. Supervised staff attorneys and legal interns. Supervised Program Directors in Case Services Unit (2000-2008). Supervised Education Unit (2012-2014). Supervised unit secretary. Worked extensively with Titles I, II, III and V of the Americans with Disabilities Act, § 504 of the Rehabilitation Act, and state anti-discrimination laws. Provided legal support to advocates in case services unit. Participated in PPT meetings and mediations. Lead attorney on all federal court litigation within agency, including individual cases and systemic class actions. Drafted complaints, conducted discovery, wrote briefs and argued before administrative agencies, trial and appellate courts. Freedom of Information Officer. Advised Executive Director on disability related legal issues. Wrote amicus briefs in state and federal courts. Drafted testimony and testify at legislative public hearings. Drafted comments on proposed state and federal regulations. Collaborated with other civil rights and disability rights public and private agencies.

- *Served on Legal Committee of National Disability Rights Network 2008-2014. Chair from 2013-2014.*
- *Conduct trainings at NDRN annual meetings, speak at Disability Rights classes at UConn and Yale Law Schools, organized training with Connecticut Hospital Association on forced medications.*
- *Member of Connecticut Cross Disability Lifespan Alliance and 2020 Coalition.*
- *Certificate of Recognition for Outstanding Service and Performance from the United States Attorney's Office, District of Connecticut, 2015.*
- *Counsel in OPA v. Choinski, litigation against the Connecticut Department of Correction for failure to provide adequate mental health treatment in Supermax and mental health prisons.*
- *Counsel in OPA v. CT, Olmstead action on behalf of individuals with mental illness residing in nursing homes.*
- *Counsel in Blick v. Office of the Division of Criminal Justice opposing physician assisted suicide.*
- *Counsel in numerous actions opposing Do Not Resuscitate orders.*
- *Extensive work with Connecticut's Deaf Community.*
- *Award from Connecticut Association of the Deaf.*
- *Member of the Disability Rights Bar Association.*

1990 – 2000 **NEW YORK CITY COMMISSION ON HUMAN RIGHTS**

New York, NY

SUPERVISING ATTORNEY 1996 – 2000: Supervised Staff Attorneys and Human Rights Investigators. Reviewed investigations and probable cause determinations for sufficiency. Provided support to staff attorneys at mediations and public hearings. Maintained caseload.

Nancy B. Alisberg

STAFF ATTORNEY 1990 – 1996: Responsible for cases alleging employment, housing or public accommodation discrimination at agency responsible for enforcing the City Human Rights Law. Mediated cases before agency mediation division. Tried cases after probable cause determinations. Significant disability discrimination caseload.

1993-1995      **NEW YORK LAW SCHOOL**      New York, NY

LEGAL WRITING INSTRUCTOR – Taught first year class on legal writing. Judged moot court.

1983- 1990      **NEIGHBORHOOD LEGAL SERVICES**      Hartford, CT

STAFF ATTORNEY 1985-1990: As a member of the Civil Rights Unit, litigated systemic and individual cases of employment discrimination, wrongful termination and police misconduct before public agencies, state and federal courts. As Director of Farmworker Unit (1987-1990) conducted outreach to migrant farmworkers and litigated a federal class action on behalf of minor tobacco workers. As Director of Hispanic Advocacy Project (1988-1990) conducted outreach to the community on immigration law (IRCA). Attorney in Sheff v. O'Neill on behalf of Hispanic children.

REGINALD HEBER SMITH COMMUNITY LAWYER FELLOW 1983-1985: Two-year fellowship to work with community groups within the City of Hartford. Provided assistance with non-profit incorporation. Advised groups regarding civil rights including employment discrimination and police misconduct. Maintained caseload of civil rights cases before Commission on Human Rights and Opportunities and cases within state and federal courts.

#### **BAR ADMISSIONS**

- State of Connecticut
- New York State
- District Courts of Connecticut, Southern District of New York and Eastern District of New York
- Second Circuit Court of Appeals
- Supreme Court of the United States

#### **EDUCATION**

**Beloit College, BA**  
Beloit, WI

**Western New England School of Law, JD**  
Springfield, MA

Honors  
Law Review

Note: Disability Law – The Developmentally Disabled Assistance and Bill of Rights Act is Alive and Well in New Hampshire – Developmental Disabilities Advocacy Ctr. v. Melton, 689 F.2d 281 (1<sup>st</sup> Cir. 1982), 5 WNEC L. Rev. 537 (1983)

Note: Family Law – In re Dept. of Publ. Welfare, 421 N.E.2d 28 (1981), 6 WNEC L. Rev. 447 (1983)

Clinical Experience

Disability Rights Clinic at the Center for Public Representation, Northampton, MA.

#### **LANGUAGES**

Conversational Spanish

**NANCY B. ALISBERG, J.D.**  
**80 Fox Chase Lane**  
**West Hartford, CT. 06117**  
**[nancy.alisberg@gmail.com](mailto:nancy.alisberg@gmail.com)**  
**860-716-6713**

April 15, 2019

Salmun Kazerounian, Staff Attorney  
Connecticut Fair Housing Center  
60 Popieluszko Court  
Hartford, CT. 06105

Dear Mr. Kazerounian:

The following letter comprises my written report with respect to the above-titled case.

As is required by Fed. R. Civ. P. 26(a)(2)(B), this report will contain:

- (i) a complete statement of all the opinions I will express, and the basis and reasons for those opinions;
- (ii) The facts or data I considered in forming those opinions;
- (iii) My qualifications are contained in the accompanying CV. I practiced law from 1983-2018 when I retired. During that time, I practiced civil rights law, including disability law. Since 2000, I practiced exclusively in the field of disability rights. In my practice I had many clients who were conserved. I was required to know the standards for conservatorship and the rights of both the conservator and the conserved person. I have authored no publications in the previous ten years;
- (iv) I have not previously testified as an expert at trial or by deposition, so there is no accompanying list of cases; and
- (v) I am being compensated at the rate of \$200/hour for the research and writing the report. I will be compensated at the rate of \$200/hour for testimony at deposition or trial. I will be reimbursed for necessary travel expenses.

I was asked to write a report regarding the population subject to involuntary conservatorships in Connecticut to opine as to (1) whether, and to what degree, people who are involuntarily conserved are disproportionately likely to be individuals with disabilities as defined by the Fair Housing Act as compared with the general population, and (2) whether, and to what

degree, people who are involuntarily conserved are less likely than the general population to have the capacity or ability to designate an attorney-in-fact. My expert opinion is that people who are involuntarily conserved are indeed disproportionately more likely to be individuals with disabilities as defined by the Fair Housing Act as compared to the general population. It is also my opinion that people who are involuntarily conserved are less likely than the general population to have the capacity or ability to designate an attorney-in-fact, commonly known as a Power of Attorney. Finally, as the answer to these questions is merely a matter of logic as will be seen below, no statistical analysis is necessary.

The data I used to form my opinion is as follows:

- 1) Conn. Gen. Stat. §§ 45a-644, 649, 650, 562, 653, 655, 656, 660.
- 2) 2013 Connecticut General Statutes Title 45a – Probate Courts and Procedure Chapter 802e – Durable Power of Attorney Section 45a-562 – (Formerly Sec. 45-690). Power of Attorney to survive disability or incompetence.
- 3) Incapacity, Powers of Attorney & Adoption in Conn. § 2.7 (3d) (2019)
- 4) Incapacity, Powers of Attorney & Adoption in Conn. § 2.7 (3d)(2019).
- 5) Conn. Gen. Stat. §§ 1-350a, 350c, 350d, 350e, 350g., 350i.
- 6) OLR Research Report, Power of Attorney-Mental Capacity, Feb. 11, 2002, 2002-R-0094
- 7) Public Act No. 16-40, An Act Concerning Revisions to the Connecticut Uniform Power of Attorney Act.
- 8) OLR Bill analysis, 20016 SB 142, An Act Concerning Revisions to the Connecticut Uniform Power of Attorney Act and Adoption of the Connecticut Uniform Recognition of Substitute Decision-making Documents Act.
- 9) OLR Bill analysis, 20016 SB 142 (as amended), An Act Concerning Revisions to the Connecticut Uniform Power of Attorney Act and Adoption of the Connecticut Uniform Recognition of Substitute Decision-making Documents Act.
- 10) 42 U.S.C. § 3602.

11) 24 C.F.R. § 100.201, 202.

12) Connecticut Probate Courts, 2016-2017 Biennial Report.

13) Connecticut Standards of Practice for Conservators, 2018.

- 1) Whether, and to what degree, are people who are involuntarily conserved disproportionately more likely to be individuals with disabilities as defined by the Fair Housing Act as compared to the general population?

The simple answer to this question is an unqualified yes. People who are involuntarily conserved are all more likely to be individuals with disabilities as defined by the Fair Housing Act as compared to the general population. A person who is found by a Connecticut probate court to require that a conservator of estate be appointed is someone who is “incapable of managing his or her own affairs.” Conn. Gen. Stat. § 45a-644 (a). Similarly, a person who is found by a Connecticut probate court to require a conservator of person is an individual who is “incapable of caring for himself or herself.” Conn. Gen. Stat. § 45a-644(b). A person is incapable of caring for one’s self if the “person has a mental, emotional or physical condition that results in such person being unable to receive and evaluate information or make or communicate decisions to such an extent that the person is unable, with the appropriate assistance, to meet essential requirements for personal needs.” The person is incapable of managing his or her affairs if that person “has a mental, emotional or physical condition that results in such person being unable to receive and evaluate information or make or communicate decisions to such an extent that the person is unable, even with appropriate assistance, to perform the functions inherent in managing his or her affairs.” Conn. Gen. Stat. 45a-644(c) and (d).

The definition of disability<sup>1</sup> under the Federal Fair Housing Act is (1) a physical or mental impairment which substantially limits one or more of such person’s major life activities,

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<sup>1</sup> The Fair Housing Act uses the term “handicap” rather than disability. The term “disability” is the preferred term of those with disabilities, and this report shall use that term exclusively.

(2) a record of having such an impairment, or (3) being regarded as having such an impairment.

42 U.S.C. § 3602(h). The regulations that enforce the Federal Fair Housing Act provide a further definition of the terms used in the statute.

(a) Physical or mental impairment includes:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

(2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

(b) Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(c) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(d) Is regarded as having an impairment means:

(1) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;

(2) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of other toward such impairment; or

(3) Has none of the impairments defined in paragraph (a) of this definition but is treated by another person as having such an impairment.

Clearly, not all individuals who have a disability under the Fair Housing Act would also be considered incapable of caring for themselves or managing their affairs and thus require a conservator under Connecticut law. Many thousands of people have different forms of

disabilities and are more than able to care for themselves and manage their affairs. Conversely, however, all individuals who are found to be incapable under Connecticut law and thus require a conservator, would meet the definition of disability under the Fair Housing Act. This is particularly clear because under the conservatorship statutes in Connecticut, an individual must be found to have a “mental, emotional or physical condition.” Similarly, the Fair Housing Act also requires that the individual have a “physical or mental impairment.” For the purposes of this report, the term “general population” means all people, both with and without disabilities. In the United States in general, only 12.7% of the general population is comprised of individuals with disabilities. In Connecticut, the figure is approximately 11%<sup>2</sup>. Thus, the remaining 87.3% of the general population are people who do not have disabilities, and these people would be neither conserved nor covered under the disability provisions of the Fair Housing Act. Therefore, the answer to the first question is an unequivocal “Yes.” It is my opinion that people who are involuntarily conserved are disproportionately likely to be individuals with disabilities as defined by the Fair Housing Act.

2) Whether, and to what degree, are people who are involuntarily conserved less likely than the general population to have the capacity or ability to designate an attorney-in-fact?

Both the conservatorship statutes and the statutes governing power of attorney agreements provide significant guidance as to the effect of a subsequent conservatorship on a power of attorney. However, there is little guidance as to the ability of a conserved person to enter into a power of attorney agreement. Therefore, to answer this second question, one must look at the obligations of the conservator and then determine whether the conserved person retains any

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<sup>2</sup> See Erickson, W., Lee, C., von Schrader, S. (2017). Disability Statistics from the American Community Survey (ACS). Ithaca, NY: Cornell University Yang-Tan Institute (YTI). Retrieved from Cornell University Disability Statistics website: [www.disabilitystatistics.org](http://www.disabilitystatistics.org)

rights that will permit them to enter into a contract - for a power of attorney is in effect just that – a contract for one person to act as a principal and another person to be delegated the authority to act as an agent. Conn. Gen. Stat. § 1-350a.

While the conserved person does retain a certain amount of autonomy<sup>3</sup>, the probate court requires that when an application for the appointment of a conservator is filed, the respondent receive notice stating that “if the [probate] application is granted and a conservator is appointed for you, *you will lose some of your rights*.... While the purpose of a conservator is to help you, you should be aware that *the appointment of a conservator limits your rights*. Among the areas that may be affected are: Accessing and budgeting your money; Deciding where you live; Making medical decisions for you; Paying your bills; Managing your real and personal property.” 45a-649(b) (emphasis added). These are the very areas that impact upon the capacity of a conserved person to enter into a power of attorney.

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<sup>3</sup> Conn. Gen. Stat. § 45a-656(b). This autonomy is also described by the Connecticut Standards of Practice for Conservators 2018 at 4.

When making decisions on behalf of the conserved person, the conservator shall:

- A. Seek a clear understanding of the issue, the available alternatives and the expected outcomes, risks and benefits of each alternative;
- B. Encourage the conserved person to participate in the decision-making process; and
- C. Follow the conserved person’s preferences unless adherence would cause substantial harm.

**Conserved Person’s Current Preferences**

The conservator shall seek to determine the conserved person’s current preferences by asking the conserved person what he or she wants. The conservator shall arrange appropriate assistance if the conserved person has difficulty expressing what he or she wants.

**Substituted Judgment**

If the conserved person is unable to express current preferences, the conservator shall use substituted judgment to determine what the conserved person’s preferences would have been if the conserved person currently had capacity. When using substituted judgment, the conservator shall look to the conserved person’s past practices and past expressions of preferences and shall seek input from family, friends, professionals and others who are familiar with the conserved person.

The legislature has made clear that a conservator may not “be appointed if the respondent’s personal needs and property management are being met adequately by an agency or *individual appointed pursuant to the provisions of sections 1-350g....*” Conn. Gen. Stat. § 45a-650(f)(3) (emphasis added). Therefore, if an individual had entered into a power of attorney agreement prior to a petition for conservatorship, and if the court found that the individual’s needs were being met, the court would deny the conservatorship petition. The legislature also laid out nine factors for the courts to use to determine whether a conservator should be appointed. The seventh of these factors requires the court to determine “whether the respondent had previously made adequate alternative arrangements for the care of his or her person or for the management of his or her affairs, including, but not limited to, the execution of a durable power of attorney, springing power of attorney...or the execution of any other similar document.” Conn. Gen. Stat. § 45a-650(g). Again, if the probate court found that a power of attorney provided “adequate alternative arrangements” then the court would deny the conservatorship petition.

More directly with respect to the question posed, the conservatorship statutes also provide that if an application for appointment of conservatorship is filed with the town clerk where the respondent owns real property, any contract entered into by the respondent between the time the application is filed and the ruling by the court on the conservatorship petition “shall not be valid without the approval of the court.” Conn. Gen. Stat. § 45a-653(a). Thus, if the respondent entered into a power of attorney agreement while a conservatorship application was pending, that power of attorney agreement would not be valid without approval of the court. Furthermore, the probate court would still have to make an adequacy determination of the power of attorney when ruling on the application for conservatorship. If even a respondent to a conservatorship petition does not have authority to enter into a contract without court approval, it is reasonable to assume

that a person under a conservatorship similarly does not have such authority. Simply put, since the conservator of person has the “duty and responsibility for the general custody of the conserved person,” that “general custody” can be read to include the ability to enter into a contract like a power of attorney. Conn. Gen. Stat. § 45a-656(a)(1).

If the conserved person had entered into a power of attorney agreement prior to the appointment of the conservator, when that conservatorship is terminated the court “shall order the reinstatement of any authority of any agent under a power of attorney that was previously limited or suspended by the court because of the conservatorship.” Conn. Gen. Stat. § 45a-660(a)(1). Additionally, if after a power of attorney has been entered into before a court appoints a conservator, “the court may continue, limit, suspend or terminate the power of attorney...If the power of attorney is suspended pursuant to this subsection, then the power of attorney shall be reinstated upon termination of the conservatorship as a result of the principal regarding capacity.” Conn. Gen. Stat. § 1-350g(b). Neither of these sections address the specific question as to whether a person under a conservator can enter into a power of attorney. However, given the scope of authority the conservator has over the conserved person, and given the necessity that the court determine whether a previously entered into power of attorney may continue, it would defy logic to believe that a person under a conservatorship can enter into a power of attorney.<sup>4</sup>

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<sup>4</sup> There has been discussion in the literature regarding the effect of a conservatorship on the ability of a conserved person to contract. See *Incapacity, Powers of Attorney & Adoption in Conn.* § 2.6 (3d ed.) 2019.

When a conservator has been appointed by the Probate Court following an adjudication that a person is incapable of managing his or her affairs, the effect of that appointment is to...render...him or her conclusively incapable of making valid contracts or conveyances while the conservatorship continues....In other words, the contracts of the incapable person are not simply voidable but absolutely void.”

*Id.* (internal citations deleted). See also *Incapacity, Powers of Attorney & Adoption in Conn.* § 2.6 (3d ed.) 2019. “The appointment of a conservator deprives the conserved person ‘of substantially all power over his estate.’” (Internal citations deleted”). Therefore, in 1969 the Connecticut Appellate Division of the Connecticut Circuit held that “someone who is not in a mental condition to contract and conduct his business is not in a condition to appoint an agent for that purpose. *Beaucar v. Bristol Fed. Sav. & Loan Assn.*, 6 Conn. Cir. Ct. 148 (1969).

This second question also asks me to opine on whether people who are involuntarily conserved are “less likely than the general population to have the capacity or ability to designate an attorney-in-fact.” In the prior section, I determined that the term “general population” means both people who do and do not have disabilities and that 87.2% of this population comprise the sector that do not have disabilities.<sup>5</sup> Given that this group of individuals without disabilities would not have lost any of their rights to contract or to enter into a power of attorney, it is clear that at most only some segment of the 12.7% of the population with disabilities may have been found to be incapable and in need of a conservator and will therefore be unable to enter into a power of attorney and designate an attorney-in-fact. Again, the answer to the second question is an unequivocal yes. It is my opinion that people who are involuntarily conserved are less likely than the general population to have the capacity or ability to designate an attorney-in-fact.

Very truly yours,

/s/  
Nancy B. Alisberg, J.D.

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<sup>5</sup> See *supra* at 5.

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF CONNECTICUT

3 Case No. 3:18-cv-00705-VLB

4 \_\_\_\_\_  
5 CONNECTICUT FAIR HOUSING CENTER

6 and

7 CARMEN ARROYO, individually and  
8 as next friend for Mikhail Arroyo

9 Plaintiffs,

10 v.

11 CORELOGIC RENTAL PROPERTY  
12 SOLUTIONS, LLC

13 Defendant.

14 \_\_\_\_\_  
15  
16 Deposition of Carmen Arroyo  
17 Wednesday, July 24, 2019  
18 Connecticut Fair Housing Center  
19 60 Popieluszko Court  
20 Hartford, Connecticut  
21 12:06 p.m. - 4:23 p.m.

22  
23 ----- Sharon Roy, RPR -----  
24 Planet Depos  
25 451 Hungerford Drive, Suite 400  
Rockville, MD 20850  
888.433.3767

Transcript of Carmen Arroyo  
Conducted on July 24, 2019

38

1 Q. Do you know if Ms. Cuerda reached out to  
2 WinnResidential on your behalf?

3 A. Yes.

4 Q. And do you know about the conversation  
5 she had with WinnResidential?

6 A. I know that she submitted a -- what's the  
7 name of that .... a recommendation, a letter,  
8 accom -- a --

9 Q. If I said reasonable accommodation, is  
10 that what you're looking for?

11 A. Yes, that's it.

12 Q. I saw it was on the tip of your tongue.

13 A. I was like, I know it's something like  
14 accommodating.

15 Q. No problem. So you believe that she made  
16 certain requests to WinnResidential for a reasonable  
17 accommodation?

18 A. Yes. That was the -- when she called,  
19 she said that she had sent something over to them  
20 and that they were just still trying to hear back.

21 Q. Do you know if WinnResidential ever  
22 granted you a reasonable accommodation?

23 A. If WinnResidential -- no, they -- they  
24 didn't, I don't believe. I don't think so, no.

25 Q. So when you were denied, so when you were

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

**CARMEN ARROYO, et al.,**

***Plaintiffs,***

**-v-**

**CORELOGIC RENTAL PROPERTY  
SOLUTIONS, LLC,**

***Defendant.***

**Case No. 3:18-cv-00705-VLB**

**DECLARATION OF ANGELA BARNARD**

**I, Angela Barnard, make this declaration pursuant to 28 U.S.C. § 1746:**

**1. I am currently employed as a Senior Leader of Operations – Credit Services, Consumer Services with CoreLogic Rental Property Solutions, LLC (“RPS”). I have held this position since November 16, 2016. In that role, I oversee and supervise the department that processes file disclosure requests made to RPS by consumers.**

**2. I am over the age of 18 and otherwise competent to make this Declaration.**

**3. Based on my experience at RPS and review of business records, I have personal knowledge of the facts set forth in this declaration and am competent to testify as to the matters stated below.**

**4. Further, the documents attached as exhibits to this declaration are true and accurate copies, which are kept in the regular course of RPS’s business, and which were generated as a regular practice of RPS at the time that the events that are reflected in those documents occurred.**

5. A consumer may obtain his or her consumer file from RPS for free upon request.

6. The file disclosure process at RPS is unrelated to any prior reporting by RPS. Any consumer can request access to the criminal record data maintained by RPS at the time of the request, regardless of whether they have been the subject of a prior screening by RPS.

7. At the time Plaintiff Carmen Arroyo's ("Ms. Arroyo") file disclosure requests were made in 2016 (detailed below), RPS maintained written policies and procedures for granting consumers access to their RPS consumer file.

8. To satisfy the statutory requirement under the Fair Credit Reporting Act that consumers submit "proper identification" as a "condition" of being granted access to their consumer file, and in order to protect consumer privacy based on the private and sensitive information that can be contained in those files, RPS maintains written protocols for consumer authentication. To gain access to their files, those authentication procedures generally require consumers to provide personal identifying information, government documentation, and/or to answer a series of personal security questions.

9. In addition to regularly disclosing consumer files directly to the requesting consumer, RPS actively facilitates the disclosure of consumer files to third-party legal guardians acting on the consumer's behalf. To protect consumer privacy in that situation, however, if a third party is seeking a copy of a consumer's file, RPS's written policies generally require a notarized power of attorney, the consumer's name, proof of the address to where the disclosure should be mailed,

and confirmation of the last four digits of the consumer's Social Security number. Those protocols are set forth at Section 2.3 of Exhibit A, entitled "Third Party Authentication." However, that default procedure for third-party authentication is not inflexible and can be adjusted when those requirements cannot practically be met by the consumer and his or her third-party representative. As stated in the same section of Exhibit A, "for any scenarios not covered" in that section of the authentication policy, RPS employees are directed to "reach out to a supervisor" for further guidance and how to handle the request. Situations "not covered" by the written policy include would the situation where a consumer is disabled and unable to execute a power of attorney, as occurred with respect to the claims in this case, as detailed further below.

10. On April 27, 2016, a woman identifying herself as Carmen Arroyo called RPS to request a copy of Mikhail Arroyo's consumer file.

11. A number of Ms. Arroyo's interactions with RPS were logged in RPS's internal system tracking interactions with consumers. A true and accurate copy of those screenshots from RPS's tracking system are attached as Exhibit B.

12. During an April 27, 2106 telephone call initiated by Ms. Arroyo, RPS informed Ms. Arroyo of the process for obtaining Mikhail Arroyo's consumer file in a third-party capacity, including the fact that Ms. Arroyo would have to submit a manual authorization form, also called a consumer disclosure request form, because she was seeking a copy of the file in a third-party capacity.

13. On April 29, 2016, RPS mailed Ms. Arroyo a consumer disclosure request form with instructions on how to complete the form.

14. Ms. Arroyo then filled out the consumer disclosure request form on behalf of Mikhail Arroyo and sent it back to RPS by mail (the “First Disclosure Request”). RPS received that letter on June 27, 2016. A true and accurate copy of the First Disclosure Request is attached as Exhibit C.

15. The First Disclosure Request was incomplete based on the policies maintained by RPS. It did not include: (1) any proof of address documentation with respect to the address to which Ms. Arroyo requested that the disclosure be mailed; or (2) Mikhail Arroyo’s Social Security number, which was instead left completely blank. The form was also not signed in the designated location.

16. Ms. Arroyo also attached a certificate of conservatorship to the First Disclosure Request, which itself stated that it was “not valid without court of probate seal impressed.” The form submitted, however, lacked a visible or embossed seal.

17. RPS had never previously encountered a request for a copy of a consumer file from an individual claiming to be the court-appointed conservator of a consumer. Ms. Arroyo’s request is the only instance identified by RPS where RPS received a file disclosure request from an individual claiming to be a court-appointed conservator.

18. Pursuant to RPS’s written policy, because the request from Ms. Arroyo was “not covered” by the standard scenario for third-party authentication, the matter was escalated to two members of the supervisory staff at RPS.

19. After those discussions occurred, Ms. Arroyo was mailed a “call back letter” on June 30, 2016 to the mailing address that had previously identified to

RPS on the First Disclosure Request, with the letter asking Ms. Arroyo to contact RPS to discuss the file disclosure request further. A true and accurate copy of that call back letter is attached as Exhibit D.

20. Ms. Arroyo called RPS back on September 7, 2016 to discuss the defects identified with the First Disclosure Request. No further documentation was provided by Ms. Arroyo coming out of that call.

21. Approximately two months passed without any contact from Ms. Arroyo. Ms. Arroyo then made contact with RPS on November 1, 2016 to inquire as to why the file had not been disclosed based on the form that she sent to RPS in June 2016. At that time, Ms. Arroyo noted that she had spoken to her “attorney” about the conservatorship document she previously submitted.

22. Given that Ms. Arroyo had not submitted any additional documentation to RPS since June 2016, the matter was again escalated internally within the consumer relations department and then to RPS’s internal compliance department. Due to the previously-unseen nature of the request and nature of the documentation submitted, the compliance department then further escalated the issue to RPS’s internal legal department, which in turn, sought the legal advice of two outside attorneys at prominent law firms (Foley & Lardner and Hudson Cook).

23. During that escalation process, Ms. Arroyo was kept updated as to the status of the review by the compliance/legal department.

24. Ultimately, the legal and compliance departments at RPS did not authorize the release of the file disclosure. Instead, RPS internally determined that it needed a “new conservatorship with court seal visible” and proof of current

address (e.g., a piece of mail showing residence at the location where the file disclosure was requested to be mailed) to process the file disclosure.

25. Ms. Arroyo then faxed in additional documentation and a newly-completed file disclosure form (the “Second Disclosure Request”) to RPS on November 15, 2016, which RPS received on November 16, 2016. A true and accurate copy of the Second Disclosure Request is attached at Exhibit E.

26. The documentation attached to the Second Disclosure Request included the requested proof of address. The new documentation, however, still did not include a copy of the conservatorship certificate with a visible or impressed seal.

27. The Second File Disclosure submitted by Ms. Arroyo was thus again escalated to compliance for further review, including a discussion of the lack of a “court seal” for the new conservatorship form. A true and accurate copy of the internal email correspondence discussing this issue is attached as Exhibit F.

28. RPS’s compliance department then further escalated the issue to RPS’s internal legal department, which in turn again consulted with outside legal counsel at Hudson Cook.

29. On November 16 and November 18, 2016, RPS left Ms. Arroyo a message seeking to discuss the Second Disclosure Request.

30. Ultimately, permission was not granted by RPS’s compliance or legal departments to release Mikhail Arroyo’s consumer file disclosure based on the documents submitted on November 16, 2016 with the Second Disclosure Request.

31. In mid-December 2016, RPS was contacted by an individual claiming to be a paralegal at the Connecticut Fair Housing Center ("CFHC") who stated that the CFHC was representing Ms. Arroyo in the file disclosure process.

32. Because an additional third-party was now claiming to represent Ms. Arroyo, RPS requested documentation from the CFHC in the form of a power of attorney establishing that the CFHC was formally representing the Arroyos.

33. RPS then mailed the CFHC an additional file disclosure request form on December 20, 2016. A true and accurate copy of this mailing is attached as Exhibit G. That form was never returned to RPS.

34. RPS never heard further from the CFHC or Ms. Arroyo until this lawsuit was filed.

35. In April 2019, RPS provided Mikhail Arroyo's consumer file to counsel for Plaintiffs. That was done after request by Plaintiffs' counsel for that file in discovery, Plaintiffs' counsel's representation of the status of the conservatorship, and submission of additional documentation.

I declare under penalty of perjury that the foregoing is true and correct.

October 2, 2019.

  
Angela Barnard

# **EXHIBIT B**

```
05/03/2018      The Registry      CS0007R
10:50 AM      Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #:      Social Security Number:      -8831

Last Name:  ARROYO      First Name:  MIKHAIL

Date:  4/27/2016      Time:  13:26:51      User:  VSALGADO

Comment:
NO AUTH COMP; REQ MAN AUTH; SF TICKET:      - CONSUMER'S MOM CALLED
IN STATING THAT SHE HAS CONSERVATORSHIP OVER HIS SON'S INFORMATION; ADVISED THE
PROCESS - CONSUMER WILL FAX IN MAN AUTH FORM WITH COURT PAPERS AND COPY OF ID'S

F1=Help  F3=Exit  F5=Refresh  F12=Cancel

MA  A 01/001
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```
05/03/2018      The Registry      CS0007R
10:51 AM      Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #:      Social Security Number:      -8831

Last Name:  ARROYO      First Name:  MIKHAIL

Date:  4/29/2016      Time:  12:01:38      User:  HESILVA

Comment:
NOT AUTHENTICATED. MAILED CONSUMER DISCLOSURE REQUEST PACKET.

F1=Help  F3=Exit  F5=Refresh  F12=Cancel

MA  A 01/001
```

ARROYO000452

```
05/03/2018          The Registry          CS0007R
10:51 AM           Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]          Social Security Number: [REDACTED]-8831

Last Name:  ARROYO              First Name:  MIKHAIL

Date:  6/30/2016   Time: 18:24:24   User:  DTHEVENOT

Comment:
NOT AUTHENTICATED. MAILED CONSUMER CALL BACK LETTER.

**PLEASE SEND A "CALL BACK" LETTER AND MAN AUTH FORM. NEED POA AND SON'S SIGNATURE. CAN NOT ACCEPT CONSERVATORSHIP COURT PAPER.

F1=Help   F3=Exit   F5=Refresh   F12=Cancel

MA  A 01/001
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05/03/2018          The Registry          CS0007R
10:52 AM           Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]          Social Security Number: [REDACTED]-8831

Last Name:  ARROYO              First Name:  MIKHAIL

Date:  6/30/2016   Time: 15:18:59   User:  SCHA

Comment:
SR-RECEIVED CONSUMER DISCLOSURE REQUEST FORM. NOT AUTHEN. CREATED CRT-[REDACTED]
PLEASE SEND A CALL BACK LETTER AND MAN AUTH FORM.
PLEASE SEND A "CALL BACK" LETTER AND MAN AUTH FORM. NEED POA AND SON'S SIGNATURE. PER JESSICA AND MIKE WE CAN NOT ACCEPT CONSERVATORSHIP COURT PAPER.

F1=Help   F3=Exit   F5=Refresh   F12=Cancel

MA  A 01/001
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ARROYO000453

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05/03/2018      The Registry      CS0007R
10:52 AM      Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]      Social Security Number: [REDACTED]-8831

Last Name: ARROYO      First Name: MIKHAIL

Date: 9/07/2016      Time: 13:29:31      User: MONJOHNSON

Comment:
CONSUMER MOTHER CALLED BACK, ASKED IF WE RECEIVED FAX DOCS FROM 06-2016. ADVISED
YES AND PER MANGEMENT UNABLE TO USE INFORMATION. PER SOP NEED POWER OF ATTORNEY
OR LIMITED POWER OF ATTORNEY. ITEMS MUST BE NOTARIZED AS WELL.

F1=Help      F3=Exit      F5=Refresh      F12=Cancel

MA      A      01/001
```

```
05/03/2018      The Registry      CS0007R
10:53 AM      Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]      Social Security Number: [REDACTED]-8831

Last Name: ARROYO      First Name: MIKHAIL

Date: 11/01/2016      Time: 10:00:35      User: BSALAZAR

Comment:
CCI CHECKING ON WHY WE ARE NOT ABLE TO ACCEPT THE CONSERVATORSHIP COURT PAPER
SINCE HER ATTORNEY STATES ITS HIGHER THEN A POA. TRANSF CALL TO TINAMARIE

F1=Help      F3=Exit      F5=Refresh      F12=Cancel

MA      A      01/001
```

ARROYO000454

```
05/03/2018      The Registry      CS0007R
10:53 AM      Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]      Social Security Number: [REDACTED]-8831
Last Name:  ARROYO      First Name:  MIKHAIL
Date: 11/01/2016      Time: 11:15:11      User: TSANTOS

Comment:
SUP CALL: CONSUMER'S MOTHER (CARMEN ARROYO) CALLED TO CONFIRM WE REC'D DOC REGAR
DING CONSERVATORSHIP FOR HER SON AND TO GET A COPY OF THE REPORT: ADVISED WE DID
HOWEVER WE HAVE TO GET LEGAL'S APPROVEAL BEFORE WE COULD SEND OUT THE REPORT: ON
CE LEGAL APPROVES DOCS WE CAN SEND OUT THE REPORT
WALKING DOCS OVER TO LEGAL TODAY

F1=Help      F3=Exit      F5=Refresh      F12=Cancel

MA  A 01/001
```

```
05/03/2018      The Registry      CS0007R
10:54 AM      Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]      Social Security Number: [REDACTED]-8831
Last Name:  ARROYO      First Name:  MIKHAIL
Date: 11/04/2016      Time: 15:53:20      User: TSANTOS

Comment:
CALLED CONSUMER'S MOTHER LETTING HER KNOW WE ARE STILL WAITING FOR A RESPONSE FR
OM LEGAL ([REDACTED]-4046)

F1=Help      F3=Exit      F5=Refresh      F12=Cancel

MA  A 01/001
```

ARROYO000455

```
05/03/2018      The Registry      CS0007R  
10:54 AM      Consumer Relation Remarks Edit      MSCULLY
```

Display Mode

CS Record #: [REDACTED] Social Security Number: [REDACTED]-8831

Last Name: ARROYO First Name: MIKHAIL

Date: 11/16/2016 Time: 14:04:44 User: TSANTOS

Comment:

CALL MS. ARROYO (MOTHER OF CONSUMER) TO LET HER KNOW WE REC'D THE AUTH FORM, PRO  
OF OF ADDRESS AND CONSERVATORSHIP DOCS. I HAD TO LEAVE A MESSAGE REQUESTING HER  
TO CALL ME.

NOTE>>>>>>>>> CONSERVATORSHIP DOCS I HAD TO SEND TO LEGAL TO VERIFY THE SEAL O  
N DOCUMENT WAS SUFFIENT, SIGNATURE~~~~~ SHE NEED TO SIGN HIS NAME FIRST THEN HER  
NAME FOLLOWED BY CONSERVATOR: ADDRESS ~~~~ NEED PROOF OF ADDRESS:  
SEE ONBASE

F1=Help F3=Exit F5=Refresh F12=Cancel

MA A 01/001

**JA-157**

```
05/03/2018      The Registry      CS0007R
10:55 AM      Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: 20160427183      Social Security Number: [REDACTED]-8831
Last Name: ARROYO      First Name: MIKHAIL
Date: 11/18/2016      Time: 14:06:12      User: TSANTOS

Comment:
I CALLED MS ARROYO REGARDING THE CONSERVATORSHIP: I HAD TO LEAVE A MESSAGE ON HE
R VOICE MAIL (959-929-4046) REQUESTING HER TO CALL ME DIRECTLY

F1=Help      F3=Exit      F5=Refresh      F12=Cancel

MA      A      01/001
```

```
05/03/2018      The Registry      CS0007R
10:56 AM      Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]      Social Security Number: [REDACTED]-8831
Last Name: ARROYO      First Name: MIKHAIL
Date: 12/19/2016      Time: 12:54:06      User: TSANTOS

Comment:
LEFT A MESSAGE FOR MARIA Q AT ([REDACTED]-0727 CONSUMER'S ATTY) ATTY REQUESTING A C
OPY OF THE CONSUMER REPORT: LETTING HER KNOW WE A POA >>> MAN AUTH FORM >>> PROO
F OF ID AND ADDRESS FOR MIKHAIL ARROYO.
NOTE: WHEN THE ATTY CALL BACKS PLEASE VERIFY THE ADDRESS WHERE WE NEED TO MAIL TH
E MAN AUTH FORM

F1=Help      F3=Exit      F5=Refresh      F12=Cancel

MA      A      01/001
```

ARROYO000457

```
05/03/2018          The Registry          CS0007R
10:56 AM           Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]          Social Security Number: [REDACTED]-8831

Last Name:  ARROYO              First Name:  MIKHAIL

Date: 12/20/2016   Time: 12:04:49   User: TSANTOS

Comment:
REC'D CALL FROM CONSUMER'S ATTY (MS. MARIA CUERDA) WENT OVER WHAT SHE NEEDED TO
FX OR EMAIL RPS TO GET A COPY OF THE CONSUMER'S COPY: I CONFIRMED WITH JFAHN IT
WAS OK TO SEND AN EMAIL TO THE ATTY LETTING HER KNOW WHAT WE REQUIRE FOR A 3RD P
ARTY TO REC'D A CONSUMER'S REPORT
1. POA SIGNED AND NOTARIED >>>> RPS MAN AUTH SEE CRT [REDACTED] >>>> PROOF OF
ID AND ADDRESS

F1=Help   F3=Exit   F5=Refresh   F12=Cancel

MA  A 01/001
```

```
05/03/2018          The Registry          CS0007R
10:57 AM           Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]          Social Security Number: [REDACTED]-8831

Last Name:  ARROYO              First Name:  MIKHAIL

Date: 12/21/2016   Time: 12:04:28   User: GJACOB

Comment:
Sent manual auth form to consumer.

F1=Help   F3=Exit   F5=Refresh   F12=Cancel

MA  A 01/001
```

ARROYO000458

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

CONNECTICUT FAIR HOUSING CENTER  
*et al.*,

*Plaintiffs,*

v.

CORELOGIC RENTAL PROPERTY  
SOLUTIONS, LLC,

*Defendant.*

No. 3:18-CV-705 (VLB)

**PLAINTIFFS' LOCAL RULE 56(a)(1) REPLY STATEMENT OF FACTS**

Pursuant to Local Rule 56(a)(1), Plaintiffs submit this statement of additional undisputed facts in support of their Motion for Summary Judgment.

**Plaintiffs' Additional Undisputed Facts**

38. Defendant's procedure for disclosing consumer files to third-parties acting on behalf of a consumer required a power of attorney (POA). Barnard Dep. at 72:11-73:1, Ex. 1 hereto, and Barnard Decl. Ex. A at § 2.3.2, ARROYO 1706.

39. While Defendant asserts that it did not necessarily require POA, because submission of alternative documents should result in escalation to someone who could consider accepting alternate documents, Arroyo's June request was *not* escalated beyond a first level supervisor, one who did not have authority to accept conservator documents, and who said that the request should be denied absent a POA. Barnard Dep at 132:5-133:5 (notes showed "cannot accept a conservatorship court paper,"); Barnard Dep. at 134:5-136:14 (notes reflect employee asked first level supervisors who informed her not to accept conservatorship court paper, supervisor did not escalate further); 137:9-138:24 (in subsequent call Ms. Arroyo was advised "per management unable to use

45. Defendant does nothing to track third-party requests, and thus there can be no accurate count of the number of such requests or how they were handled. Barnard Dep. at 112:2-18, 120:23-121:18, 121:25-124:24.

46. Defendant insisted that only the original conservatorship document would be acceptable. Barnard Dep. at 152:18-24.

47. Mr. Arroyo's application was denied when a criminal background report from Defendant CoreLogic indicated that he had disqualifying criminal history. Ex. A to C. Arroyo Decl., (Defendant's Responses to Plaintiffs' First Set of Requests for Admissions) (hereafter, "Defendant's Admissions") Nos. 36-37, 40, 44, 49-50, 54); See also Ex. 3 (Dep. of CoreLogic 30(b)(6) Designee Naeem Kayani) (hereafter, "Kayani Dep.") at 235:20-236:8;<sup>1</sup> Sworn Answer of WinnResidential, Ex. 4 at ¶¶ 6, 99, 22-23, 28.

48. When Ms. Arroyo was unable to obtain information from CoreLogic about Mr. Arroyo's criminal history, she was eventually able to locate it on her own in the Spring of 2017 by directly contacting the Pennsylvania court system. CHRO Transcript at 16:19-17:13.

49. After Plaintiffs provided information to WinnResidential about Mikhail Arroyo's criminal record that they obtained on their own directly from the Commonwealth of Pennsylvania, WinnResidential agreed to overlook Mikhail Arroyo's criminal record and accept him as a tenant. CHRO Transcript at 16:19-17:13, 68:5-71:10, 50:16-21, 52:17-24; Arroyo Dep.<sup>2</sup> at 123:2-10.

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<sup>1</sup> Ex. 3 also includes a page cited to in Plaintiffs' Motion, but inadvertently excluded from the exhibit filed with Plaintiffs' Motion.

<sup>2</sup> All references to the Arroyo Dep. are to Ex. 1 to Defendant's Opposition.

at ¶ 35.

**Response:**

Admitted that Defendant provided Plaintiffs' counsel with a copy of Mr. Arroyo's consumer file after requesting and receiving an up-to-date conservatorship certificate, even though the seal was illegible on the scanned duplication of the certificate that Plaintiffs provided. See Plaintiffs' Response to Defendants' Addition Material Fact No. 33, *supra* at ¶ 33.

Dated: October 18, 2019, 2019

Respectfully submitted,

/s/ Greg Kirschner

Greg Kirschner (ct26888)  
Salmun Kazerounian  
Sarah White  
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60 Popieluszko Ct.  
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COMMISSION OF HUMAN RIGHTS : CHRO NOS.: 1750140  
AND OPPORTUNITIES : 1750141

CARMEN ARROYO, INDIVIDUALLY AND  
ON BEHALF OF MIKHAIL ARROYO  
COMPLAINANTS :

V. :

ARTSPACE WINDHAM LP AND :  
WINN RESIDENTIAL CONNECTICUT, LLC :  
RESPONDENTS : MARCH 31, 2017

**RESPONDENTS' ANSWER TO COMPLAINT**

Respondents Artspace Windham LP and Winn Residential Connecticut, LLC hereby answer the Complaint as follows regarding their knowledge and information as of the February 27, 2017 date of the Complaint:

1. State that they lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1.
2. State that they lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2, except admit that this is what has been told to respondents.
3. Admitted.
4. Admitted.
5. Admitted.

CFHC000564

26. Denied.

a. Respondent's Position – See response to number 24 above.

27. Denied.

a. Respondent's Position – See response to number 24 above.

28. Denied.

a. Respondent's Position – Respondents have admitted that they do not know the facts behind the criminal background findings, however they hire a third-party vendor to perform the checks, and trust in the results they are given and therefore make their decisions based on these results.

29. Denied.

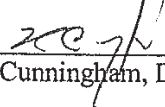
a. Respondent's Position – Respondents policy is not completely speculative. A failure of a criminal background check is not speculative. Applicants have the ability to obtain specifics from the reporting agency, remedy any errors that may have been made in the process with the reporting agency and either request a reasonable accommodation request with full details or re-submit the application for a re-run of the background check.

30. State that they lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 30.

31. State that they lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 31.

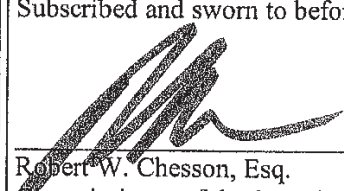
32. State that they lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 32. However, admit that they have received and are responding to this CHRO complaint.

ARTSPACE WINDHAM LP AND  
WINN RESIDENTIAL CONNECTICUT, LLC  
RESPONDENTS

By:   
Michael Cunningham, Duly Authorized Agent

3/31/17  
DATE

Subscribed and sworn to before me this 31<sup>th</sup> day of March, 2017.

  
Robert W. Chesson, Esq.  
Commissioner of the Superior Court

**From:** Cunningham, Michael K <mcunningham@WINNCO.com>  
**Sent:** Monday, May 8, 2017 2:07 PM  
**To:** Lindenfelzer, Robert <rlindenfelzer@corelogic.com>  
**Subject:** Arroyo

Robert,

Is there a way for us to determine if the records related to this denial are the same as the charges referenced in the attached docs from the Commonwealth of Pennsylvania?

**Michael Cunningham, CAM | WinnCompanies**  
*Senior Property Manager, WinnResidential*

T (860) 887-3994 | F (860) 887-3987  
35 Chestnut Street, Norwich, CT 06360  
[mcunningham@winnco.com](mailto:mcunningham@winnco.com)

[www.winncompanies.com](http://www.winncompanies.com)

ARROYO000640

**Magisterial District Judge 19-2-03****DOCKET**

Docket Number: MJ-19203-NT-0000507-2014

**Non-Traffic Docket**

Commonwealth of Pennsylvania  
v.  
Mikhail Jesus Arroyo

Page 1 of 2

**CASE INFORMATION**

|                          |                                      |                          |            |
|--------------------------|--------------------------------------|--------------------------|------------|
| <u>Judge Assigned:</u>   | Keith L. Albright                    | <u>Issue Date:</u>       |            |
| <u>OTN/LOTN:</u>         | L 876986-5/L 876986-5                | <u>File Date:</u>        | 07/18/2014 |
| <u>Arresting Agency:</u> | West Manchester Township Police Dept | <u>Arrest Date:</u>      |            |
| <u>Citation #:</u>       | P 9580483-3                          | <u>Disposition:</u>      | Withdrawn  |
| <u>County:</u>           | York                                 | <u>Disposition Date:</u> | 04/20/2017 |
| <u>Township:</u>         | West Manchester Township             | <u>Case Status:</u>      | Closed     |

**STATUS INFORMATION**

| <u>Case Status</u> | <u>Status Date</u> | <u>Processing Status</u> |
|--------------------|--------------------|--------------------------|
| Closed             | 04/20/2017         | Completed                |
|                    | 04/20/2017         | Case Balance Due         |
|                    | 04/20/2017         | Completed                |
|                    | 04/17/2017         | Awaiting Plea            |
|                    | 07/18/2014         | Awaiting Plea            |

**DEFENDANT INFORMATION**

|                       |                       |              |                    |
|-----------------------|-----------------------|--------------|--------------------|
| <u>Name:</u>          | Arroyo, Mikhail Jesus | <u>Sex:</u>  | Male               |
| <u>Date of Birth:</u> | 1994                  | <u>Race:</u> | Unknown/Unreported |
| <u>Address(es):</u>   |                       |              |                    |
| <b>Home</b>           |                       |              |                    |
| York, PA 17403        |                       |              |                    |

**CASE PARTICIPANTS**

| <u>Participant Type</u> | <u>Participant Name</u> |
|-------------------------|-------------------------|
| Defendant               | Arroyo, Mikhail Jesus   |
| Arresting Officer       | Haines, Peter N.        |

**CHARGES**

| <u>#</u> | <u>Charge</u>   | <u>Grade</u> | <u>Description</u>     | <u>Offense Dt.</u> | <u>Disposition</u> |
|----------|-----------------|--------------|------------------------|--------------------|--------------------|
| 1        | 18 § 3929 §§ A1 | S            | Retail Theft-Take Mdse | 07/16/2014         | Withdrawn          |

**DISPOSITION / SENTENCING DETAILS**

| <u>Case Disposition</u> | <u>Disposition Date</u> | <u>Was Defendant Present?</u> |
|-------------------------|-------------------------|-------------------------------|
| Withdrawn               | 04/20/2017              | Yes                           |

| <u>Offense Seq./Description</u> | <u>Offense Disposition</u> |
|---------------------------------|----------------------------|
| 1 Retail Theft-Take Mdse        | Withdrawn                  |

MDJS 1200

Printed: 05/04/2018 12:51 pm

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on these docket sheets. Docket sheet information should not be used in place of a criminal history background check, which can only be provided by the Pennsylvania State Police. Employers who do not comply with the provisions of the Criminal History Record Information Act (18 Pa.C.S. Section 9101 et seq.) may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

**ARROYO000439****JA-168**

**Magisterial District Judge 19-2-03****DOCKET**

Docket Number: MJ-19203-NT-0000507-2014

**Non-Traffic Docket**

Commonwealth of Pennsylvania  
v.  
Mikhail Jesus Arroyo

Page 2 of 2

**DOCKET ENTRY INFORMATION**

| <u>Filed Date</u> | <u>Entry</u>                        | <u>Filer</u>                       | <u>Applies To</u>               |
|-------------------|-------------------------------------|------------------------------------|---------------------------------|
| 04/20/2017        | Withdrawn                           | Keith L. Albright                  | M khail Jesus Arroyo, Defendant |
| 11/05/2015        | Summons Cancelled                   | Magisterial District Court 19-2-03 | M khail Jesus Arroyo, Defendant |
| 10/13/2015        | Summons Issued                      | Magisterial District Court 19-2-03 | M khail Jesus Arroyo, Defendant |
| 10/13/2015        | Certified Summons Issued            | Magisterial District Court 19-2-03 | M khail Jesus Arroyo, Defendant |
| 09/30/2015        | Disposition Cancelled               | Keith L. Albright                  | M khail Jesus Arroyo, Defendant |
| 09/30/2015        | Summons Issued                      | Magisterial District Court 19-2-03 | M khail Jesus Arroyo, Defendant |
| 09/30/2015        | First Class Summons Issued          | Magisterial District Court 19-2-03 | M khail Jesus Arroyo, Defendant |
| 07/28/2014        | Summons Issued                      | Magisterial District Court 19-2-03 | M khail Jesus Arroyo, Defendant |
| 07/28/2014        | First Class Summons Issued          | Magisterial District Court 19-2-03 | M khail Jesus Arroyo, Defendant |
| 07/24/2014        | Record OTN for Summary Retail Theft | Magisterial District Court 19-2-03 | M khail Jesus Arroyo, Defendant |
| 07/18/2014        | Non-Traffic Citation Filed          | Magisterial District Court 19-2-03 |                                 |

**CASE FINANCIAL INFORMATION**Case Balance: \$0.00Next Payment Amt:Last Payment Amt:Next Payment Due Date:

| <u>Assessment Type</u> | <u>Assessment Amt</u> | <u>Adjustment Amt</u> | <u>Non-Monetary<br/>Payment Amt</u> | <u>Payment Amt</u> | <u>Balance</u> |
|------------------------|-----------------------|-----------------------|-------------------------------------|--------------------|----------------|
| Postage - Case         | \$6.00                | (\$6.00)              | \$0.00                              | \$0.00             | \$0.00         |

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on these docket sheets. Docket sheet information should not be used in place of a criminal history background check, which can only be provided by the Pennsylvania State Police. Employers who do not comply with the provisions of the Criminal History Record Information Act (18 Pa.C.S. Section 9101 et seq.) may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

**ARROYO000440****JA-169**

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

CONNECTICUT FAIR HOUSING  
CENTER, et al.,

Plaintiffs,

vs.

CORELOGIC RENTAL PROPERTY  
SOLUTIONS, LLC,

Defendant.

No. 3:18-CV-705 (VLB)

Deposition of ANGELA BARNARD, Volume I,  
taken on behalf of Plaintiffs, at 550 West  
C Street, Suite 800, San Diego, California,  
beginning at 8:55 a.m. and ending at 4:06 p.m., on  
Monday, September 16, 2019, before ELAINE SMITH,  
RMR, Certified Shorthand Reporter No. 5421.

1           themselves?

2                   A    Not to my knowledge specific to disabilities.

3                   Q    Any training specific to handling requests from  
4                   individuals who had power of attorney or other legal  
5                   authority to act on behalf of an individual due to the  
6                   individual's lack of capacity?

7                   A    There is training specific to power of  
8                   attorney. That's more on the data entry side of the  
9                   house, the fulfillment side, validating the  
10                  documentation that we've received.

11                  Q    And do you cover only power of attorney  
12                  documents, or do you cover other forms of legal  
13                  authority that can be granted such as conservatorship?

14                  A    The procedure outlines specifically power of  
15                  attorney, which is a written procedure. And that same  
16                  procedure also identifies if you have an instance of  
17                  another third party or some other type of request, and  
18                  that's not stated whether it's a conservatorship or some  
19                  other kind of, you know, third-party authority over  
20                  someone. It's to escalate that.

21                  Q    And where do escalations go?

22                  A    Generally, the escalations will start with a  
23                  leader or a supervisor of the team, and then, depending  
24                  upon the situation, it could go to our internal  
25                  compliance team. And then they can determine where they

CONFIDENTIAL

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1 would like to take it from there.

2 Q Is compliance part of the operations  
3 section that you're senior leader of?

4 A No.

5 Q Turning back to Exhibit 6, on page ARROYO 99,  
6 looking at 5.1.4, when reviewing a manual authentication  
7 form, you verify that that includes name, address, date  
8 of birth, Social Security number, and signature; is that  
9 correct?

10 A Yes.

11 Q And then the name and address has to be the  
12 same as the name and address on the photo ID that is  
13 provided?

14 A Yes.

15 Q What if the photo ID is a passport which  
16 doesn't contain an address?

17 A Our authentication procedure will call out the  
18 acceptable proofs of identification, so we may require  
19 an additional document.

20 Q To establish the address?

21 A Yes.

22 Q So if an individual has moved and not gotten  
23 their new driver's license yet with their new address,  
24 they wouldn't be able to get a report through the manual  
25 authentication process until they had obtained a new

Veritext Legal Solutions

215-241-1000 ~ 610-434-8588 ~ 302-571-0510 ~ 202-803-8830

Page 112

1 A Yes.

2 Q And would those requests that you track include  
3 tracking any requests made by somebody on behalf of the  
4 consumer or the third party-type requests we've talked  
5 about?

6 A Yes. Can I clarify that?

7 Q Sure.

8 A So the tracking would just consist of whatever  
9 we received from that third party. We don't categorize  
10 or identify third-party requests in a way to be able to  
11 produce a report, if that was your question. I just  
12 want to clarify that. We do have notes and things, but  
13 we don't have a tracking mechanism by which, say, here's  
14 all of the third-party requests.

15 Q Got it. When you're recording data, there's  
16 not, like, a checkbox that would designate this is a  
17 third party on behalf of the consumer?

18 A Correct. Not for my team, no.

19 Q Got it. Okay. Other than requests from  
20 consumers for disclosure of their file and requests from  
21 landlords or properties through the CrimSAFE or other  
22 product that they may use, are there any other  
23 individuals outside of CoreLogic itself who would have  
24 the ability to get access to the consumer files that you  
25 maintain?

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1 surrounding Arroyo's consumer file, is there any change  
2 that you would like to see take place in either the  
3 written procedures or training and guidance that's given  
4 to employees in consumer relations?

5 A Perhaps we could evaluate the escalation  
6 process and just make sure that we have the critical  
7 points covered. The escalation process was used in this  
8 case, but it wasn't thoroughly documented in all cases,  
9 so I think we could improve upon that.

10 Q Do you think that having something in writing  
11 identifying conservatorships and other recognized legal  
12 authorities in addition to power of attorney would be  
13 appropriate?

14 MR. ST. GEORGE: Object to form.

15 THE WITNESS: I think we already have that with  
16 the escalation process. So without being attorneys, we  
17 try to handle the majority of requests we receive. So  
18 this being the only request of conservatorship that I'm  
19 personally aware of, I don't know that we would  
20 specifically carve out a situation for this, but it  
21 would be escalated, and we did escalate this case.

22 BY MS. WEBBER:

23 Q Excuse me. When you say this is the only  
24 request based on conservatorship that you're aware of,  
25 did you do anything to attempt to determine if there had

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1       been any other requests made by conservators to  
2       CoreLogic's consumer relations department at any time in  
3       the last several years?

4           A    I reviewed with the direct supervisor, Jessica  
5       Fahn, asked her as part of this case and research on the  
6       case if this is a common practice, have you ever seen  
7       this before, how often is this occurring, do we have a  
8       way to track it? We don't. She told me, matter of  
9       factly, that she doesn't see these and has never seen  
10      one except for this case. And we don't track it, like I  
11      previously stated, in a manner that we could easily,  
12      systemically pull reports.

13          Q    And I think you said that Ms. Fahn became  
14      supervisor in 2015 or '16.

15          A    Yes.

16          Q    So if it happened before 2015, she would not  
17      have any reason to be aware of it?

18          A    Correct.

19          Q    Aside from -- or I mean -- I don't mean aside  
20      from. But one of the topics on which you were  
21      designated, Topic 15, concerned any instances in the  
22      past five years where a consumer substitute  
23      decision-maker, which could include the conservator but  
24      could include power of attorney or other legal forms,  
25      requested the consumer file. What did you determine

Page 122

1 about how many instances in the past five years have  
2 included requests from somebody with legal authority to  
3 act on behalf of the consumer?

4 A Is that a question of how many?

5 Q Uh-huh.

6 A To this -- my knowledge, this is the only one  
7 that I'm aware of.

8 Q Well, this is the only one that you're aware of  
9 with a conservator?

10 A Yes.

11 Q But you understand there's other legal  
12 mechanisms through which somebody can obtain authority  
13 to act on behalf of somebody else?

14 A Yes.

15 Q One of those is power of attorney?

16 A Uh-huh.

17 Q There are others as well. How many of any of  
18 these -- whether it's conservator, power of attorney or  
19 some other legal formulation, how many of those requests  
20 have been made to CoreLogic in the past five years?

21 A I couldn't tell you the number. I don't have a  
22 way to track that or make a count.

23 Q Did you -- did you ask anybody -- as you did  
24 about conservatorship, did you ask anybody about how  
25 often power of attorney or other similar authority is

1 the basis of a request for a consumer file?

2 A I did.

3 Q And what were you told about that?

4 A I was told that it is rare to none for Rental  
5 Property Solutions and that it would only be documented  
6 via notes within the system. There's not a recording or  
7 an ability for us to be able to retrieve the count or  
8 number of those.

9 Q And so you also haven't reviewed the specific  
10 process that was used in handling such requests?

11 A The process would be the process that we have  
12 outlined. We don't have specific documents related to  
13 third-party requests that are outside of what we  
14 provided here.

15 Q And you haven't reviewed any notes or other  
16 documentation that would allow you to confirm what  
17 actually happened, what the process was that was  
18 followed? I understand you have the written process.  
19 But you haven't been able to review anything to identify  
20 what actually happened to see if that process was  
21 followed in the specific instances where a POA or  
22 similar legal authority was the basis of a request?

23 A No.

24 Q Excuse me. And you also are not prepared today  
25 to testify as to the outcome of such requests?

Page 124

1           A    No. Other than the outcome would either be  
2           providing a consumer file disclosure or not.

3           Q    Other than talking to Jessica Fahn, is there  
4           anything else you did to attempt to obtain information  
5           about instances in which a third party with legal  
6           authority such as a power of attorney or conservator  
7           requested a consumer file?

8           A    I talked to the customer service supervisor.  
9           His name is Eliel Molina.

10          Q    Can you spell that?

11          A    E-L-I-E-L M-O-L-I-N-A.

12          Q    He's the customer service supervisor?

13          A    He's a consumer relations supervisor. Sorry.  
14           I misspoke. His team handles incoming calls for Rental  
15           Property Solutions. I asked how often do these calls  
16           come in that are specific to power of attorney? He said  
17           very rare. It's generally a family member or someone  
18           who wants another person just to talk on their behalf  
19           but is requesting it on their own.

20          Q    How long has Mr. Molina been in that position  
21           of supervising consumer relations?

22          A    I believe two years.

23          Q    So about 2017?

24          A    Yeah.

25          Q    Is that the position that was previously held

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

Case No. 3:18-cv-00705-VLB

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CONNECTICUT FAIR HOUSING CENTER

and

CARMEN ARROYO, individually and  
as next friend for Mikhail Arroyo

Plaintiffs,

v.

CORELOGIC RENTAL PROPERTY  
SOLUTIONS, LLC

Defendant.

---

Deposition of Erin Kemple

Tuesday, July 23, 2019

Connecticut Fair Housing Center

60 Popieluszko Court

Hartford, Connecticut

10:09 a.m. - 5:20 p.m.

----- Sharon Roy, RPR -----  
Planet Depos  
451 Hungerford Drive, Suite 400  
Rockville, MD 20850  
888.433.3767

Transcript of Erin Kemple  
Conducted on July 23, 2019

235

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Q. Okay. So what happened in this case?  
There was the fact-finding hearing, correct?

A. And I believe that there was a  
preconciliation determination, which means that CHRO  
made certain factual determinations that it then  
applied to the law which said that, you know, all  
things being true as alleged here, this should go to  
hearing in order to determine if there's liability  
by the respondents.

Q. Do you know if the hearing ever occurred?

A. The hearing did not occur.

Q. The case resolved?

A. The case resolved.

Q. And it settled?

A. Yes.

Q. And my understanding of the settlement  
was there was at least a monetary component to the  
settlement?

A. Yes, there was.

Q. [REDACTED]

A. Yes.

Q. Did that payment go directly to

Transcript of Erin Kemple  
Conducted on July 23, 2019

236

1 Mr. Arroyo or was it split with the Connecticut Fair  
2 Housing Center?

3 A. So, there were actually three components  
4 to the agreement. The first was that Mikhail could  
5 move in, which he did shortly -- I think it happened  
6 relatively quickly after the predetermination  
7 decision was made. So, the second was the monetary.  
8 And then the third was that they had to change their  
9 policies and practices and undergo fair housing  
10 training.

11 With regards to the money, I believe that  
12 the client, Mr. Arroyo, and his mother received [REDACTED]

13 [REDACTED]

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UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

CARMEN ARROYO, et al.,

*Plaintiffs,*

-v-

CORELOGIC RENTAL PROPERTY  
SOLUTIONS, LLC,

*Defendant.*

Case No. 3:18-cv-00705-VLB

DECLARATION OF ANGELA BARNARD

I, Angela Barnard, make this declaration pursuant to 28 U.S.C. § 1746:

1. I am currently employed as a Senior Leader of Operations – Credit Services, Consumer Services. In that role, I oversee and supervise the department that processes file disclosure requests made to CoreLogic Rental Property Solutions, LLC (“RPS”).

2. I am over the age of 18 and otherwise competent to make this Declaration.

3. Based on my experience and review of business records, I have personal knowledge of the facts set forth in this declaration and am competent to testify as to the matters stated below.

4. This declaration this declaration is made in support of RPS’s Motion for Summary Judgment. In connection with this declaration, I have reviewed the following documents:

- Consumer Authentication Procedures, attached as Exhibit A; and
- Log of Customer Contacts and Communications, attached as Exhibit B;

- June 27, 2016 File Disclosure Request, attached as Exhibit C;
- June 30, 2016 Letter from RPS to Carmen Arroyo, attached as Exhibit D;
- November 15, 2016 File Disclosure Request, attached as Exhibit E;
- RPS Internal Emails, attached as Exhibit F; and
- Letter from RPS to Maria Cuerda, attached as Exhibit G.

I have also reviewed RPS's systems, which store other electronic records.

5. The documents listed in the preceding paragraph are true and accurate copies, which are kept in the regular course of RPS's business, and which were generated as a regular practice of RPS at the time that the events that are reflected in those documents occurred.

6. RPS regularly processes requests from consumers for their files.

7. A consumer may obtain his or her consumer file from RPS for free upon request, regardless of whether the consumer has been the subject of a prior screening report by RPS.

8. To comply with the statutory mandate that consumers seeking a copy of their consumer file submit "proper identification" to RPS, RPS maintains written policies and procedures for the ways in which consumers making file disclosures must be authenticated. See Ex. A at pp. 2-4.

9. Those authentication procedures generally require consumers to provide their personal identifying information, government documentation, and/or answers to a series of personal security questions. *Id.* at p. 2.

10. In addition to regularly disclosing consumer files directly to the requesting consumer, RPS processes the disclosure of consumer files to third-party legal guardians acting on the consumer's behalf. *Id.* at p. 3.

11. To protect consumer privacy and prevent against fraud in the situation where a third party is seeking a copy of a consumer's file, RPS's written policies generally require a notarized power of attorney, the consumer's name, proof of the address to where the disclosure should be mailed, and confirmation of the last four digits of the consumer's Social Security number. *Id.* That general policy can be adjusted when the third-party legal guardian cannot meet those requirements. *Id.*

12. Based on RPS's written authentication policy, in "any scenario" where those requirements cannot be fulfilled, the RPS employee who is handling the file disclosure request is required to escalate the request to a "supervisor" for further, individualized consideration. *Id.*

13. A situation in which a consumer is disabled and cannot execute a power of attorney would require adjustment of the third-party authentication process and supervisory review.

14. RPS maintains no policy of denying file disclosure requests to legally-appointed guardians, including conservators. Instead, it is RPS's policy to process requests from third-party legal guardians once sufficiently authenticated.

15. Carmen Arroyo first contacted RPS on April 27, 2016 to request Mikhail Arroyo's consumer file. See Ex. B at p. 1.

16. RPS informed Carmen Arroyo of the process for obtaining the file in a third-party capacity, which required her to submit a disclosure request form and certain documentation. *Id.*

17. On April 29, 2016, RPS mailed Carmen Arroyo a consumer disclosure request form and instructions. *Id.*

18. Carmen Arroyo signed and mailed the first consumer disclosure request form (the “First Disclosure Request”) to RPS on June 14, 2016, which RPS received on June 27, 2016. See Ex. C at p. 1.

19. The First Disclosure Request did not list Mikhail Arroyo’s Social Security number, it did not contain his complete previous address information, and it was not signed in the designated location. The certificate of conservatorship submitted with the First Disclosure Request, which stated that it was “NOT VALID WITHOUT COURT OF PROBATE SEAL IMPRESSED,” did not reflect a visible or impressed seal. *Id.* at pp. 1-3.

20. RPS had never previously dealt with a request for a copy of a consumer file from an individual claiming to be a court-appointed conservator.

21. RPS has not dealt with this issue ever since.

22. The First Disclosure Request was escalated to supervisors at RPS for further review. See Ex. B at p. 2.

23. Following review by two supervisors, on June 30, 2016, RPS mailed Carmen Arroyo a letter asking her to contact RPS to discuss the First Disclosure Request. See *id.*; see also Ex. D at p. 3.

24. RPS did not have further contact with Carmen Arroyo until September 7, 2016, when RPS received a call from Ms. Arroyo to discuss status of the disclosure. Carmen Arroyo failed to submit any additional documents to RPS after that call. See Ex. B at p. 3.

25. RPS's next contact with Carmen Arroyo did not occur until November 1, 2016 when Carmen Arroyo called to inquire as to why RPS had not yet provided her with Mikhail Arroyo's consumer file. *Id.*

26. Because RPS had not received any additional documentation from Carmen Arroyo since her First Disclosure Request in June 2016, RPS again escalated the matter to its consumer relations department and then its compliance department. *Id.*

27. RPS also sought review by its internal legal department and two outside attorneys at Foley & Lardner, LLP and Hudson Cook, LLP.

28. During that process RPS consistently informed Carmen Arroyo of the status of her request. *Id.* at pp. 4-5.

29. Based on that escalated legal review, RPS determined it would need a new certificate of conservatorship with the court seal visible, as well as proof of current address documentation. *Id.* at p. 5.

30. On November 15, 2016, Carmen Arroyo faxed the additional documentation and a new consumer disclosure form (the "Second Disclosure Request") to RPS. See Ex. E at p. 1.

31. The certificate of conservatorship was again missing an impressed and visible seal. *Id.* at p. 5.

32. The Second Disclosure Request and supporting documentation was then escalated to RPS's compliance and legal departments, which again included consultation with outside counsel. The documentation was not regarded as sufficient. See Ex. B at p. 5; see *also* Ex. F at pp. 1-2.

33. On November 16 and November 18, 2016, RPS attempted to contact Carmen Arroyo by telephone to discuss the documentation she submitted with the Second Disclosure Request. Carmen Arroyo did not return these calls. See Ex. B at pp. 5-6.

34. In December 2016, a paralegal at the CFHC contacted RPS and stated the CFHC was assisting Carmen Arroyo in the file disclosure process. *Id.* at pp. 6-7.

35. Because an additional third party was now claiming to represent Mikhail Arroyo, RPS requested additional documentation from the CFHC in the form of a power of attorney to establish that the CFHC was formally representing Carmen Arroyo. *Id.* at p. 7.

36. RPS then mailed and emailed the CFHC a consumer disclosure request form and instructions on the documents the CFHC should submit. RPS did not receive any documentation from the CFHC in response. See Ex. G at p. 1; see *also* Ex. B at p. 7.

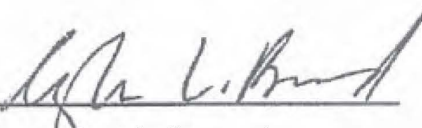
37. RPS had no further contact with the CFHC or Carmen Arroyo until this lawsuit was filed. See Ex. B at p. 7.

38. RPS did not provide to Carmen Arroyo a copy of Mikhail Arroyo's consumer file because, after multiple levels of internal and external review by its

supervisory staff, compliance departments, and legal teams, RPS did not regard the documentation and conservatorship certificate submitted by Carmen Arroyo as sufficient.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on November 11, 2019



Angela Barnard

# **EXHIBIT A**



## **CoreLogic Credco Procedure**

### ***CSC-PRD-OPS-013\_Authentication Procedures***

---

Revision: 4.0

Revised: 03/29/2016

Performed at: San Diego California

Application: Credco, SafeRent & TeleTrack Authentication

System Access Requirements: Full Access

Client: Credit Services Operations Department ("Operations")

**CONFIDENTIAL**

**ARROYO001691**

## 2 Functional Details/Step-by-Step Instructions

The instructions in this section explain the different options available when authenticating a Consumer that wishes to dispute an item on their report, has a question on an item on their report or has a general question.

### 2.1 Authentication by Phone

#### 2.1.1 How Consumer Calls are Directed

The consumer calls Credco Consumer Relations, if they are requesting a copy of their credit report, or have questions on the content of their credit report. Credco Consumer Relations will attempt authentication over the phone by conducting security verification against the contents of the credit report or credit file. For purposes of this procedure document, the term "security verification" shall be defined as verifying the consumer's name, address, and last 4 digits of their SSN against what is provided on their credit report or credit file as applicable.

Systems accessed.

| <u>Credco</u>  | <u>SafeRent</u>  | <u>TeleTrack</u>  | <u>CLCS</u>  |
|--|--|---|--|
| <ul style="list-style-type: none"> <li>CSM – Customer Service Module</li> <li>DataHQ Customer Support</li> </ul> | <ul style="list-style-type: none"> <li>SalesForce</li> <li>OnBase</li> </ul> | <ul style="list-style-type: none"> <li>TeleTrack Magic</li> <li>TeleTrack ReportViewer</li> <li>Experian Precise ID</li> <li>SalesForce</li> <li>OnBase</li> <li>AS400</li> </ul> | <ul style="list-style-type: none"> <li>Maestro</li> <li>Experian Precise ID</li> </ul> |
| <ul style="list-style-type: none"> <li>SalesForce</li> <li>OnBase</li> </ul>                                     | <ul style="list-style-type: none"> <li>AS400</li> </ul>                      |   |  |

#### 2.1.2 Dispute/Specific Question Exception

#### Note

If a third party is calling to file a dispute on behalf of the consumer, then the CSR must conduct a conference call with the consumer and third party to fulfill the request.

If the consumer is calling for a specific question or to dispute an item on the report, a dispute can be filed without full Authentication, if the consumer can provide the following:

- Their first and last name
- Their address
- last 4 digits of the SSN or the consumer can provide the Report Number if they do not wish to provide their social security number.
- They must provide enough information to locate the item(s) they would like to dispute and provide a reason why.
- To locate the correct account that the consumer wishes to dispute, the consumer can provide:
  - Name of Lender/Creditor
  - Original Balance (+/- 10%)
  - Current Balance (+/- 10%)
  - Monthly Payment (+/- 10%)
  - Year Opened

## 2.3 Third Party Authentication

### 2.3.1 Third Party Authorization

If a third party calls in on behalf of the consumer, unless the consumer has provided third party authorization (Check OnBase, or verbally after successful completion of 150P), then we cannot proceed to fulfill the third party request. A consumer requesting a file disclosure in person may be accompanied by a third party and the consumer's file may be discussed in the third party's presence if the consumer has authorized it and the third party has provided reasonable identification.

### 2.3.2 Third Party Exception

We can accept a third party request, if the following conditions are met, but not limited to:

- Valid (including notarization) Power of Attorney, or Limited Power of Attorney authorizing a third party to discuss the matter
- Consumer's written authorization signed by a notary, if applicable
- The consumer's first and last name
- Address
- Last 4 digits of the SSN or the Report Number if they do not have the consumer's social security number.

If the third party is unable to provide the appropriate documentation to proceed with their request, the CSR must conduct a conference call with the consumer and third party to fulfill the request.

**Note**

For any scenarios not covered in this section, including how to determine if POA is valid, please reach out to the Supervisor.

# **EXHIBIT B**

```
05/03/2018          The Registry          CS0007R
10:50 AM           Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]          Social Security Number: [REDACTED]-8831

Last Name:  ARROYO              First Name:  MIKHAIL

Date:  4/27/2016   Time: 13:26:51   User:  VSALGADO

Comment:
NO AUTH COMP; REQ MAN AUTH; SF TICKET: [REDACTED] - CONSUMER'S MOM CALLED
IN STATING THAT SHE HAS CONSERVATORSHIP OVER HIS SON'S INFORMATION; ADVISED THE
PROCESS - CONSUMER WILL FAX IN MAN AUTH FORM WITH COURT PAPERS AND COPY OF ID'S

F1=Help  F3=Exit  F5=Refresh  F12=Cancel

MA  A 01/001
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05/03/2018          The Registry          CS0007R
10:51 AM           Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]          Social Security Number: [REDACTED]-8831

Last Name:  ARROYO              First Name:  MIKHAIL

Date:  4/29/2016   Time: 12:01:38   User:  HESILVA

Comment:
NOT AUTHENTICATED. MAILED CONSUMER DISCLOSURE REQUEST PACKET.

F1=Help  F3=Exit  F5=Refresh  F12=Cancel

MA  A 01/001
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ARROYO000452

```

05/03/2018          The Registry          CS0007R
10:51 AM           Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]          Social Security Number: [REDACTED]-8831

Last Name:  ARROYO              First Name:  MIKHAIL

Date:  6/30/2016   Time: 18:24:24   User:  DTHEVENOT

Comment:
NOT AUTHENTICATED. MAILED CONSUMER CALL BACK LETTER.

**PLEASE SEND A "CALL BACK" LETTER AND MAN AUTH FORM. NEED POA AND SON'S SIGNATURE. CAN NOT ACCEPT CONSERVATORSHIP COURT PAPER.

F1=Help   F3=Exit   F5=Refresh   F12=Cancel

MA  A 01/001

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05/03/2018          The Registry          CS0007R
10:52 AM           Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]          Social Security Number: [REDACTED]-8831

Last Name:  ARROYO              First Name:  MIKHAIL

Date:  6/30/2016   Time: 15:18:59   User:  SCHM

Comment:
SR-RECEIVED CONSUMER DISCLOSURE REQUEST FORM. NOT AUTHEN. CREATED CRT-[REDACTED]
PLEASE SEND A CALL BACK LETTER AND MAN AUTH FORM.
PLEASE SEND A "CALL BACK" LETTER AND MAN AUTH FORM. NEED POA AND SON'S SIGNATURE. PER JESSICA AND MIKE WE CAN NOT ACCEPT CONSERVATORSHIP COURT PAPER.

F1=Help   F3=Exit   F5=Refresh   F12=Cancel

MA  A 01/001

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ARROYO000453

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05/03/2018      The Registry      CS0007R
10:52 AM      Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]      Social Security Number: [REDACTED]-8831

Last Name: ARROYO      First Name: MIKHAIL

Date: 9/07/2016      Time: 13:29:31      User: MONJOHNSON

Comment:
CONSUMER MOTHER CALLED BACK, ASKED IF WE RECEIVED FAX DOCS FROM 06-2016. ADVISED
YES AND PER MANGEMENT UNABLE TO USE INFORMATION. PER SOP NEED POWER OF ATTORNEY
OR LIMITED POWER OF ATTORNEY. ITEMS MUST BE NOTARIZED AS WELL.

F1=Help      F3=Exit      F5=Refresh      F12=Cancel

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05/03/2018      The Registry      CS0007R
10:53 AM      Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]      Social Security Number: [REDACTED]-8831

Last Name: ARROYO      First Name: MIKHAIL

Date: 11/01/2016      Time: 10:00:35      User: BSALAZAR

Comment:
CCI CHECKING ON WHY WE ARE NOT ABLE TO ACCEPT THE CONSERVATORSHIP COURT PAPER
SINCE HER ATTORNEY STATES ITS HIGHER THEN A POA. TRANSF CALL TO TINAMARIE

F1=Help      F3=Exit      F5=Refresh      F12=Cancel

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ARROYO000454

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05/03/2018      The Registry      CS0007R
10:53 AM      Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]      Social Security Number: [REDACTED]-8831
Last Name: ARROYO      First Name: MIKHAIL
Date: 11/01/2016      Time: 11:15:11      User: TSANTOS

Comment:
SUP CALL: CONSUMER'S MOTHER (CARMEN ARROYO) CALLED TO CONFIRM WE REC'D DOC REGARD
DING CONSERVATORSHIP FOR HER SON AND TO GET A COPY OF THE REPORT: ADVISED WE DID
HOWEVER WE HAVE TO GET LEGAL'S APPROVEAL BEFORE WE COULD SEND OUT THE REPORT: ON
CE LEGAL APPROVES DOCS WE CAN SEND OUT THE REPORT
WALKING DOCS OVER TO LEGAL TODAY

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05/03/2018      The Registry      CS0007R
10:54 AM      Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]      Social Security Number: [REDACTED]-8831
Last Name: ARROYO      First Name: MIKHAIL
Date: 11/04/2016      Time: 15:53:20      User: TSANTOS

Comment:
CALLED CONSUMER'S MOTHER LETTING HER KNOW WE ARE STILL WAITING FOR A RESPONSE FR
OM LEGAL ([REDACTED]-4046)

F1=Help      F3=Exit      F5=Refresh      F12=Cancel

MA      A      01/001
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ARROYO000455



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05/03/2018      The Registry      CS0007R
10:55 AM      Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: 20160427183      Social Security Number: ████████-8831

Last Name: ARROYO      First Name: MIKHAIL

Date: 11/18/2016      Time: 14:06:12      User: TSANTOS

Comment:
I CALLED MS ARROYO REGARDING THE CONSERVATORSHIP: I HAD TO LEAVE A MESSAGE ON HE
R VOICE MAIL (959-929-4046) REQUESTING HER TO CALL ME DIRECTLY

F1=Help      F3=Exit      F5=Refresh      F12=Cancel

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05/03/2018      The Registry      CS0007R
10:56 AM      Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: ████████      Social Security Number: ████████-8831

Last Name: ARROYO      First Name: MIKHAIL

Date: 12/19/2016      Time: 12:54:06      User: TSANTOS

Comment:
LEFT A MESSAGE FOR MARIA Q AT (██████-0727 CONSUMER'S ATTY) ATTY REQUESTING A C
OPY OF THE CONSUMER REPORT: LETTING HER KNOW WE A POA >>> MAN AUTH FORM >>> PROO
F OF ID AND ADDRESS FOR MIKHAIL ARROYO.
NOTE: WHEN THE ATTY CALL BACKS PLEASE VERIFY THE ADDRESS WHERE WE NEED TO MAIL TH
E MAN AUTH FORM

F1=Help      F3=Exit      F5=Refresh      F12=Cancel

MA  A 01/001

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ARROYO000457

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05/03/2018          The Registry          CS0007R
10:56 AM           Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]          Social Security Number: [REDACTED]-8831

Last Name:  ARROYO              First Name:  MIKHAIL

Date: 12/20/2016   Time: 12:04:49   User: TSANTOS

Comment:
REC'D CALL FROM CONSUMER'S ATTY (MS. MARIA CUERDA) WENT OVER WHAT SHE NEEDED TO
FX OR EMAIL RPS TO GET A COPY OF THE CONSUMER'S COPY: I CONFIRMED WITH JFAHN IT
WAS OK TO SEND AN EMAIL TO THE ATTY LETTING HER KNOW WHAT WE REQUIRE FOR A 3RD P
ARTY TO REC'D A CONSUMER'S REPORT
1. POA SIGNED AND NOTARIED >>>> RPS MAN AUTH SEE CRT [REDACTED] >>>> PROOF OF
ID AND ADDRESS

F1=Help   F3=Exit   F5=Refresh   F12=Cancel

MA  A 01/001

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05/03/2018          The Registry          CS0007R
10:57 AM           Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: [REDACTED]          Social Security Number: [REDACTED]-8831

Last Name:  ARROYO              First Name:  MIKHAIL

Date: 12/21/2016   Time: 12:04:28   User: GJACOB

Comment:
Sent manual auth form to consumer.

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TRANSCRIPT OF  
Recorded Hearing of  
Carmen Arroyo  
June 13<sup>th</sup>, 2017

SHEILA BUTCH TRANSCRIPTION SERVICES

1 INVESTIGATOR TREPANIER: And can I, do you have a  
2 printed response?

3 MR. CUNNINGHAM: Sure.

4 UNIDENTIFIED MALE: Just a point of clarification,  
5 that letter from Mr. Cunningham came before the, the December  
6 20<sup>th</sup> letter from the Connecticut Fair Housing Center.

7 UNIDENTIFIED MALE: Just a point of clarification,  
8 he's not a factor in this.

9 INVESTIGATOR TREPANIER: I understand that. Did  
10 this letter is addressed to Maria Cuerda, is there a letter  
11 that you responded back to Attorney Kazerounian?

12 MR. CUNNINGHAM: I believe at that point; we  
13 engaged our Attorney. Forgive me if I'm missing it.

14 INVESTIGATOR TREPANIER: To date, what's your  
15 understanding as to why Mikhail Arroyo has not been allowed  
16 to move in to ArtSpace at Windham?

17 MR. CUNNINGHAM: The, the crux of the issue is  
18 that we were not provided information related to what they  
19 were attempting to have waived, in this case. Subsequent to  
20 that, at the mediation, we received information, additional  
21 information related to those records, and I know there have  
22 been conversations that have taken place between now and then  
23 related to allowing Mr. Arroyo to move into the property, but  
24 I have not been privy to the specifics of those.

25 INVESTIGATOR TREPANIER: I was provided with the

SHEILA BUTCH TRANSCRIPTION SERVICES

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

CONNECTICUT FAIR HOUSING CENTER  
*et al.*,

*Plaintiffs,*

v.

CORELOGIC RENTAL PROPERTY  
SOLUTIONS, LLC,

*Defendant.*

No. 3:18-CV-705 (VLB)

JOINT TRIAL MEMORANDUM

**IX. STIPULATIONS OF FACT AND STATEMENT OF CONTESTED ISSUES**

**A. Stipulations of Fact**

1. CoreLogic RPS is a tenant screening company that offers a number of tenant screening products.
2. CoreLogic RPS is a consumer reporting agency.
3. CoreLogic RPS provides screening services to more than 120 properties in Connecticut for 20 different customers, assisting housing providers in evaluating prospective tenants.
4. CoreLogic RPS offers a suite of services to multi-family housing providers, including tenant screening reports. In addition to the identification of the criminal history of an applicant (if any) on a tenant screening report, CoreLogic RPS offers a product called "CrimSAFE."
5. CrimSAFE classifies crimes into "Crimes Against Property," "Crimes Against Persons," and "Crimes Against Society." Each category reflects certain types of offenses across an overall total of 36 categories of offenses.
6. When a housing provider requests a tenant screening report, it provides CoreLogic RPS with the applicant's first and last name, date of birth, and current address (and optionally the middle name).
7. CoreLogic RPS uses a proprietary matching process to identify criminal public records and associated data from CoreLogic RPS's database that are associated with the applicant.
8. CoreLogic RPS does not interact with applicants for multi-family housing units during the application stage.
9. WinnResidential has been a customer of CoreLogic RPS since 2006 and has used screening products from 2008 until 2020.
10. WinnResidential managed, during the relevant timeframe, the Artspace Windham complex in Willimantic, Connecticut.
11. WinnResidential manages sixteen properties in Connecticut.
12. WinnResidential made changes to its CrimSAFE settings in May of 2016, as well as in July of 2016. WinnResidential also made additional changes to its CrimSAFE settings in 2019.
13. Mikhail Arroyo is a Latino male.

14. Mikhail Arroyo is a person with significant disabilities that substantially limit his ability to walk, think, communicate, and care for himself.

15. As a result of his disabilities, Mr. Arroyo is incapable of caring for himself or managing his affairs, and he lacks the capacity to enter into a contract or designate a power of attorney.

16. Mr. Arroyo's disabilities were caused by an accident in July 2015 that caused a traumatic brain injury and left him completely unable to walk or talk, and he needs assistance with all activities of daily living and mobility.

17. Mr. Arroyo's disabilities precluded him from engaging in criminal activity.

18. Plaintiff Carmen Arroyo was appointed conservator for her son as a result of his accident

19. In early 2016, Mr. Arroyo was transferred to a nursing home to continue to recover from his injuries.

20. In April 2016, Mr. Arroyo was medically cleared and ready to be discharged from the nursing home to continue his recovery at home, with Ms. Arroyo as his primary caregiver.

21. In April 2016, Carmen Arroyo submitted a rental application to her property manager, WinnResidential, on Mr. Arroyo's behalf for the ArtSpace Windham, where they intended to reside together.

22. CoreLogic RPS was not aware of Mr. Arroyo's disability status or any of his injuries at the time of the application.

23. CoreLogic RPS was not aware of Mr. Arroyo's race/ethnicity at the time it issued its background report.

24. CoreLogic RPS generated a template adverse action letter, which it filled in with Mr. Arroyo's name and address as the recipient and included with the report provided to WinnResidential. The template adverse action letter states "we are unable to approve your application," and CoreLogic RPS checked a box to indicate that "this decision was based on information contained in consumer report(s) obtained from or through CoreLogic RPS SafeRent, LLC," adding that Mr. Arroyo has the right of disclosure of the information contained in his consumer file. The template adverse action letter also states that CoreLogic RPS "did not make the decision to take adverse action."

25. Any decision of whether to send the adverse action letter was made by WinnResidential.

26. After being informed of the denial, Ms. Arroyo had numerous contacts with WinnResidential in 2016 and 2017, where she explained that Mr. Arroyo was disabled and asked for further details on the denial. WinnResidential did not reverse its decision at that time.

27. On April 20, 2017, approximately a year after RPS provided a tenant screening report on Mr. Arroyo, the charge against him for retail theft was withdrawn.

28. Mr. Arroyo remained in the nursing home until June 2017.

29. In 2017, Ms. Arroyo filed an administrative complaint against WinnResidential for failing to reasonably accommodate Mr. Arroyo's disability by refusing to admit him and for national origin discrimination, asserting claims under the federal Fair Housing Act and the Connecticut Fair Housing Statute.

30. During the pendency of the administrative action, WinnResidential gave Mikhail Arroyo permission to move into the complex.

31. Mr. Arroyo had been approved for a Rental Assistance Program (RAP) certificate that could be used when he left the nursing home to subsidize any eligible rental unit, including Ms. Arroyo's apartment at ArtSpace Windham. RAP is a state-funded program that helps eligible low-income families afford to rent in the private market by limiting a participant household's rent obligation to 30% of the household's adjusted income.

32. When Mr. Arroyo was finally permitted to be added to Ms. Arroyo's lease, the portion of the rent for which the Arroyos were responsible was reduced to 30% of their adjusted household income.

33. A consumer may obtain his or her consumer file from CoreLogic RPS for free.

34. CoreLogic RPS processes requests from consumers for their files and maintains a consumer relations department that handles such requests. CoreLogic RPS maintained written policies and procedures for granting consumers access to their consumer file, including specific policies governing third parties acting on behalf of consumers.

**B. Joint Statement of Contested Issues of Fact**

1. The Parties dispute whether CoreLogic RPS's product CrimSAFE serves to make housing unavailable to some applicants.

2. The Parties dispute how CoreLogic RPS has marketed the CrimSAFE product.

3. The Parties dispute the extent and import of the information provided by CoreLogic RPS to CrimSAFE users on their CrimSAFE settings, including whether default settings are provided.

4. The Parties dispute how CrimSAFE can be configured by housing providers to limit access to that details of criminal records identified to designated administrators.

5. The Parties dispute whether CoreLogic RPS's conduct proximately caused Plaintiffs any injuries with respect to their FHA and CUTPA claims.

6. The Parties dispute whether CoreLogic RPS acted as an agent of WinnResidential with respect to Mr. Arroyo's application for housing.

7. The Parties dispute whether CoreLogic RPS intentionally discriminated against Mr. Arroyo on the basis of his race.

8. The Parties dispute whether CoreLogic RPS intentionally discriminated against Mr. Arroyo on the basis of his disability.

9. The Parties dispute whether CrimSAFE causes a disparate impact with respect to race under the FHA.

10. The Parties dispute whether CoreLogic RPS' file disclosure policies cause a disparate impact with respect to disability under the FHA.

11. The Parties dispute whether, assuming the application of the FHA to CoreLogic RPS's activities, CoreLogic RPS has identified one or more valid interests served by the CrimSAFE product and, if so, whether Plaintiffs have identified that any such valid interests could be served by another practice that has a "less discriminatory effect."

12. The Parties dispute whether CoreLogic RPS's actions delayed Mr. Arroyo's admission to ArtSpace Windham.

13. The Parties dispute whether Plaintiff Connecticut Fair Housing Center has suffered any recoverable damages.

14. The Parties dispute whether the documentation that Ms. Arroyo submitted to CoreLogic RPS as a part of her consumer file disclosure requests satisfied her statutory requirement to provide reasonable "proper identification" before CoreLogic RPS could release Mr. Arroyo's consumer file, including whether any such unwillingness by CoreLogic RPS to produce the file could be deemed a "willful" violation of the FCRA and/or a failure to make a "reasonable accommodation" for Mr. Arroyo's disability under the FHA.

15. The Parties dispute whether CoreLogic RPS's file disclosure practices constitute "trade or commerce" for purposes of the application of the CUTPA.

16. The parties dispute whether Mr. Arroyo suffered any damages proximately caused by CoreLogic RPS with respect to his FCRA claim.

**C. Joint Statement of Contested Issues of Law**

1. Whether Ms. Arroyo has standing to sue CoreLogic RPS in her individual capacity.

2. Whether CoreLogic RPS's conduct made housing "unavailable" to Mr. Arroyo, within the meaning of 42 U.S.C. § 3604(a).

3. Whether CoreLogic RPS's conduct disproportionately makes housing "unavailable" to potential eligible African American and Latino tenants in Connecticut.

4. Whether CoreLogic RPS's conduct qualified it as an "agent" of WinnResidential.

5. Whether CoreLogic RPS's conduct qualifies it as an "agent" of its client housing providers who use CrimSAFE for properties in Connecticut.

6. Whether CoreLogic RPS, through its CrimSAFE product, is a proximate cause of housing denials for rental applicants seeking admission to Connecticut properties.

7. Whether CoreLogic RPS's CrimSAFE product has a disparate impact on African American and Latino applicants for housing.

8. Whether Plaintiffs have presented a *prima facie* statistical case of disparate impact with respect to the CrimSAFE product.

9. Whether the aspects of CoreLogic RPS's CrimSAFE product that Plaintiffs are challenging are necessary to achieve a substantial and legitimate business need.

10. Whether there are less discriminatory alternatives available to satisfy any legitimate business need.

11. Whether CoreLogic RPS engaged in intentional discrimination with respect to the use of CrimSAFE.

12. Whether CoreLogic RPS's conduct with respect to the CrimSAFE product constitutes an "unfair or deceptive" practice under CUTPA.

13. Whether CoreLogic RPS's consumer file disclosures are activities in "trade or commerce," as defined by CUTPA.

14. Whether the Arroyos suffered an “ascertainable loss” under the CUTPA.

15. Whether the information and documentation provided by Ms. Arroyo to CoreLogic RPS constituted “proper identification” under the FCRA.

16. Whether CoreLogic RPS’s unwillingness to disclose Mr. Arroyo’s consumer file was “objectively unreasonable” and thus a willful violation of the FCRA.

17. Whether CoreLogic RPS failed to provide a “reasonable accommodation” to Mr. Arroyo by not accepting the documentation submitted by Ms. Arroyo in seeking his consumer file.

18. Whether CoreLogic RPS intentionally discriminated against Mr. Arroyo on the basis of his disability with respect to its file disclosure practices.

19. Whether CoreLogic RPS’s file disclosure policies have a disparate impact on conserved consumers.

20. Whether Plaintiffs have presented a prima facie statistical case of disparate impact on disabled individuals with respect to CoreLogic RPS’s file disclosure practices.

21. Whether CoreLogic RPS’s file disclosure practices serve a legitimate business need.

22. Whether there are less discriminatory alternatives to serve any legitimate business need.

23. Whether Plaintiffs have satisfied the standards for obtaining injunctive relief.

24. Whether Plaintiffs have sufficiently proven their damages or claim for injunctive relief, including whether the CHFC’s asserted damages should be reduced based on prior grants received.

**X. ANTICIPATED EVIDENTIARY ISSUES**

A. Admissibility of the proffered expert witnesses’ testimony.

B. Whether proffered non-expert testimony is relevant and whether it is more prejudicial than probative.

C. Whether proffered non-expert testimony is supported by adequate foundation.

D. Whether proffered evidence is inadmissible hearsay.

Dated: June 15, 2020

Respectfully submitted,

/s/ Christine E. Webber

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**PLAINTIFFS' DESIGNATIONS: YVONNE ROSARIO**

| Plaintiffs' Designation | Defendant's Objection                  | Defendant's Counter Designation |
|-------------------------|--|---------------------------------|
| 4:1-4:10                |  |                                 |
| 5:2-5:16                |  |                                 |
| 6:8-8:23                |  |                                 |
| 9:3-11:4                |  |                                 |
| 11:7-12:23              |  |                                 |
| 13:7-14:7               |  |                                 |
| 14:10-15:3              |  |                                 |
| 15:17-15:24             |  |                                 |
| 16:7-17:8               |  |                                 |
| 17:14-17:21             |  |                                 |
| 18:11-22:7              | FRE 401; 403; 801 (relevance, hearsay) |                                 |
| 23:14-24:21             |  |                                 |
| 25:9-28:7               |  |                                 |
| 28:10-31:2              |  |                                 |
| 32:2-33:3               |  |                                 |
| 34:17-37:1              |  |                                 |
| 37:21-38:3              |  |                                 |
| 41:23-43:13             |  |                                 |
| 43:14-45:14             |  |                                 |
| 47:3-47:14              |  |                                 |
| 48:7-48:12              |  |                                 |
| 49:2-53:25              |  |                                 |
| 56:22-58:7              |  |                                 |
| 58:17-59:4              |  |                                 |
| 59:23-67:3              |  |                                 |
| 67:4-68:3               |  |                                 |
| 69:7-69:18              |  |                                 |
| 71:19-73:21             |  |                                 |
| 73:25-74:14             |  |                                 |
| 75:23-79:10             |  |                                 |
| 85:3-87:16              |  |                                 |

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**PLAINTIFFS' DESIGNATIONS: YVONNE ROSARIO**

| Plaintiffs' Designation | Defendant's Objection | Defendant's Counter Designation |
|-------------------------|-----------------------|---------------------------------|
| 90:4-91:1               |                       |                                 |
| 97:3-103:9              |                       |                                 |
| 108:16-109:21           |                       |                                 |
| 110:23-111:24           |                       |                                 |
| 112:16-113:19           |                       |                                 |
| 122:6-124:19            |                       |                                 |

| Defendant's Designation | Plaintiffs' Objection  | Plaintiffs' Counter Designation |
|-------------------------|--|---------------------------------|
| 4:8-10                  |  |                                 |
| 10:9-11:4               |  | 9:3-10:8                        |
| 22:8-24:5               |  |                                 |
| 24:6-25:25              |  | 26:1-28:7                       |
| 47:3-14                 |  |                                 |
| 48:10-12                |  |                                 |
| 50:16-52:10             |  | 49:1-50:15, 52:11-53:25         |
| 59:23-65-23             |  | 65:24-67:3                      |
| 67:4-68:3               |  |                                 |
| 87:4-13                 |  | 87:14-16                        |
| 103:10-104:1            |  | 104:2 - 105:25                  |
| 118:3-121:25            | FRE 401, 403, 602 (relevance, lack of foundation, speculation) |                                 |