

City of Chicago
COMMISSION ON HUMAN RELATIONS
500 Peshtigo Court, 6th Floor
Chicago, Illinois 60611
(312) 744-4111 [Voice]
(312) 744-1088 [TDD]

IN THE MATTER OF :)
DANIEL P. MAY)
)
 Complainant,)
)
 -v-) No. 91-FHO-140-5725
) Consolidated with 91-FHO-140-5726
 BRUNO ANDRIUKAITIS and)
 SUZANNE ANDRIUKAITIS,)
)
 Respondents.)

TO: Stacey L. Beckman Andrew B. Kagan
Kenneth N. Flaxman P.C. Lawrence Y. Schwartz, Ltd.
122 S. Michigan 7366 N. Lincoln
Suite 1850 Suite 404
Chicago, IL 60603 Lincolnwood, IL 60646

O R D E R

The Respondent has filed Objections to the Document Requests propounded by the Complainant in the within case. Having reviewed the Document Requests and the Objections, the Commission makes the following rulings:

1. Document Request #1: The complainant seeks every conceivable document which would identify the legal and beneficial owners of the subject property. The respondent believes that this request is overbroad, burdensome and irrelevant. The complainant is entitled to know who owns the building, both legally and equitably. The Commission believes, however, that this sweeping request for all documents relating the property, including deeds, title searches and contracts of

sale is indeed overbroad. Therefore, respondent shall provide to complainant documentary evidence of respondents' choice which identifies the legal and equitable owners of the building.

Request #6. The complainant seeks an itemized documentation of respondents' net worth. The respondents object on the grounds the request is overbroad, burdensome and irrelevant. The request is not irrelevant. The Commission has awarded punitive damages to complainants in housing discrimination cases. See, Akangbe and 1428 West Fargo Condominium, 91-FHO-7-5595 (March 25, 1992); Castro and Georgeopoulos, 91-FHO-6-5591 (December 18, 1991) Since punitive damages are at issue, the net worth of the respondents is relevant. See, Littlefield -v- McGuffey, 954 f. 2d 1337,1349 (7th Cir. 1992); Tolliver -v- Amici, 800 F. 2d 149 (7th Cir. 1986).

The complainants Document Request #6 is too broad, however. The Respondents shall provide to complainants any one or more documents which detail their net worth such as a recent loan application. In the event such a document is not available, then respondents may submit to complainants a sworn statement of net worth or may provide complainants with sufficient documentary information so as to allow complainants to determine respondents' net worth.

Document Request #9. Complainant seeks "each document compiled from November 1988 to the present reflecting when the units at 1039 W. Dakin were to be or have been repaired or cleaned". Respondents object that this request is overly broad, burdensome and irrelevant. The Commission does not see how this information is relevant to whether or not the respondents

constructively evicted the complainants because of their sexual orientation. Therefore, the respondents objection is sustained.

Document Request #13. The complainant requests all insurance policies which may reasonably be interpreted as applicable to any damages that may be awarded as a result of this complaint. The respondent objects. The respondents' objection is overruled. At least one federal court has recently held that a landlord's insurance policy may cover attorneys fees and costs assessed in a housing discrimination case, See, Littlefield -v- Mack No. 88 C 9803 (N.D. Il. Feb. 7, 1992) *Prentice Hall Fair Housing-Fair Lending Reporter*, Vo. VII, No. 10 ¶ 10.2 (April 1, 1992). Therefore, any such insurance policy is discoverable.

A PARTY MAY OBTAIN REVIEW OF THIS ORDER ONLY AFTER THE COMMISSION HAS ISSUED AN ORDER DISMISSING THE COMPLAINT OR RULING UPON AN ADMINISTRATIVE HEARING.

CHICAGO COMMISSION ON HUMAN RELATIONS

Clarence N. Wood
Chair/Commissioner

By: Jeffrey L. Taren
Hearing Officer

Entered this 11th of April, 1992


Jeffrey L. Taren