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17 UNITED STATES DISTRICT COURT  
18 CENTRAL DISTRICT OF CALIFORNIA

19 NATIONAL ASSOCIATION FOR  
20 THE ADVANCEMENT OF  
21 COLORED PEOPLE (NAACP), on  
22 Behalf of Itself and All Others  
23 Similarly Situated, as well as on  
24 Behalf of the General Public and  
25 Acting in the Public Interest,

Plaintiff,

vs.

26 Ameriquest Mortgage Company, a  
27 Corporation; Fremont Investment &  
28 Loan, a Corporation; Option One

**CASE NO.**

**CLASS ACTION COMPLAINT FOR:**

- 1. VIOLATION OF THE FAIR HOUSING ACT;**
- 2. VIOLATION OF THE EQUAL CREDIT OPPORTUNITY ACT;**
- 3. RACIAL DISCRIMINATION (42 U.S.C. §§ 1981, 1982)**

**JURY TRIAL DEMANDED**

1 Mortgage Corporation, a Corporation;  
2 WMC Mortgage Corporation, a  
3 Corporation; Long Beach Mortgage  
4 Company, a Corporation; Citigroup,  
5 Inc., a Corporation; BNC Mortgage,  
6 Inc., a Corporation; Accredited Home  
7 Lenders, Inc., a Corporation; Bear  
8 Sterns Residential Mortgage  
9 Corporation, a Corporation d/b/a  
10 Encore Credit; First Franklin Financial  
11 Corporation, a Corporation; HSBC  
12 Finance Corporation, a Corporation;  
13 Washington Mutual, Inc., a  
14 Corporation; and Does 1-10, inclusive,  
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Plaintiff, on behalf of itself and a Class as identified herein, and based upon information and belief, states as follows:

### INTRODUCTION

1. The National Association for the Advancement of Colored People (the “NAACP”) brings this action in its representative capacity and as a class action seeking injunctive and other relief against numerous mortgage lenders who are engaged in institutionalized, systematic racism. In 2004, African-American homeowners who received subprime mortgage loans from Defendants were over 30% more likely to be issued a higher-rate loan than Caucasian borrowers *with the same qualifications*.

2. In 2006, the Center for Responsible Lending, a non-profit research organization, found that even when income and credit risk were accounted for, African-Americans were *still* 31% to 34% more likely to receive higher rate subprime loans, and that the disparities between them and Caucasians with the same risk factors were “large and statistically significant”.

3. In another study, the National Community Reinvestment Coalition determined that lending institutions in six major metropolitan areas engaged in “pervasive discriminatory and predatory practices”, including making high cost subprime loans to higher-qualified African-Americans 54% of the time, compared to

1 23% of the time for Caucasians, even when Caucasian applicants were similarly, and  
2 often *less*, qualified.

3 4. The lending industry has a long history of engaging in racial  
4 discrimination in connection with mortgage loans made to African-Americans, with  
5 products and terms that are drastically worse than those given to their Caucasian  
6 counterparts. Recently, the Federal Reserve Board concluded that African-Americans  
7 were more likely to pay higher prices for mortgages than their Caucasian counterparts.  
8 The United States Inspector General cited that report as showing “significant”  
9 differences, making it “clear” that African-Americans were “much more likely to get  
10 higher-priced loans” than Caucasians.

11 5. In addition to carrying higher interest rates, subprime loans to African-  
12 Americans are typically laden with improperly disclosed fees, including excessive  
13 prepayment penalties which effectively prohibit borrowers from refinancing at a fairer  
14 rate. The Center for Responsible Lending estimates that families lose \$2.3 billion each  
15 year from their home equity wealth because of prepayment penalties in subprime  
16 mortgage loans. African-Americans are more than three times as likely as Caucasians  
17 to be put into one of these equity-draining subprime loans.

18 6. These statistical disparities are not mere happenstance, but instead result  
19 from a systematic and predatory targeting of African-Americans. African-American  
20 and Caucasian borrowers with the same qualifications should be treated equally.  
21 Instead, Defendants have discriminated against the African-American borrowers. The  
22 NAACP brings this lawsuit to enjoin Defendants from continuing their discriminatory  
23 practices, to compel their compliance with applicable federal law, and to ensure  
24 Defendants’ continuing compliance with applicable federal law.

25  
26  
27 **THE PARTIES**

1           7.       Plaintiff National Association for the Advancement of Colored People  
2 (“NAACP”) is the nation’s oldest civil rights organization. Its history and  
3 accomplishment are well known. Its mission includes ensuring economic equality and  
4 eliminating racial hatred and discrimination, including in housing. The NAACP is a  
5 non-profit and non-partisan organization, headquartered in Baltimore, Maryland.

6           8.       Both the NAACP individually, and NAACP members, have been injured  
7 by the Defendants complained of herein. The NAACP has representational standing to  
8 pursue this claim as a class action on behalf of its members. Its request for injunctive  
9 and declaratory relief does not require participation of the members, even though the  
10 members have standing to seek this same relief in their own right. In fact, the members,  
11 or any one of them, are in real and imminent danger of suffering immediate or  
12 threatened injury as a result of these predatory lending policies, which said members  
13 could directly pursue. Also, the interests the NAACP seeks to protect are germane to its  
14 stated purpose of ensuring economic equality and eliminating racial hatred and  
15 discrimination, including in housing. Finally, although seeking injunctive and  
16 declaratory relief for a class of its members, the NAACP also has standing to sue in its  
17 own right because Defendants’ discriminatory policies and practices tend to frustrate  
18 the association’s mission, reduce contributions, and divert its resources.

19           9.       Defendant Ameriquest Mortgage Company is a corporation organized  
20 under the laws of the State of Delaware, with its principal place of business in Orange,  
21 California. Ameriquest is engaged in the business of issuing subprime mortgage loans  
22 throughout California, and throughout the United States, that violate the laws identified  
23 herein.

24           10.      Defendant Fremont Investment & Loan is a corporation organized under  
25 the laws of the State of California, with its principal place of business in Brea,  
26 California. Fremont Investment & Loan is engaged in the business of issuing subprime  
27

1 mortgage loans throughout California, and throughout the United States, that violate the  
2 laws identified herein.

3 11. Defendant Option One Mortgage Corporation is a corporation organized  
4 under the laws of the State of California, with its principal place of business in Irvine,  
5 California. Option One Mortgage Corporation is engaged in the business of issuing  
6 subprime mortgage loans throughout California, and throughout the United States, that  
7 violate the laws identified herein.

8 12. Defendant WMC Mortgage Corporation is a corporation organized under  
9 the laws of the State of California, with its principal place of business in Burbank,  
10 California. WMC Mortgage is engaged in the business of issuing subprime mortgage  
11 loans throughout California, and throughout the United States, that violate the laws  
12 identified herein.

13 13. Defendant Long Beach Mortgage Company is a corporation organized  
14 under the laws of the State of Delaware, with its principal place of business in Long  
15 Beach, California. Long Beach Mortgage is engaged in the business of issuing  
16 subprime mortgage loans throughout California, and throughout the United States, that  
17 violate the laws identified herein.

18 14. Defendant Citigroup, Inc. is a corporation organized under the laws of the  
19 State of Delaware, with its principal place of business in New York, New York.  
20 Citigroup is engaged in the business of issuing subprime mortgage loans throughout  
21 California, and throughout the United States, that violate the laws identified herein.

22 15. Defendant BNC Mortgage, Inc. is a corporation organized under the laws  
23 of the State of Delaware, with its principal place of business in Irvine, California. BNC  
24 Mortgage is engaged in the business of issuing subprime mortgage loans throughout  
25 California, and throughout the United States, that violate the laws identified herein.

26 16. Defendant Accredited Home Lenders, Inc. is a corporation organized  
27 under the laws of the State of California, with its principal place of business in San

1 Diego, California. Accredited Home Lenders is engaged in the business of issuing  
2 subprime mortgage loans throughout California, and throughout the United States, that  
3 violate the laws identified herein.

4 17. Defendant Bear Sterns Residential Mortgage Corporation d/b/a Encore  
5 Credit is a corporation organized under the laws of the State of Delaware, with its  
6 principal place of business in Irvine, California. Encore Credit is engaged in the  
7 business of issuing subprime mortgage loans throughout California, and throughout the  
8 United States, that violate the laws identified herein.

9 18. Defendant First Franklin Financial Corporation is a corporation  
10 organized under the laws of the State of Georgia, with its principal place of business in  
11 San Jose, California. First Franklin Financial Corporation is engaged in the business of  
12 issuing subprime mortgage loans throughout California, and throughout the United  
13 States, that violate the laws identified herein. It does so through its division  
14 NationPoint, which is based in Lake Forest, California.

15 19. Defendant HSBC Finance Corporation is a corporation organized under  
16 the laws of the State of Delaware, with its principal place of business in Prospect  
17 Heights, Illinois. HSBC is engaged in the business of issuing subprime mortgage loans  
18 throughout California, and throughout the United States, that violate the laws identified  
19 herein.

20 20. Defendant Washington Mutual, Inc. is a corporation organized under the  
21 laws of the State of Washington, with its principal place of business in Seattle,  
22 Washington. Washington Mutual is engaged in the business of issuing subprime  
23 mortgage loans throughout California, and throughout the United States, that violate the  
24 laws identified herein.

25 21. Defendants DOES 1 through 10, inclusive, are sued herein under  
26 fictitious names. Their true names and capacities are unknown to Plaintiff at this time.  
27 When their true names and capacities are ascertained, Plaintiff will amend this

1 complaint by inserting their true names and capacities herein. Plaintiff is informed and  
2 believes and thereon alleges that each of the fictitiously named Defendants is  
3 responsible in some manner for the occurrences herein alleged, and that Plaintiff's  
4 damages as herein alleged were proximately caused by those Defendants. Each  
5 reference in this complaint to "Defendants" or a specifically named Defendant refers  
6 also to all Defendants sued under fictitious names.

7 **JURISDICTION AND VENUE**

8 22. This is an action for violation of 42 U.S.C. §3601 *et seq.* (Fair Housing  
9 Act), 15 U.S.C. §1691 *et seq.* (Equal Credit Opportunity Act) and 42 U.S.C. § 1981 *et*  
10 *seq.* (Civil Rights Act). This Court has original jurisdiction over this action pursuant to  
11 28 U.S.C. §1331 (federal question).

12 23. Venue is proper in the Central District of California pursuant to 28  
13 U.S.C. §1391 because each Defendant is a corporation subject to personal jurisdiction  
14 in this district.

15 **CLASS ACTION ALLEGATIONS**

16 24. Plaintiff brings this action as a class action pursuant to Federal Rule of  
17 Civil Procedure 23(a) and (b)(2) on behalf of itself and a Class consisting of members  
18 of the NAACP.

19 25. Excluded from the Class are Defendants, their officers, directors and  
20 employees, members of their immediate families and each of their legal representatives,  
21 heirs, successors or assigns, and any entity in which Defendants have or had a  
22 controlling interest; members of the Plaintiff organization who are not African-  
23 American; and any judge, justice, or judicial officer presiding over this matter and the  
24 members of their immediate families and judicial staff.

1           26.     This action is properly maintainable as a class action because:

2           (a)     Numerosity: The members of the Class for whose benefit this action is  
3 brought are dispersed throughout the state and nationwide, and are so numerous that  
4 joinder of all Class members is impracticable.

5           (b)     Typicality: Plaintiff's claims are typical of those of the Class as all  
6 members of the Class are similarly affected by Defendants' actionable conduct as  
7 alleged herein.

8           (c)     Common Questions of Law and Fact Predominates: The questions of law  
9 and fact common to the members of the Class predominate over any questions affecting  
10 individual members of the Class. Among the questions of law and fact common to the  
11 Class are:

- 12           i.     Whether there are disparities between the interest rates imposed  
13 upon African-American mortgagees and those imposed on  
14 Caucasian mortgagees of equal credit risk and creditworthiness;
- 15           ii.    Whether such disparities are statistically significant enough to  
16 demonstrate a causal connection between the race of the mortgagee  
17 and the interest rate charged;
- 18           iii.   Whether such disparities violate the Fair Housing Act, Equal Credit  
19 Opportunity Act, and Civil Rights Act;
- 20           iv.   Whether these policies and practices have proximately caused  
21 damages and injury to Plaintiff and the Class entitling them to  
22 injunctive and declaratory relief, and the measure of that relief.

23           (d)     Adequacy of Representation: Plaintiff will fairly and adequately protect  
24 the interests of the Class and have retained counsel competent and experienced in class  
25 action litigation, including class actions within the Central District of California.  
26 Plaintiff has no interests antagonistic to, or in conflict with, the Class that Plaintiff seeks  
27 to represent.

1 (e) Injunctive/Declaratory Class: Defendants have acted or refused to act on  
2 grounds generally applicable to the Class, thereby making final injunctive relief proper  
3 with respect to the Class. Fed. R. Civ. P. 23(b)(2).

4 **FACTUAL ALLEGATIONS**

5 27. The ownership of a home is a fundamental bridge to financial security that  
6 has become an indispensable part of the “American Dream.” It is the bedrock of  
7 economic security, as well as the primary vehicle by which families build wealth.  
8 Home equity accounts for more than one-third of the average net wealth of U.S.  
9 households. The percentages are even greater for minorities. A recent Pew Hispanic  
10 Center study found that among African-American homeowners, the median family held  
11 88% of its total wealth in the form of home equity.

12 28. During the last decade, African-Americans have joined Hispanic borrowers  
13 in helping to fuel a multiyear housing boom, accounting for 49% of the increase in  
14 home ownership from 1995 to 2005, according to Harvard's Joint Center for Housing  
15 Studies. Nonetheless, African-Americans are far more likely to have their American  
16 dream unduly burdened with subprime loans than their Caucasian counterparts.

17 29. Subprime loans are higher-cost mortgage products that are theoretically  
18 given to borrowers who have impaired credit. During the past 10 years, an entire  
19 “subprime” industry has been spawned by larger “profits” generated by the higher rates  
20 and exorbitant fees charged to “high risk” borrowers.

21 30. Unfortunately, the “subprime” industry has also attempted to maximize its  
22 profits by directing borrowers with relatively good credit to “subprime” mortgages.  
23 These predatory tactics have been disproportionately applied against members of the  
24 African-American community.

25 31. The majority of African-Americans who took out purchase mortgages in  
26 2005 were put into higher-cost subprime loans, compared with about 17% of  
27 Caucasians, according to Federal Reserve data. As just two examples, the South Side of

1 Chicago, with a large concentration of minority borrowers, has a high concentration of  
2 subprime loans and the state's highest foreclosure rate. And in Boston, where defaults  
3 are rising primarily in minority neighborhoods, 73% of high-income African-Americans  
4 (those making \$92,000 to \$152,000) received subprime loans in 2005, compared with  
5 17% of Caucasians.

6 32. This is consistent with the Association of Community Organizations for  
7 Reform Now (ACORN) finding in 2001 that among upper-income African-Americans  
8 nationally, 18.05 percent of conventional refinance loans received were from subprime  
9 lenders, whereas for upper-income Caucasian homeowners it was only 4.81 percent. In  
10 fact, *upper-income* African-American homeowners are more likely to receive a  
11 subprime loan while refinancing even when compared to *lower-income* Caucasian  
12 homeowners.

13 33. While some borrowers in the subprime market are genuine credit risks,  
14 African-American borrowers have been targeted and illegally steered into subprime  
15 loans. Defendants are reluctant or refuse to offer these borrowers the prime loans that  
16 are offered to Caucasian borrowers with the same qualifications. Instead, Defendants  
17 engage in predatory subprime lending, knowingly make loans with high loan-to-value  
18 ratios, in this case to borrowers who qualify for lower-cost or prime loans, in what  
19 amounts to a kind of “reverse redlining”. Studies by Freddie Mac and Standard &  
20 Poor’s have found that 20% to 30% of borrowers who receive subprime mortgages  
21 could have qualified for traditional mortgages at the lower rates offered by banks to  
22 prime borrowers. This effectively dilutes the equity from the property, places the  
23 borrower in jeopardy of default, and puts the borrower in the position of spending years  
24 paying off additional loan balances without developing any equity.

25 34. Earlier this year, over 80 consumer groups wrote to Federal Banking  
26 Agencies about a particular type of subprime loan, the adjustable rate mortgage (ARM).  
27 An ARM typically contains an average built-in “shock payment” increase of 29%, even

1 if interest rates remain unchanged. Fitch Ratings reports that the actual payment shock  
2 may be as high as 48%. The majority of subprime loans made to African-Americans  
3 had these adjustable rates, called 2-28 or 3-27 ARMs. The Center for Responsible  
4 Lending estimates that 2.2 million such subprime loans have ended or will end in  
5 foreclosure, a rate of 19%.

6 35. In September 2005, the Federal Reserve Board concluded that African-  
7 Americans were more likely to pay higher prices for these mortgages. The United  
8 States Inspector General then cited that report as showing “significant” differences that  
9 made it “clear” that African-Americans were “much more likely to get higher-priced  
10 loans” than Caucasians, and the FDIC has stated that it does not believe that these  
11 significant disparities can be explained away by risk-based pricing, as the lending  
12 industry has repeatedly tried to do.

13 36. Further, the U.S. Department of Housing and Urban Development found  
14 that in neighborhoods where at least 80 percent of the population is African-American,  
15 borrowers were 2.2 times as likely as borrowers in the nation as a whole to refinance  
16 with a subprime lender. In fact, *upper-income* borrowers living in predominately  
17 African-American neighborhoods are twice as likely as *lower-income* Caucasian  
18 borrowers to have subprime loans. Accordingly, the Secretary of Housing and Urban  
19 Development, Alphonso Jackson, was recently quoted as stating he believes African-  
20 Americans have been specifically targeted by subprime lenders.

21 37. While long suspected, this discrimination has only recently been disclosed  
22 and quantified. It has only been in the last few years that mortgage lenders have been  
23 required to submit details of their subprime home loans under the Home Mortgage  
24 Disclosure Act. The non-profit Center for Responsible Lending performed a study  
25 using this data and a custom software program to analyze over 177,000 individual  
26 loans, culminating in May 31, 2006 report entitled “Unfair Lending: The Effect of Race  
27 and Ethnicity on the Price of Subprime Mortgages”. This review combined self-

1 reporting data from the lenders themselves under that Act, with a proprietary loan-level  
2 database that was able to account for and exclude specific risk profiles. Even after  
3 accounting for risks, clear disparities remained:

- 4 • On fixed-rate loans, African-Americans are 31% to 34% more likely to  
5 receive a higher-rate loan than if they had been Caucasian. Those numbers  
6 were even higher for loans containing prepayment penalties, which  
7 accounted for over 60% of the loans issued to African-American  
8 mortgagees.
- 9 • On adjustable-rate loans, African-Americans are up to 15% more likely to  
10 receive a higher-rate loan than if they had been Caucasian.

11 40. These disparities can only be explained by race. Placing African-American  
12 mortgagees into higher-priced subprime loans based on their race violates the Fair  
13 Housing Act, the Equal Credit Opportunity Act, and the Civil Rights Act. The  
14 violations entitle the NAACP individually and on behalf of its members to relief  
15 provided under the Act, specifically declaratory and injunctive relief. This relief could  
16 include, but is not limited to, ordering Defendants to cease and desist from the unlawful  
17 conduct described above, and to modify their lending practices to conform with  
18 statutory requirements; the establishment and publication of informative materials and  
19 programs; and this Court retaining jurisdiction on an ongoing basis in order to ensure  
20 and, where necessary, enforce its judgment.

### 21 **FIRST CAUSE OF ACTION**

22 **(Fair Housing Act – 42 U.S.C. §3601 *et seq.*)**

#### 23 **Against All Defendants**

24 41. Plaintiff incorporates each and every preceding paragraph stated above,  
25 inclusive, as though the same were fully set forth herein.

26 42. The Fair Housing Act, 42 U.S.C. §3601 *et seq.*, was first enacted in 1968  
27 to prohibit discrimination in connection with real estate transactions, including home

1 purchases and refinancing. The Act has been broadly construed by the courts to make  
2 effective its provisions to protect consumers.

3 43. The Act prohibits mortgage lenders from imposing different terms or  
4 conditions on a loan, such as different interest rates, points or fees, on the basis of race.  
5 Defendants targeted African-Americans for higher cost subprime mortgage loans, while  
6 directing Caucasian applicants, with the same qualifications after accounting for risk,  
7 into lower cost loans.

8 44. In addition or in the alternative, under the guise of these purportedly  
9 facially-neutral subprime loan policies and practices, Defendants had a discriminatory  
10 effect and created statistical disparities so great between African-American and  
11 Caucasian mortgagees as to be functionally equivalent to intentional discrimination.

12 45. By the actions described above, Defendants have violated 42 U.S.C.  
13 §§3601, 3604, and 3605. Section 3605 states that “[i]t shall be unlawful for any person  
14 or other entity whose business includes engaging in residential real estate-related  
15 transactions to discriminate against any person in making available such a transaction,  
16 or in the terms or conditions of such a transaction, because of race . . . .” NAACP  
17 members are subjected to these discriminatory practices as alleged, and given loans on  
18 grossly unfavorable terms. Defendants continue to provide loans to other applicants  
19 with the same or similar qualifications, but on significantly more favorable terms.  
20 Therefore, as a proximate result of Defendants’ systematic violation of this statute,  
21 Plaintiff and the Class are entitled to the requested relief provided under the Act.

22 46. Defendants continue to provide mortgage loans to Caucasian applicants  
23 with similar qualifications on significantly more favorable terms, and their policies and  
24 practices will continue to have a discriminatory impact in violation of the Act against  
25 Class members in applications for a mortgage, as they have on NAACP members in the  
26 past. If not enjoined from such violations by the Court, Defendants will continue to  
27

1 engage in conduct that disregards the rights of NAACP members and causes irreparable  
2 injury.

3 47. Treating NAACP members differently in mortgage lending based on their  
4 race violates this Act. As a proximate result of Defendants' systematic violation of this  
5 Act, Plaintiff and the Class are entitled to the requested relief requested herein.

6 **SECOND CAUSE OF ACTION**

7 **(Equal Credit Opportunity Act – 15 U.S.C. §1691 *et seq.*)**

8 **Against All Defendants**

9 48. Plaintiff incorporates each and every preceding paragraph stated above,  
10 inclusive, as though the same were fully set forth herein.

11 49. The Equal Credit Opportunity Act was first enacted in 1974 as a consumer  
12 protection statute prohibiting discrimination in the issuing of credit. The Act has been  
13 broadly construed by the courts in order to make effective its provisions to protect  
14 consumers.

15 50. Defendants are creditors within the meaning of 15 U.S.C. § 1691(e). The  
16 mortgage loans offered to NAACP members are credit transactions. The Act provides  
17 that “[i]t shall be unlawful for any creditor to discriminate against any applicant, with  
18 respect to any aspect of a credit transaction...on the basis of race”. 15 U.S.C.  
19 §1691(a)(1). Class members are systematically and continuously extended mortgage  
20 credit by Defendants on a discriminatory basis.

21 51. Defendants discriminated against these NAACP members on the basis of  
22 race in the terms and conditions of the loan contracts, including charging higher interest  
23 rates to African-Americans than similarly-qualified Caucasians, and will continue to  
24 engage in conduct that disregards the rights of NAACP members and causes irreparable  
25 injury if not enjoined from such violations by this Court.



1 **JURY DEMAND**

2 Plaintiff, individually and on behalf of the Class, hereby demands a trial by jury  
3 on all claims and issues which it has a right for a jury to render judgment.  
4

5 **PRAYER**

6 WHEREFORE, Plaintiff, individually and on behalf of the putative Class  
7 comprised of members of the NAACP, prays for entry of judgment as follows:

- 8 A. Certifying the putative Class and appointing Plaintiff and its counsel to  
9 represent the Class;
- 10 B. Entering judgment in favor of Plaintiff and the putative Class against  
11 Defendants;
- 12 C. Declaring that Defendants’ practices, as described herein, violate the Fair  
13 Housing Act, the Equal Credit Opportunity Act, and the Civil Rights Act.
- 14 D. Enjoining the complained of conduct and Ordering Defendants to modify  
15 their lending practices to comport with the law. Plaintiff and the Class  
16 request that the Court exercise its equitable jurisdiction and order  
17 Defendants, their agents, subsidiaries, and affiliated companies to cease  
18 and desist from the unlawful conduct described above, and hereafter  
19 modify their lending practices to conform with statutory requirements.  
20 Plaintiff and the Class further request that the Court order Defendants their  
21 agents, subsidiaries, and affiliated companies to establish and publish  
22 informative materials and programs to fully inform African-Americans  
23 about their rights to equal treatment with respect to home loans and  
24 subprime loans. Plaintiff further requests that the Court retain jurisdiction  
25 on an ongoing basis in order to ensure and, where necessary, enforce  
26 compliance.
- 27 E. Awarding attorney fees and costs to Plaintiff and members of the Class as  
allowed by law; and

1 F. For such other relief as the Court deems just under the circumstances.

2 Dated: \_\_\_\_\_

Respectfully submitted,

3  
4 \_\_\_\_\_  
5 BRIAN S. KABATECK

6 NAACP  
7 KABATECK BROWN KELLNER LLP  
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10 *Attorneys for Plaintiff, NAACP on Behalf*  
11 *of Itself and Its Members*