

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

CASE NO.: CI 18-10728

Law Reh, Nya Poe, Ma Sue Thin, Ree)
Meh, Pwint Pyu, Ah Mya, Then Yee, Ha)
Day Mu, Paw Htoo, Paw Wah, Kya Aye,)
Ha Baht, Myint Aye, August Soe, Phoe)
Thawme, Ta Aye Aye, Camber Paw,)
Emmoo Zoe, Min Thu, Baw Lee, Lah)
Kyi, Na Naing Aung, Maung Saw, Ka Ba)
Kyaw, Tin Tin Po, Mu N. Pi, Wah Lo Co,)
Pah Da Baw, Paw Men, Oo Reh, Hean)
Reh, Kay Reh, Lee Meh, Shae Meh, Ra)
Meh, Nga Reh, Me Reh, Luseya Reh,)
Ben Reh, Ti Moe, Pray Reh, Kar Reh,)
Poe Reh, Pray Meh, Say Moe, Min No,)
Po Reh, Thaw Reh, Ku Mo, Sheh Meh,)
Hsor Reh, Day Meh, Soe Reh, Klaw)
Men, Lee Reh, Reh Meh, Pa Loh, Dee)
Dee, Saw Nay Kaw, Tho Tho, Kyaw)
Gay, Eh Kor, Lwe Htoo, Yel Aung,)
November Htoo, Eh Khu, Saw Tay, Sa)
Thain, Thain Shein, Ha Ba, Taw Thu,)
Kway Lit, Win Myint, Tho Tho, Dah Bu,)
Min No, Sae Meh, Kig Meh, Oo Meh, Lal)
Buk Tluang, Meh Meh, Me Reh, Say)
Wah Paw, Ta Ko Lo, Day Lah, Thaw)
Reh, Tin Aung, Wai B. Poe, Eh Doo, Eh)
Has Tee, Eah Gay, Pow Meh,)

COMPLAINT

#4 FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA
DEC 21 2018
JOHN M. FRIEND
CLERK DISTRICT COURT

Plaintiffs,)

v.)

AB REALTY, LLC, a foreign LLC)
organized under the laws of Utah,)
and KAY ANDERSON,)

Defendants.)

COMES NOW Plaintiffs, and allege as follows:

PARTIES

1. Law Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.



2. Nya Poe is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

3. Ma Sue Thin is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

4. Ree Meh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

5. Pwint Pyu is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

6. Ah Mya is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

7. Then Yee is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

8. Ha Day Mu is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

9. Paw Htoo is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

10. Paw Wah is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

11. Kya Aye is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

12. Ha Baht is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

13. Myint Aye is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

14. August Soe is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

15. Phoe Thawme is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

16. Ta Aye Aye is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

17. Camber Paw is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

18. Emmoo Zoe is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

19. Min Thu is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

20. Baw Lee is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

21. Lah Kyi is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

22. Na Naing Aung is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

23. Maung Saw is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

24. Ka Ba Kyaw is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

25. Tin Tin Po is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

26. Mu N. Pi is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

27. Wah Lo Co is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

28. Pah Da Baw is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

29. Paw Men is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

30. Oo Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

31. Hean Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

32. Kay Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

33. Lee Meh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

34. Shae Meh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

35. Ra Meh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

36. Nga Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

37. Me Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

38. Luseya Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

39. Ben Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

40. Ti Moe is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

41. Pray Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

42. Kar Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

43. Poe Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

44. Pray Meh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

45. Say Moe is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

46. Min No is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

47. Po Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

48. Thaw Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

49. Ku Mo is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

50. Sheh Meh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

51. Hsor Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

52. Day Meh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

53. Soe Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

54. Klaw Men is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

55. Lee Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

56. Reh Meh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

57. Pa Loh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

58. Dee Dee is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

59. Saw Nay Kaw is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

60. Tho Tho is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

61. Kyaw Gay is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

62. Eh Kor is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

63. Lwe Htoo is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

64. Yel Aung is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

65. November Htoo is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

66. Eh Khu is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

67. Saw Tay is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

68. Sa Thain is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

69. Thain Shein is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

70. Ha Ba is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

71. Taw Thu is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

72. Kway Lit is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

73. Win Myint is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

74. Tho Tho is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

75. Dah Bu is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

76. Min No is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

77. Sae Meh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

78. Kig Meh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

79. Oo Meh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

80. Lal Buk Tluang is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

81. Meh Meh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

82. Me Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

83. Say Wah Paw is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

84. Ta Ko Lo is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

85. Day Lah is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

86. Thaw Reh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

87. Tin Aung is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

88. Wai B. Poe is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

89. Eh Doo is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

90. Eh Has Tee is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

91. Eah Gay is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

92. Pow Meh is an individual who resides in Douglas County, Omaha, Nebraska at all relevant times hereto.

93. Upon information and belief, Defendant AB Realty, LLC ("Defendant AB Realty") is a single member, foreign LLC organized under the laws of the State of Utah. Defendant AB Realty owns and manages certain real property located at 3341 Lake Street in Douglas County, Omaha, Nebraska.

94. Defendant Kay Anderson ("Defendant Anderson") is an individual who resides in Omaha, Douglas County, Nebraska. Defendant Anderson is the owner and/or sole member of Defendant AB Realty. Defendant Anderson is the on-site landlord representative.

JURISDICTION

95. The events giving rise to this claim occurred in Omaha, Douglas County, Nebraska and, accordingly, this Court has jurisdiction pursuant to § 24-302, § 24-517(5) and § 25-536(1)(c) & (d).

VENUE

96. Venue is appropriate pursuant to § 25-403.01 as the causes of action arose in Omaha, Douglas County, Nebraska and as Defendant Anderson is a resident of Douglas County, Nebraska.

FACTUAL ALLEGATIONS

97. Many Plaintiffs are refugees who escaped internal conflict in their home country of Myanmar.

98. Defendant AB Realty is the owner of Yale Park Apartments ("Yale Park") located in Omaha, Douglas County, Nebraska. Defendant AB Realty is not registered to do business in Nebraska and has not designated an agent in this state for service of process as required by Nebraska law.

99. Yale Park is a 13 building, 100 unit residential apartment complex located at 3341 Lake Street in Omaha, Douglas County, Nebraska.

100. Plaintiffs entered into a lease with Yale Park ("Lease").

101. Defendant Anderson resided at Yale Park and made various representations to Plaintiffs prior to moving in.

102. Defendants made various false representations to Plaintiffs both shortly before and after Plaintiffs moved into Yale Park including, but not limited to, the following:

- a. Concealing the fact Defendants did not intend to meet their responsibilities under the Landlord Tenant Act;
- b. Concealing the fact that Defendants did not intend to substantially comply, after written or actual notice, with the requirements of the applicable Minimum Housing Codes materially affecting health and safety;
- c. Concealing the fact that Defendants did not intend to make all repairs and do whatever is necessary, after written or actual notice, to put and keep the premises in a fit and habitable condition;
- d. Concealing the fact that Defendants did not intend to maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilation, air conditioning, and other facilities and appliances supplied or required to be supplied;
- e. Concealing the fact that Defendants did not intend to supply running water and reasonable amounts of hot water at all times and reasonable heat;
- f. Concealing the fact that Defendants demanded security deposits with no intention to return the deposits as required by law;
- g. Concealing the fact that Defendants did not intend to timely respond or, in many cases, not respond at all to complaints made by Plaintiffs regarding their apartments; and
- h. Concealing the fact that Defendants would not properly maintain Yale Park appliances, including electrical, plumbing, air conditioning, and heating.

103. Defendants failed to deliver possession of the rental units to Plaintiffs according to the terms of the Nebraska Landlord Tenant Act, including, but not limited, to Neb. Rev. Stat. §§ 76-1418 and 76-1419.

104. After Plaintiffs moved in to their apartments at Yale Park, Defendants wrongfully charged and collected rent and various other charges in violation of the Leases, the Nebraska Landlord Tenant Act, and otherwise.

105. Defendants had actual notice of, and wholly failed to repair the squalor and slum-like conditions at Yale Park, including, but not limited to: roaches, bed bugs, holes in ceilings, water leaks, horrible plumbing problems, faulty water heaters, electrical issues, roof problems, cracked ceilings, light fixtures which did not work, flies, and water leaks in multiple locations (the "Squalid Conditions").

106. Defendants knew about the Squalid Conditions, which violated the City of Omaha's Minimum Housing Codes, and their refusal to address them was both intentional and willful.

107. For example, Scott Lane, the City of Omaha's Chief Housing Inspector, noted that the City had found an astronomical amount of unsanitary conditions in more than 90% of the units. That included 27 electrical circuits in such bad shape that they needed to be powered off. The City of Omaha ultimately documented at least 2,500 violations of Minimum Housing Codes materially affecting health and safety and gave Defendants thirty (30) days to make the repairs.

108. When Plaintiffs would bring some of the above-referenced issues to the attention of Defendants, Defendants would sometimes not respond, sometimes state that repairs would be made in the future, but these repairs were not made.

109. The conditions at Yale Park became so bad that the City of Omaha shut down Yale Park based upon multiple notices provided to the landlord regarding violations of Minimum Housing Codes materially affecting health and safety.

110. Defendants acknowledged that they had failed to comply with the Landlord and Tenant Act. Defendant Anderson admitted that he had been lackadaisical about fixing these violations of Minimum Housing Codes materially affecting health and safety and acknowledged that there were code violation issues at the time the City was forced to shut down the Yale Park Apartments.

111. Defendant Anderson also conceded there were problems with bugs, leaking roofs, and broken air conditioning units.

112. Defendants discriminated against Plaintiffs who were refugees and believed that Plaintiffs should live in substandard housing and that he did not need to maintain his building to code, as required by law. Defendant Anderson said:

"Go home and Google the refugee camps in Thailand. They all have thatched roofs and dirt streets and, you know, the bugs have always been part of their lives, the roof leaks have always been part of their lives, which is probably why they haven't complained."

113. Instead of fixing the problem, Defendants blamed the tenants for the problems.

114. After Plaintiffs were forced from their apartments in violation of their Lease Agreement and Nebraska law, they incurred damages in moving, including loss of property, rent paid to other landlords, and otherwise.

115. Certain Plaintiffs demanded return of their security deposit pursuant to Nebraska law. However, Defendants did not return the full security deposit and, in fact, threatened Plaintiffs with additional, illegal damages if Plaintiffs exercised their rights to file suit against Defendants.

116. To the extent Plaintiffs have not previously demanded return of their security deposits, Plaintiffs hereby demand Defendants return their security deposit in care of attorneys for the Plaintiffs at the address set forth below.

117. Defendants claim that they are giving back to God and Defendants' community and that they are losing money. Defendants claim they have lost over \$2 million despite the fact that Yale Park was purchased for \$500,000.

118. Defendants were aware of the above-referenced problems and the risks to the health and safety of Plaintiffs and the other tenants, but did nothing to address them. For example, one of the children living at Yale Park was badly burned in a gas explosion while Defendant Anderson was trying to repair and HVAC unit. That case was settled for \$407,000.

119. Defendants failed to obtain insurance for the premises to protect Plaintiffs from the dangerous and dilapidated conditions described herein.

CAUSE OF ACTION I
BREACH OF CONTRACT

120. Plaintiffs hereby reincorporate the allegations set forth in Paragraphs 1 through 118.

121. Plaintiffs entered into a Lease with Defendants.

122. Defendants breached the Lease as set forth above and in other ways as discovery will reveal.

123. The Defendants' breach proximately caused damages to Plaintiffs as more fully set forth below.

CAUSE OF ACTION II
VIOLATIONS OF THE NEBRASKA LANDLORD TENANT ACT

124. Plaintiffs hereby incorporate Paragraphs 1 through 122 as if fully set forth herein.

125. Plaintiffs were tenants of the landlord and the landlord owed duties to all Plaintiffs as more fully set forth in the Nebraska Landlord Tenant Act codified at Neb. Rev. Stat. State. § 76-1401 *et seq.*

126. Defendants breached the Nebraska Landlord Tenant Act as more fully set forth above. This includes but is not limited to violations of Neb. Rev. Stat. §§ 76-1416, 76-1417, 76-1418, 76-1419, 76-1425, 76-1426, 76-1427, and otherwise.

127. Defendants' breaches of the Nebraska Landlord Tenant Act have proximately caused damages to Plaintiffs as more fully set forth below.

CAUSE OF ACTION III
FRAUD IN THE INDUCEMENT / RESCISSION

128. Plaintiffs incorporate Paragraphs 1 through 126 as if more fully set forth herein.

129. Defendants made various omissions and/or misrepresentations prior to entering into a lease with Plaintiffs as more fully set forth herein.

130. Those misrepresentations and/or omissions were material and false.

131. Plaintiffs relied on these misrepresentations and/or omission in entering into a lease with Defendants.

132. Plaintiffs would not have entered into the lease but for the Defendants' misrepresentations and/or omissions.

133. Plaintiffs pray for rescission of the lease agreement and return of all rents and other amounts paid, and for other damages as set forth below.

CAUSE OF ACTION IV

NEGLIGENT AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

134. Plaintiffs hereby reincorporate Paragraphs 1 through 132 as if fully set forth herein.

135. Defendants' conduct in refusing to address the Squalid Conditions was negligent, intentional, and/or reckless.

136. Defendants' conduct was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency and is to be regarded as atrocious and utterly intolerable in a civilized community.

137. Defendants' conduct caused Plaintiffs emotional distress so severe that no reasonable person should be expected to endure it.

138. Defendants' conduct proximately caused damages to Plaintiffs as set forth below.

CAUSE OF ACTION V

CIVIL CONSPIRACY BETWEEN DEFENDANT AB REALTY AND DEFENDANT ANDERSON

139. Plaintiffs hereby reincorporate Paragraphs 1 through 137 as if fully set forth herein.

140. Defendants worked together to accomplish by concerted action the unlawful and oppressive conduct set forth herein.

141. Defendant Anderson was acting outside the scope of his authority or other than in the normal course of his duties with Defendant AB Realty when the unlawful and oppressive conduct occurred.

142. Defendants' conduct proximately caused damages to Plaintiffs as set forth below.

JURY DEMAND

143. Plaintiffs hereby demand a jury trial on all issues.

WHEREFORE, Plaintiffs move this Court for an Order for all damages proximately caused by Defendants as more fully described herein:

- a. Return of all rent paid;
- b. All property damage and other damages;
- c. Emotional distress damages;
- d. Return of security deposit;
- e. Damages caused by Plaintiffs being kicked out of Yale Park;
- f. Rescission of all leases and return of all amounts paid including rent;
- g. Attorneys' fees and costs; and
- h. All other damages as provided by law.

DATED this 21st day of December, 2018.

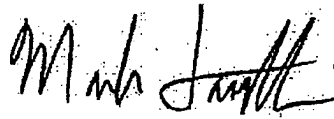
LAW REH, et al., PLAINTIFFS.

BY:



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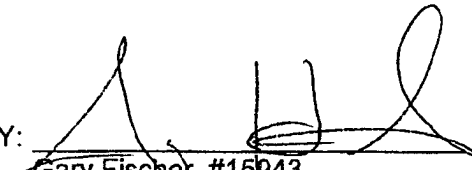
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