

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO

Price v. Pelka

540 F. Supp. 150 (N.D. Ohio 1981) · Decided May 20, 1981

SUMMARY

The court addresses a motion for relief from judgment and a post-trial request for attorney’s fees in a Fair Housing Act action. Although defendants admitted liability and compensatory damages remained intact, the court vacated punitive damages and denied attorney’s fees after finding that the plaintiff had presented perjured testimony concerning alleged humiliation and emotional harm.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio
WRITING FOR THE COURT	Ann Aldrich
JURISDICTION	Ohio
DECIDED	May 20, 1981
DISPOSITION	vacated
PROCEDURAL POSTURE	Following an admission of liability under the Fair Housing Act and a damages trial, the defendants moved for relief from judgment based on evidence that the plaintiff had perjured herself. The court previously vacated the punitive-damages award and addressed the plaintiff's pending motion for attorney fees.
PRECEDENTIAL VALUE	Published federal district court memorandum and order

TOPICS

- attorney fees
- civil rights
- remedies
- evidence
- civil procedure

PRACTICE AREAS

- civil rights
- fair housing
- attorney fees
- remedies
- evidence

QUESTIONS PRESENTED

- Whether a prevailing Fair Housing Act plaintiff who offered perjured testimony to support her damages claim may recover attorney fees under 42 U.S.C. § 3612(c).

2. Whether the previously entered attorney-fee award should be vacated in light of the plaintiff's material misrepresentations and perjury.

HOLDINGS

1. A prevailing Fair Housing Act plaintiff who offered perjured testimony to support her claim of humiliation, anger, and embarrassment is not entitled to attorney fees when awarding fees would allow her to benefit unjustly from the perjury.
2. The prior \$800 attorney-fee award is vacated, and the plaintiff's motion for an award of reasonable attorney fees is denied.

KEY QUOTATIONS

“However, where a party offers perjured testimony in order to support a claim of humiliation, anger, and embarrassment due to racial discrimination, an award of attorney fees to that party would be unjust.” (540 F. Supp. at 151)

“Consequently, the Order awarding \$800.00 in attorney fees to the plaintiff is vacated.” (540 F. Supp. at 151)

FACTUAL BACKGROUND

The defendants admitted discriminating against Rose Price, so the court did not disturb the compensatory-damages award. At the damages trial, Price gave testimony concerning humiliation, anger, and embarrassment resulting from the discrimination. In a post-trial hearing, defendants presented uncontradicted evidence that Price had perjured herself and misrepresented material facts. The court concluded that although liability had been admitted, allowing Price to receive attorney fees in light of the perjury would be unjust.

PROCEDURAL HISTORY

Price filed the action on October 23, 1980, under the Federal Fair Housing Act. Defendants admitted liability, and the court held a trial limited to damages, awarding compensatory and punitive damages and attorney fees. After defendants presented uncontradicted evidence of plaintiff's perjury at a post-trial hearing, the court left compensatory damages intact, vacated punitive damages, and in this order vacated the attorney-fee award and denied the pending motion for reasonable attorney fees.

DISPOSITION

vacated

CASES CITED

- Newman v. Piggie Park Enterprises, 390 U.S. 400, 402 (1968)
- Hairston v. R & R Apartments, 510 F.2d 1090, 1092 (7th Cir. 1975)

OPINION

ALDRICH, J.

MEMORANDUM AND ORDER ANN ALDRICH, District Judge. This action was filed on October 23, 1980, pursuant to the Federal Fair Housing Act, 42 U.S.C. § 3601 et seq. After an admission of liability by the defendants, a trial was held, limited to the question of damages. Compensatory and punitive damages, as well as attorney's fees, were awarded to the plaintiff. Since then, both parties have called upon the Court to resolve numerous post trial problems. *151The most serious of the problems involved the defendants' allegations that the plaintiff, at the time of the trial, misrepresented to the Court certain material facts.

Consequently, the defendants filed a Motion For Relief From Judgment, requesting the Court to vacate or modify its previous award of monetary damages. A hearing was held on this motion at which time the defendants presented uncontradicted evidence that the plaintiff perjured herself at the trial.

The Court did not disturb the award of compensatory damages because the defendants had admitted their discrimination against her. However, the Court concluded that the misrepresentations were serious enough to warrant vacating its award of punitive damages.

The Court then reserved ruling on a Motion For Award of Reasonable Attorney Fees which plaintiff had previously filed.¹ Section 812(c) of the Fair Housing Act, 42 U.S.C. § 3612(c), states in part: The court may grant as relief, as it deems appropriate, any permanent or temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff....

The policy underlying the award of attorney fees to the prevailing party under § 3612(c) was to encourage those individuals who have been injured because of racial discrimination to act as private attorney generals, and vindicate their rights in the federal courts. See *Newman v. Piggie Park Enterprises*, 390 U.S. 400, 402, 88 S.Ct. 964, 966, 19 L.Ed.2d 1263 (1968); *Hairston v. R & R Apartments*, 510 F.2d 1090, 1092 (7th Cir.

1975). Cognizant of this policy, this Court believed that Rose Price, the prevailing party, was entitled to an award of \$800.00 in attorney fees. However, in light of the evidence presented at the motion hearing, the Court hereby vacates that award.

The true beneficiary of an award of attorney fees is the prevailing party. Where a party has vindicated his or her rights in a civil rights case of this nature, that party should be entitled to receive the additional benefit of having his or her counsel fees assessed against the wrongful party.

However, where a party offers perjured testimony in order to support a claim of humiliation, anger, and embarrassment due to racial discrimination, an award of attorney fees to that party would be unjust. Notwithstanding the fact that the defendants admitted their liability prior to the trial, this

Court does not find it appropriate to permit the plaintiff to benefit from an assessment of attorney fees against the defendants.

Consequently, the Order awarding \$800.00 in attorney fees to the plaintiff is vacated. The Motion For Award Of Reasonable Attorney Fees is hereby denied. IT IS SO ORDERED.. This motion was predicated on the post trial efforts which plaintiff's counsel expended to assist Rose Price in gaining occupancy of the defendants' upstairs suite.