

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

United States v. Allred

104 F. Supp. 40 (N.D. Cal. 1952) · Decided April 4, 1952

SUMMARY

The United States sued a former landlord for rent overcharges under the Housing and Rent Act of 1947, seeking an injunction, restitution, and treble damages. The court held that releases obtained from tenants did not bar the government's action because they lacked adequate consideration and were devices to circumvent the law. Judgment was entered for restitution, damages, an injunction, and costs.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Harris, District Judge
JURISDICTION	California
DECIDED	April 4, 1952
DISPOSITION	other
PROCEDURAL POSTURE	The United States brought an action against a former landlord seeking an injunction, restitution, and treble damages for rent overcharges under the Housing and Rent Act of 1947.
PRECEDENTIAL VALUE	published federal district court opinion

TOPICS

- statutory interpretation
- landlord tenant
- restitution
- damages
- accord and satisfaction

PRACTICE AREAS

- landlord-tenant law
- statutory enforcement
- contracts and releases
- remedies

QUESTIONS PRESENTED

- Whether releases obtained from tenants who paid rent overcharges barred the United States from pursuing an action for restitution, damages, and injunctive relief under section 205 of the Housing and Rent Act of 1947.
- Whether partial or complete refunds or purported settlements of rent overcharges constitute a defense to an enforcement action brought by the United States.

HOLDINGS

1. Releases obtained from tenants did not absolve the landlord from liability to the United States for rent overcharges.
2. The purported releases were ineffective because they were not supported by consideration.

KEY QUOTATIONS

“The reasoning behind this line of decisions is that public policy demands strict compliance with the law on behalf of the class of persons for whom the law was enacted.” (41)

“Despite the fact that they signed releases which were allegedly supported by “a valuable consideration” the Court finds that the releases were not supported by any consideration and were a mere device to circumvent the law.” (41)

FACTUAL BACKGROUND

The defendant formerly owned the premises and collected rent above the applicable ceiling from several tenants. Before trial, she negotiated purported settlements and releases with all but two of the affected tenants. The overcharges were undisputed, but the defendant presented no evidence that she had actually repaid the overcharged amounts. The court found that the releases were unsupported by consideration and were devices intended to circumvent the law.

PROCEDURAL HISTORY

The United States commenced the action on July 21, 1950. Before trial, the defendant obtained purported settlements and releases from all but two tenants. The parties stipulated to the overcharges and clarified discrepancies, leaving the legal effect of the releases as the sole disputed issue. The court entered judgment for the United States, awarding restitution, damages, an injunction, and costs.

DISPOSITION

other

CASES CITED

- United States v. Grubl, 186 F.2d 470 (9th Cir. 1950)
- Butler v. Krizan, 88 F. Supp. 692, 696 (D.C. 1949)
- Gilbert v. Thierry, 58 F. Supp. 235 (D. Mass. 1945), aff'd, 147 F.2d 603 (1st Cir. 1945)
- East v. Bowles, 158 F.2d 227 (5th Cir. 1946)
- Bowles v. Leventhal, 61 F. Supp. 144 (D.C. 1945)
- Trachtman v. Samit, 62 F. Supp. 176 (D.C. 1945)
- Bowles v. Ammon, 61 F. Supp. 106 (D.C. 1945)
- B. A. Schulte, Inc. v. Gangi, 328 U.S. 108, 66 S. Ct. 925, 90 L. Ed. 1114 (1946)

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