

CAUSE NO. A182-714

AMY MICHELE MODICA

VS.

MR. ROBERT REYNA, THE HOUSING
AUTHORITY OF THE CITY OF BEAUMONT,

AND PRESIDENT GEORGE BUSH, THE
UNITED STATES HOUSING AND URBAN
DEVELOPMENT

MRS. LENETTE BOTLEY, REGENT 1
APARTMENTS

SUE TARVER, DIRECTOR OF FAIR HOUSING

IN THE DISTRICT COURT OF
JEFFERSON COUNTY, TEXAS

58th JUDICIAL DISTRICT

Loleta Rahos
LOLETA RAHOS
DISTRICT CLERK

08 NOV 13 P3:47

DISTRICT COURT
JEFFERSON COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

I, Amy Michele Modica, the Plaintiff, am complaining on this date of November 13, 2008 that the Defendants, Mr. Robert Reyna, The Housing Authority of the City of Beaumont, Texas and President George Bush, The United States Housing of Urban Development, Mrs. Lenette Botley, Regent 1 Apartments, Sue Tarver, Director of Fair Housing have personally injured me and mismanaged business, and ultimately reversed discriminated against me. I will respectfully show unto the court the following:

I.

In accordance to the Discovery Control Plan required, I, Amy Michele Modica, intend that discovery be conducted under Level 2 Discovery Control Plan. I plan to have a list of anticipated witnesses, including the subject of this suit, give an estimated length of testimony. If possible, I would like to produce an audio tape and a computer disk, and charts and graphs, to show to the court in evidence.

II.

I, Amy Michele Modica, the Plaintiff, am a resident of Beaumont, Jefferson County, Texas. I am DISPLACED at this time which has also made me a resident in the District of Columbia. I am an American citizen and a resident of the United States of America.

The Defendant, The Housing Authority of the City of Beaumont is a public housing agency located in Jefferson County, Texas, and may be served with process by serving its executive director, Mr. Robert L. Reyna, 1890 Laurel Street, Beaumont, Jefferson County, Texas.

The Defendant, The United States Department of Housing and Urban Development is a government agency of the United States doing business in a continuous and systematic manner in Beaumont, Texas. The U.S. Department of Housing and Development has been named as third party *argument* by The Housing Authority of the City of Beaumont. I, Amy Michele Modica, the Plaintiff would show that this third party suit is appropriate because The U.S. Department of Housing and Development is the agency that, if the allegations are true (which the Defendant, The Housing Authority of the City of Beaumont expressly claims) owes a duty to Amy Michele Modica, the Plaintiff. The U.S. Department of Housing and Development had a legal interest in the supervision and control of the operation and mismanagement. They had the ultimate authority to approve or disapprove every aspect of the management to be performed by The Housing Authority of the City of Beaumont. This negligence and unprofessional conduct would show cause for this suit. In addition, The Department of Housing and Urban Development is the primary funding agent for the Housing Authority of the City of Beaumont with having the financial resources necessary to satisfy any judgment against the Defendants. Therefore, the U.S. Department of Housing and Urban Development is a proper party to this lawsuit from whom this defendant should be entitled contribution.

In dealing with Mrs. Sue Tarver, Director of Fair Housing, located at 1301 Fannin, Suite 2200, Houston, Texas, 77002, she named President George Bush to be subject of this matter when I simply asked who the manager was, the person highest in charge over her entity so that I could talk to that person. Her exact words verbatim were, *"Oh, that would be in Washington. The highest person ...that would be the United States government. The highest person would be George Bush."*

1. The U.S. Department of Housing and Urban Development is an executive agency of the United States Government. Mr. Edward L. Pringle is listed as the Director of this agency located at 1301 Fannin, Suite 2200, Houston, TX 77002. Their telephone number is (713) 718-3199. Their fax is (409)718-3225.
2. It is considered for purposes of this litigation that the United States is a citizen of the State of Texas.
3. Service of process may be made upon the U.S. Attorney General by U.S. Mail: Office of the Attorney General, P.O. Box 12548, Austin, Texas 78711-2548 or by Physical Address: Office of the Attorney General, 300 W. 15th Street, Austin, Texas 78701.

4. Service of process may also be served upon the Executive Director, Mr. Robert Reyna, The Housing Authority of the City of Beaumont. This agency maintains an office in Jefferson County located at 1890 Laurel, Beaumont, Texas 77701. Their telephone number is (409) 951-7200. Their fax number is (409)951-7270.
5. Service of process may be made upon Mrs. Lenette Botley, Property Manager of Regent 1 Apartments, 1715 Maime Street, Beaumont, Texas 77703. (409) 212-1425. Fax (409) 212-1435.
6. Service of process may be made upon Mrs. Sue Tarver, Director of Fair Housing, 1301 Fannin, Suite 2200, Houston, Texas 77002.
7. Service of process may be made upon President George Bush, The White House, 1600 Pennsylvania Avenue, NW, Washington, D.C. 20500. Comments: 202-456-1111, Comments: 202-456-6213, Switchboard: 202-456-1414, FAX: 202-456-2461, and Visitors Office: 202-456-2121, email comments@whitehouse.gov. Vice President Richard Cheney: vice_president@whitehouse.gov

III.

I, Amy Michele Modica, will show that deliberate mismanagement is currently taking place within The Housing Authority of the City of Beaumont, Texas by way as to reverse discriminate against the Handicapped people by not placing them PRIORITY PREFERENCE. Thereby this lawsuit is one of REVERSE DISCRIMINATION. [NOUN: Discrimination against members of a dominant or majority group, especially when resulting from policies established to correct discrimination against members of a minority or disadvantaged group.] This lawsuit is one also in the nature of PERSONAL INJURY. I checked YES to the question on my housing application within The Housing Authority of the City of Beaumont, Texas. "Do you claim handicapped or disabled status for eligibility purpose? Yes No

I also identified the special housing needs required of me. If I can't afford to buy for myself the bathtub railings that I need (which I believe to be valued at approximately \$600.00), I'm positive that I'll find a way to get this even at such a high cost. If there's a will, there's a way. I will get them. I just need ACCESS to an apartment home now for my REASONABLE MODIFICATIONS that I will provide. It is believed that my walker at this time will fit through the regular apartment door frames. However, at a later time and maybe even now, it may be determined that a need to widen the door frames is necessary. I have a time with maneuvering mine in the bathroom area which are small spaces. But, I'm determined. A handheld shower nozzle, I can afford to buy as a modification for myself and add to the premises. Also, while the attached shower chairs at Regent 1 Apartments are exceptionally nice, I will provide my own shower chair if granted a regular apartment. Shorter carpet, rather than plush carpet, is a definite advantage for me. I will be able to manage with the plush carpet. Lowered clothing racks are an advantage for me during times that weight bearing painful situations arise with having Degenerative Joint

Disease. But, regular ones will do just fine for me for now. I do already have a Certified Mobility, Cardio, P.T.S.D. Service Dog (A.K.C. Registered German Shepherd) named "RIN TIN TIN" who is certified by two companies, "Service Animals Registry of America," and "Pets and People." She is a Handicap service and will reside with me to aid me in picking up dropped items, lowering my heart rate, and providing me with therapeutic love which aids in Post Traumatic Stress Situations.

I, Amy Michele Modica, will prove to the jury what I strongly feel is MISMANAGEMENT within The Housing Authority of the City of Beaumont, Texas. Their MISMANAGEMENT has in the past caused injuries to me psychologically and physically, thus I was forced to live in homeless shelters across The United States of America. I am displaced, on Social Security Income of \$637.00 monthly, and fear (Post Traumatic Stress and Anxiety) that I will be living in shelters once again if I am DENIED ACCESS once again to an apartment home. I was court ordered to get housing. I tried, and on today's date am still trying. My situation of safety at the current time is questionable. Therefore I need immediate safe housing.

IV.

I, Amy Michele Modica, claim that the Defendants, its agents, servants or employees, are guilty of various acts, wrongs, omissions, negligence for which was the proximate cause of injuries and damages received. The Defendants have control over the handling of business operations, management, and both the right and obligation to put those with Handicaps as **PRIORITY**. I am handicapped. Their repeated failure was and is now, still today, the cause of my injuries.

V.

As a **DIRECT** result of homelessness, I lost custody of my child. I never regained that custody, thus causing even more damages and psychological injury. I do feel that there is carelessness and negligence of the defendant, its agents, servants or employees, which has caused me, the Plaintiff, to suffer the above described injuries. There is reasonable probability that I will continue to suffer in the future, physical pain, mental anguish, and necessary medical expenses. An impairment rating has already been declared orthopedically. Now that I am prescribed a walker for long distance walking and shortness of breath, another is in order to be determined for reasoning that my case has worsened in the last years. In doing so, I will try to provide this to the court. In connection, I, Amy Michele Modica intend to show to the Court and Jury that I have suffered damages in a sum far in excess of the jurisdictional minimum of this Honorable Court, for which I now am suing.

VI.

I, Amy Michele Modica, Plaintiff will show that I have sustained mental anguish of an almost incalculable nature including the obvious mental anguish which obviously accompanies this serious

injury. As a result of the negligence and mismanagement, I, Amy Michele Modica, have been caused to suffer serious injuries. With homelessness and being forced to walk the streets and having to pull my luggage with me everywhere I go for an estimated time of four years, I have fears that this will again happen to me, thus a lawsuit is in order to prevent this. Orthopedically and cardio-vascularly and with Post Traumatic Stress and Anxiety, I can't do this again. If I had been granted housing in Beaumont, Texas, I would not have sustained blunt traumas to my head, stolen identity, rape, aggravated hip joint pain, large amounts of lost income and diminished earning capacity, and the loss of my child as well as wrongful accusations regarding matters in State of Washington resulting in loss of time. Such injuries have caused me to suffer physical impairment, physical pain in the past and I will continue to suffer such mental injuries with having Post Traumatic Stress Disorder and inflamed physical pain, and mental anguish for an indefinite time into the future. Any work that I do now, will be under the handicap of pain and suffering. It is negligent and grossly negligent to DENY ACCESS of housing to me, the Plaintiff. I would request that the jury consider from the original date of application to the time of trial, a sum of money which will reasonably compensate me, the Plaintiff, for my damages resulting from the occurrence in question as follows:

- 1. Mental anguish and confusion in which the Plaintiff has suffered from the original date of application in 1999 to the time of trial;**
- 2. Aggravation and Psychological Suffering of Stolen Identity.**
- 3. Mental anguish and suffering for the loss of a child.**
- 4. Physical pain of exacerbated hip joints in which the Plaintiff has suffered from the original date of application in 1999 throughout all of her homelessness in shelters to 2003 and now again in 2008.**
- 5. Physical pain of cardio-vascular which was made an already bad and problematic situation worse for me by pulling and lugging a suitcase with me daily in my homelessness in which the Plaintiff has suffered from the original date of application in 1999 throughout all of her homelessness in shelters to 2003 and now again it is feared that it will happen in 2008 if I do not obtain housing.**
- 6. Reasonable expenses for necessary medical and hospital care received by Plaintiff in the past treatment of all injuries (psychological injuries, cardiovascular injuries, and orthopedic injuries) resulting from the occurrence in question;**
- 7. Diminished earning capacity and large amounts of income lost.**
- 8. Cause and effect resulting in loss of time and wrongful detainment.**
- 9. Cause and effect of such injuries has also damaged my credit, thus resulting in more stress and anxiety and mental anguish.**

10. Physical impairment and/or mental impairment which the Plaintiff has suffered from the date of original application in 1999 throughout all of her homelessness in shelters to 2003 and now again in 2008

XII.

XIV. The jury will be asked to consider the following elements of damages which I, Amy Michele Modica, the Plaintiff will sustain in the future from the time of trial as a result of the incident which made the basis of this lawsuit subject to Plaintiff's proof by preponderance of the evidence of negligence of Defendant herein and request judgment be entered against Defendant in the amount proven at the time of trial.

1. Physical pain and suffering which the Plaintiff will, in reasonable probability, suffer in the future;
2. Mental anguish which Plaintiff will, in reasonable probability, suffer in the future;
3. Reasonable expenses for necessary medical and hospital care related to orthopedic suffering and exacerbated cardio-vascular problems with having to live the homeless life again with daily forced walking and all of the stresses that accompany this.
4. Reasonable expenses for necessary medical and hospital care related to psychological damage.

XIII.

I, Amy Michele Modica, am requesting that the judge and jury order that a detailed investigation take place at The Beaumont Housing Authority with regard to mismanagement and their inadequacies. It is believed that some of the cases against The Housing Authority of the City of Beaumont, Texas and U.S. Department of Housing and Urban Development need to be reopened and re-examined.

With all of the alleged mismanagement considered, it is plain to see that there has been in the past, and still today there are problems today within the continuous way of doing business management there in The Housing Authority of Beaumont, Texas. There are so many complaints against them. For example, failing to do routine inspections to comply with the requirements of applicable building, housing, and health codes, failing to maintain the premises in which our citizens were and are living, failing to warn people of hazards to lead exposure (Vickie Jackson, Individually and as Next Friend of Toiy Jackson Vs. Housing Authority of the City of Beaumont and U.S. Department of Housing and Urban

Development, Cause No. D153810 Filed in the 136th Judicial District Court of Jefferson, County, Texas). There have been various other situations of negligence and illnesses caused by The Housing Authority of Beaumont, Texas with regard to MISMANAGEMENT (Eula George and Linda Lee, Et Al vs. The Beaumont Housing Authority Of Beaumont, Texas, Cause No. A119079 filed 58th Judicial Court of Jefferson County). The Beaumont Housing Authority of Beaumont, Texas is alleged to have failed in providing safe heating, thus illnesses occurred. In the case of Holcomb, Musemeche & Associates, Inc., Vs. The Housing Authority of the City of Beaumont, Cause No. E158141, filed in the 172nd. Judicial Court of Jefferson County, Texas, The Beaumont Housing Authority of Beaumont, Texas is alleged to have failed to proceed with proposal or to compensate the U.S. Housing Authority of Urban Development for expenses and damages caused in reliance upon The Beaumont Housing Authority Of Beaumont, Texas's direction to U.S. Housing Authority of Urban Development to proceed with all activities required for preparation of the proposal causing damages to U.S. Housing Authority of Urban Development of approximately \$500,000.00 and was removed to federal court. The plaintiff encountered MISMANAGEMENT whereby breach of contract, negligence, and unjust enrichment was alleged to have occurred. In the case of Bernadette Landrio Et All Vs. Housing Authority of the City of Beaumont, Texas (Cause No. B-160,224 filed in the 60th. Judicial District Court of Jefferson County, Texas) the plaintiff alleges that the minor children sustained personal injury as the result of exposure to lead-based paint in housing units where Plaintiffs lived. There was reason and just cause for the federal government to step in a take over control of The Housing Authority of the City of Beaumont, Texas. There was a SEVERE PROBLEM. The United States Department of Housing and Urban Development has had to reorganize business operations. It is believed that mismanagement is still occurring and is the grounds for my lawsuit. Dana Harper brought a lawsuit against The Beaumont Housing Authority of Beaumont, Texas (Dana Harper Vs. Housing Authority of the City of Beaumont, Cause No. D-0162546 filed in the 136th District Court of Jefferson County, Texas) due to the fact that had the housing premise be managed properly and repairs done adequately, her alleged slip and fall wouldn't have resulted by the refrigerator having a continuous leak which left a pool of water on the floor. No one should have to live with a continuous effort to try to remedy problems by placing towels on the floors to walk on when the management is responsible for properly maintaining and repairing broken items on the housing premises. And, last, there's Storm who testifies to the fact that he was terminated based on his report of violations of Texas law and his refusal to participate in said violations in committing illegal acts and not following codes. (Robert Storms Vs. Housing Authority of the City of Beaumont, Cause No. D167886, filed in the 136th Judicial Court in Jefferson County, Texas) Storms filed a claim under the Texas Whistleblower's and Sabine Pilot's Claim. The opposing counsel explains in the summary judgment that the UNDISPUTED FACTS are that there were several complaints made to The Housing Authority of

Beaumont, Texas regarding Housing and Urban Development's "mismanagement," "micromanagement," and "bureaucracy." So, it is undisputed that they are well aware of there being reports made against them for such MISMANAGEMENT and that they know about problems within their agency. It is believed that they are to keep records and minutes of their meetings. Storm states in court record, "*If I do nothing else for the Beaumont Housing Authority than to expose the mismanagement of Housing and Urban Development, I will have done my job.*" Mr. Storm believed that he was terminated for trying to insist that they follow their own regulations and organizational charts in order to bring about change within for the betterment and good. Mr. Storm was TERMINATED.

In my case, if the government entity such as the Defendants are entitled to assert their plea to the jurisdiction based on governmental/sovereign immunity, or on any other grounds, then being that Texas is an "At Will" State, grounds for job loss and lawsuits against the individuals is in order for MISMANAGEMENT AND PERSONAL INJURY. If asked, "Who represents the state?" the answer is...THE PEOPLE. I'm not suing land and dirt. I'm suing the people. Jobs can be lost. Without a job, people are faced with adversity. Some people are just one paycheck away from being in the same shoes I've been in...HOMELESS. Power and control and business operations rests in the people to make good judgments. If asked if there has to be a set law in place for people to make good sound reasonable judgment calls, it is my belief that the answer should be no. There again, by the deliberate refusal to remedy the situation and deliberately choose to not place my Handicapped Eligibility Status Application in front of those abled bodied applicants, then this lawsuit is in order and justifiable. Housing those with handicapping conditions as PRIORITY is good judgment. I requested for MEDIATION and have been denied by Mr. Robert Reyna, The Beaumont Housing Authority of Beaumont, Texas.

I, Amy Michele Modica, further claim prejudgment interest on the said damages from the date of the incident at a maximum rate allowed by law.

IX.

Attached is Exhibit "A," a request for Disclosure to be awarded within fifty (50) days of your receipt of this petition.

I, Amy Michele Modica, pray that Mr. Robert Reyna, The Housing Authority of the City of Beaumont, Texas and President George Bush, "*President of The United States of America,*" The United States Department of Housing and Urban Development, Mrs. Sue Tarver, Fair Housing, and Mrs. Linette Botley, Regent 1 Apartments be cited to appear in court and answer herein as the law directs. I pray that upon final hearing that I am given relief by granting ACCESS TO HOUSING for me at Regent 1 located

in Beaumont, Texas. It is prayed that my evidence shows clearly and suitable at the time of trial and that I recover judgment of and from the Defendants. I also pray that court costs and further relief, both general and special, such as prejudgment and post judgment interest which may be authorized by law, and for such other and further relief IN THE NAME OF JUSTICE, I am with good reason entitled to receive.

Respectfully submitted,

Amy Michele Modica

By: Amy Michele Modica

Amy Michele Modica
7175 Sweetgum Road
Beaumont, Texas 77701
409/753-2276
409/832-2893

Pro se Legal Representative

JURY DEMAND

Plaintiff, Amy Michele Modica, respectfully demands a Jury to try this case.

Amy Michele Modica

Amy Michele Modica
Pro se Legal Representative