

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF NEWPORT NEWS

**RADIA CAPEHART, TANYA WADE,
DANIEL SKEETE, TY'AIRE MOORE,
ARIANNA HERRIOTT, DAKEETA POWELL,
ANIYAH MOORE, JOHNNY MCKOY,
SHAQUASHA CONNOR, ANGEL SIVELLS,
LOGAN MOORE, TITYANA WATSON,
RAMEL LEWIS, JASON SKEETE,
MAJOR PURYEAR, KAYLA KUTCH,
KELSEA MACK, DANIELLE MCQUEEN,
CHERYL BOWMAN, LINDA CHARITY,
MARGARET ELEY, JOHN TOWLER,
VINCENT ANDERSON, TROY CHAFFEE,
JOE BRANCH, VONDRA LEWIS,
MONDRESHIA HARRIS, MARY JOHNSON,
RYSHAWN SYKES, DELORES ADKINSON,
LIESHA STINETTE, SALVADORE COOPER,
MONTUKIA STEPHENSON, OSHAMOND HOLDEN,
OLAN DOCTOR, KENYATTA HAMPLETON,
YOLANDA JOHNSON, MICHAEL SCARBORO,
PEGGY ADAMS, LYDELL MASON,
OMAR KILPATRICK, KATARZYNA MALINOWSKA,
TASHA GAYLE, NATHANIEL KELLY,
NATHANIEL JACKSON, MAULESH BHATT,
DANDRELL YOUNG, LINDA WILLIAMS,
DARRYL BARNES, TAVON TERRY,
NATHAN ROBINSON, THOMAS WHITE,
ELISE SCARBORO, KAYLA TANNER,
WILLIE MAE DAVIS, BARBARA ROBINSON,
GLORIA PARKER, and WILLIE BACKUS,**

Plaintiffs,

v.

Case No.

**BENJAMIN WEINSTEIN,
and
SEAVIEW APARTMENTS LLC,**

Defendants.

COMPLAINT

COME NOW the Plaintiffs, (hereafter collectively as the “Seaview Tenants”), by counsel, and as for their Complaint against Defendants, BENJAMIN WEINSTEIN (hereafter “Mr. Weinstein”) and SEAVIEW APARTMENTS LLC (hereafter “Seaview Apartments”), they state as follows:

PRELIMINARY STATEMENT

1. Defendants own and operate a 15-story apartment building in Newport News, which they purchased and began operating in the first half of 2020, the Seaview Lofts. The Property has recently been the subject of multiple Show Cause and Injunction Orders requiring Defendants to maintain, repair and operate the two elevators in the building. Even after months of such efforts by the City of Newport News and the Newport News Circuit Court, Defendants have refused to comply.

2. But these publicized violations are merely indicative of a longer and more substantial history of egregious mis-, mal and non-feasance by Defendants - Landlords to each of the Plaintiffs. Mr. Weinstein purchased the building in 2020. By that Summer, Newport News Codes Compliance began to receive almost monthly health and safety complaints that required investigation – 43 in total between June 2020 and April 2021. The total number of complaints that did not go to Codes Compliance was even greater.

3. Seaview Tenants have endured dangerous health and safety violations. Electrical wiring and installation dangers; water pipe leaks damaging walls, ceilings and light fixtures and causing mold in tenant apartments; trash chutes clogged with rotting garbage and not repaired or corrected for weeks; lack of heating and air conditioning; appliance failures. All of these typical and consistent as to the Seaview Tenants. (Referred to later as “the conditions.”)

4. On June 29, 2022, the Commonwealth of Virginia condemned the Seaview Apartments due to an inoperable elevator and a gas leak in the boiler room. However, upon further inspection, the building has an unmanageable mold problem, the building is infested with cockroaches and rodents, the ceilings and walls leak, there are holes in the walls and ceiling from these leaks, The paint bubbles and peels from the walls and ceilings as a result of these leaks. The air conditioning is inoperable during the hottest months of the year, the heat is inoperable during the coldest months of the year, and it is an unlivable environment.

5. The building is not fit for anyone, especially not tenants with mobility issues, tenants with breathing issues, and tenants with immune deficiencies like many of the elderly tenants who lived in the building, until its recent condemnation on June 29, 2022.

6. The Seaview Tenants suffered from illness and disease because of mold and extreme temperatures in the building. The Seaview Tenants had to withstand the elements from outside through storms because of faulty doors, windows, and walls. The disabled residents were imprisoned and prevented from leaving their apartments when the elevators were inoperable.

7. These Plaintiffs – the Seaview Tenants – have joined together in this action, each seeking injunctive relief and to enforce their rights under the Virginia Residential Landlord Tenant Act (“VRLTA”), Va. Code §55.1-1200, et seq, and of their Rental Agreements, and to ask the Court to declare Seaview Apartments, LLC dissolved and appoint a receiver to repair, maintain and operate the Seaview Loft apartment building pursuant to Va. Code §13.1-910.

VIRGINIA MULTI-CLAIMANT LITIGATION ACT

8. The claims of the Seaview Tenants are properly joined in this action pursuant to Va. Code §8.01-267.5 as all claims alleged herein involve common or even identical issues of fact and arise out of the same series of transactions and occurrences.

PARTIES

9. The Plaintiffs, the Seaview Tenants, are each natural persons who rented a unit from Defendants at The Seaview Lofts, on 28th Street, Newport News, Virginia.

10. Each of the Seaview Tenants had a rental agreement that was binding on Defendants and none of them were in default.

11. Defendant Benjamin Weinstein is a New Jersey resident who is the legal owner of the Seaview Apartments LLC and The Seaview Lofts.

12. Seaview Apartments LLC used to be a Virginia-LLC created by Weinstein as the shell entity for Seaview Lofts. It was terminated by automatic cancellation earlier this year. In its absence, as before, Weinstein has continued his hands-on management and control.

13. 7. Neither Seaview Apartments LLC or BlueRise are viable and independent legal entities. Weinstein has removed any income either received and has not maintained corporate formalities.

14. In fact, discovery will show that the Defendants do not operate as separate personalities. Decisions, communications, management and money are handled as one. In fact, “Seaview Apartments, LLC” is merely “the alter ego, alias, stooge, or dummy of” its co-Defendants and was here used as a “device or sham used to disguise [the] wrongs [and] obscure fraud” and “to commit an injustice [and] gain an unfair advantage” against Plaintiffs and, the Class and other tenants. *C.F. Tr., Inc. v. First Flight L.P.*, 266 Va. 3, 10, 580 S.E.2d 806, 809–10 (2003) Discovery will show that Defendants here collected substantial rents, yet rather than use a lawfully appropriate and sufficient amount to cover basic and minimal maintenance and operations expenses, they have depleted, removed and bled dry the assets of Seaview Apartments, LLC. Defendants have allowed the Seaview Apartments, LLC to cancel and have terminated most or

even all employees of the entity.

15. Independent of any veil-piercing or corporate dissolution, both Seaview Apartments and Weinstein are directly liable as each engaged directly and personally in the violations alleged herein. Each intentionally removed money they knew necessary and legally required to avoid the alleged violations. In fact, all three Defendants – including Weinstein – were personally and individually involved in each act alleged herein.

16. At all times relevant here, both Defendants were “Landlords” as defined and governed by the VRLTA. Seaview Apartments, LLC was the paper landlord, identified as such on the Seaview Tenant Rental Agreements.

17. Weinstein was the *de facto* Landlord, as he made all decisions and had all authority as the actual decision-maker, as Seaview Apartments, LLC was not in fact a separate and formal legal entity, having served as Weinstein’s personality and alter ego and then having been automatically terminated. Further, Weinstein was the managing agent in operation and reality.

18. Weinstein was also the owner of the property as he possessed beneficial ownership and a right to present economic use of the property.

FACTS

Ben Weinstein and Seaview Apartments LLC

19. “The ‘simple definition’ of slumlord, according to the Merriam-Webster dictionary, is ‘a person who owns a building with apartments that are in bad condition and rents them to poor people.’” Ezra Rosser, *Exploiting the Poor: Housing, Markets, and Vulnerability A Book Review of Matthew Desmond, Evicted: Poverty and Profit in the American City* (Crown Publishers, New York, 2016), 126 Yale L.J. Forum 458, 461 (2017).

20. Mr. Weinstein uses his various corporate shells to own and operate buildings with

apartments that are in bad condition and rent them to poor people. He does it through multiple apartment complexes in the Northeastern United States, and following this pattern he uses his New Jersey “management” companies to do the same here in our city, Newport News.

21. Mr. Weinstein purchased the Seaview Apartments in 2020, as the Covid Pandemic was in full effect. And he was smart to do so, because from just March 2021 until July 2022, he and his shell company have collected over \$482,222.01 in government money intended to cover the rents of many of his tenants.

22. And yet, despite purchasing a 15-story building for \$9.3 million and receiving both private rents averaging over \$1,000/month plus government money, Defendants have invested almost nothing into the building. Since taking over, Seaview has been informed of numerous – NUMEROUS – health, safety and codes compliance violations. They have gone through overtaxed and hardly paid “property managers” and have rejected maintenance proposals because they were too costly. And now, Defendants have refused to comply even with a Circuit Court Show Cause Order and Emergency Injunction.

23. City of Newport News records show that just with Codes Compliance, the City has received over 43 complaints regarding the health and safety of the Seaview Apartments property. At least 3 different inspectors have had to spend substantial time at the property. And the City inspectors have documents conditions comparable, and often identical, to those alleged to have been suffered by the Seaview Tenants.

24. As known to the Court, one category of violation committed by Defendants regards their refusal to maintain and repair the two elevators in this 15-story building. The premises is not protected by a sprinkler system and the building has also suffered numerous fire safety code failures and violations during this same period. These violations have been the subject of a

successful motion to enjoin Defendant Seaview Apartments, LLC to bring the elevators into legal and safety compliance. Even with these orders and injunction entered, Defendants still have not complied.

25. During this same period, the City of Newport News also fielded numerous other complaints of the conditions and has issued other code safety and health violations not recently litigated in the City case.

26. Further, the Seaview Tenants have made exponentially more complaints directly to the Defendants, and in most instances, these were neither acted upon or corrected.

27. On March 10th 2022 an unknown tenant notified the City of Newport News that one of the two elevators in Seaview Apartments has been inoperable for months. Property maintenance inspector, David Elswick investigated and found that only one elevator was in operation. The city gave Seaview Apartments thirty days to repair.

28. On April 11th 2022, Newport News City inspectors, Alphonso Johnson and David Elswick discovered the second elevator was inoperable.

29. On June 28th 2022, the city of Newport News condemned the building for multiple violations to include: hazardous electrical systems, fuel-burning equipment not properly vented, fire detection system not maintained, mechanical appliances not installed properly, failed to maintain elevators, heating/Air issues, plumbing fixtures not installed/maintained properly, light required for habitable space not provided, and multiple failed property maintenance inspection. The tenants were given 48 hours to evacuate.

30. On July 6th, Seaview Apartments was declared an unsafe structure and all of the Seaview Tenants had to leave their homes.

The Seaview Tenants

31. The following are illustrative but not comprehensive examples of the damages caused by Defendants' discriminatory behavior:

SHAQUASHA CONNOR

32. Shaquasha Connor is a 29-year-old mother of 2 children, ages 9 and 2, and lives at SeaView Lofts since April 2022. Ms. Connor suffers from asthma, clinical depression, and anxiety that she is in treatment and medicated for. She works full time as a technician for Davita Dialysis in Suffolk.

33. Ms. Connor has experienced numerous maintenance issues that have continually gone unresolved. Black mold, exposed holes in ceilings from moisture/leaks. She consistently reports leaks during storms through her bedroom window, which causes puddling water in her bedroom and bathroom.

34. The air conditioning does not work in the children's bedroom. She also reports that the building and her unit has become overrun with rodents and roaches.

35. The building smells putrid due to vagrants squatting in the building since there is nothing that restricts access to entry. Management does not lock vacant apartments, creating a troubling situation with the homeless and vagrants.

36. Since the condemnation of the building, Shaquasha and her children stayed in the city funded hotels until the city no longer funded that relief on July 14. The city extended her stay for one week until July 21st due to her situation.

37. She has been forced to go back on her anxiety/depression meds due to the increased stress. She fears that her ex-husband is going to use this situation to try and take custody of her children.

38. She received a few calls from the Guardian Ad Litem asking about her situation.

She has looked into apartments, but availability, and upfront costs have been an issue. She has missed several days at work due to the short notice to vacate both her apartment and then subsequently her hotel.

TANYA WADE

39. Tanya Wade is a 44-year-old Latina female that has lived at Seaview Since Sept 2011. She lives alone and has a heart defibrillator for her heart issues.

40. Ms. Wade's heart issues causes her difficulties when the elevators go out due to having to walk up eight flights of stairs. She works part time as a clerk at 7-11 and she was approved for the Covid rent relief program.

41. Ms. Wade experienced a variety of maintenance issues in her original apartment 7-F, that included roach infestation, black mold, water damage that was so severe, she requested and was given a different apartment in August 2021, unit 8-H.

42. She was without air conditioning in her original unit for two months in 2021.

43. Both elevators were inoperable in March/April 2022. Her walls swell and bubble from moisture and leaks.

44. Her maintenance tickets are normally handled for moisture by either caulking the seam of the wall, or maintenance does nothing at all to remedy the problem.

45. Ms. Wade has called Newport News Codes and Compliance, which is when some of her issues finally got attention.

46. Since the condemnation of the building, Tanya stayed in the city funded hotels until the city no longer funded that relief on July 14.

47. Despite her heart issues and need to keep a heart monitor plugged in at night, the city denied her additional housing assistance and she has been spending nights on different friend's

couches.

48. The uncertainty has caused her additional stress and anxiety. She called several apartment complexes, but none had any immediate availabilities. She is currently homeless and hoping the building is opened soon.

TITYANA WATSON

49. Tityana Watson is a pregnant 25-year-old Black female living alone at Seaview Lofts since January 2021 in Unit 15-E.

50. She is employed as a leasing consultant for a management company and was put on the Rent Relief program in July 2021.

51. Ms. Watson had no heat or air conditioning from January 2021 until July 2021. The elevators went out for nearly two months in March/April 2022 while she was pregnant and walking fifteen flights of stairs was a painful challenge.

52. She ended up staying elsewhere at friends and relatives houses during this time due to the difficulty ambulating.

53. She is constantly dealing with leaks in her apartment. There is an exposed pipe on the fifteenth floor that leaks and causes water to flow into the apartments from the foyer area. She has water spots and bubbles all over her walls and ceiling.

54. She also reports that lobby foyer is open and accessible to vagrants, kids, and whomever wants to gain access. The vacant apartments are not locked.

55. Since the condemnation of the building, Tityana stayed in the city funded hotels until the city no longer funded that relief on July 14.

56. Since then, she has been looking for available housing, but has found nothing available that meets her needs at this point, and is currently sleeping in homes of friends and

relatives when she can. She is pregnant with her first child and this entire experience is causing her much anxiety and stress with so many unknowns.

TAVON TERRY

57. Tavon Terry is a 27-year-old Black male living at Seaview Lofts since February 2021. He works full time at the Solo factory in Newport News. He was on the Covid rent relief program to pay rent.

58. Mr. Terry reports that living conditions have been unacceptable since moving in. He had no working heat or air conditioning for all of 2021. He has a window that leaks into his bedroom, has water damage and paint bubbling from moisture. He had an electrical sockets smoke and spark from the moisture and flooding.

59. Since the condemnation of the building, Mr. Terry stayed in the city funded hotels until the city no longer funded that relief on July 14. He has since been sleeping on a couch of a co-worker while trying to get a new apartment. He has called several apartments and there is nothing available for move-in until September.

ANIYAH MOORE

60. Aniyah Moore is a 20-year-old single Black female and a member of the LGBTQ community living at SeaView Lofts since February 2020 with her roommate, 21 year old Mia Cooper.

61. Aniyah does not have any mobility issues, but does suffer from Asthma, which has worsened since moving into the building.

62. She pays for her lease through the Rent Relief program and works full time for the Patient Advocate Foundation.

63. Ms. Moore has experienced harassment issues from a male maintenance worker,

where he made sexually suggestive comments and sent her unwanted texts.

64. She reported the sexual harassment to property manager and the head of maintenance via text. She was told that she was not the only female resident that has reported issues with this worker. No action was taken and she feels very uncomfortable because the worker in question was previously fired for similar issues but was rehired by his brother, Gerard. The two have keys to all of the apartments. She fears her rejection of his sexual advances could anger him and she is in constant fear.

65. Her apartment has multiple holes in ceiling from water damage, including an old vent that is still open in the ceiling. There is a huge hole under her kitchen sink that is large enough for a person to crawl through and has never been repaired since she moved in. She reported the issues more than 5 times to management via phone calls and in person visits to the leasing office, and originally through the Complex's web portal as well. The web portal was used for reporting and tracking the tenant's issues, but was quickly removed when Mr. Weinstein purchased the building.

66. Aniyah has not had working heat or A/C for most of, 2021. No heat or A/C until July 2021, then heat was inoperable again in October, 2021, until early, 2022.

67. Mrs. Moore has severe water damage throughout her whole apartment. In early 2022, leaks in the wall/ceiling caused her electrical outlets to smoke and a spark. She had no one response to her emergency service request. Three weeks later, maintenance came and placed tape over the outlet and removed the outlet. Two months after taping it, a new outlet was finally installed in June 2022.

68. Her smoke alarm has not functioned since the water leak either and has not been addressed by maintenance.

69. For the past year, the front entrance is not secured and anyone had 24-hour access inside the building. Vacant apartments are left unlocked. Homeless persons and drug abusers would be inside the building squatting in vacant spots, urinating and defecating in the stairwells.

70. She lived with fear and anxiety daily due to the conditions and it affected her social life because she was embarrassed about having anyone over to her house.

71. Since the condemnation of the building, Aniyah stayed in the city funded hotels until the city no longer funded that relief on July 14. Since then, she has been homeless, desperately looking for available housing, nothing move-in ready until at least September, and has seen increased anxiety due to uncertainty.

MICHAEL SCARBORO

72. Michael Scarboro is a 71-year-old disabled, black male that lived in Seaview Lofts, Apt. 12-F, prior to its condemnation.

73. The following are illustrative but not comprehensive examples of the damages caused by Defendants' discriminatory behavior:

74. Mr. Scarboro has a history of strokes and heart attack, is in a wheelchair, and cannot use his right arm.

75. Mr. Scarboro lives with his wife, Elise Scarboro, in the unit and he has experienced most of the same failures, dangers, and difficulties alleged herein generally and by other tenants.

76. Mr. Scarboro was stayed in a city-funded hotel until the City no longer funded that relief. He is currently homeless, living in and out of hotels.

BARBARA ROBINSON

77. Barbara Robinson is a 62-year-old Black female living at Seaview Lofts since 2018. Ms. Robinson suffers from diabetes, hypertension, and has two stents for her heart arrhythmia. Her

heart and health conditions cause her exhaustion when put under physical stress, such as walking up stairs. Ms. Robinson reports that the elevators were regularly down and it caused her extreme pain to have to use the stairs.

78. Ms. Robinson also reports that the eighth-floor hallway would flood from a leak on the 15th floor that leaked to her floor. Ms. Robinson's apartment was water damaged due to leaks inside the walls that caused mold and flooding.

79. Her insurance company paid for a hotel for two months in early 2022 until her water damage was finally mitigated enough to return. The entire building was without functioning heat or air conditioning in 2021 until around October 2021.

80. Since the condemnation of the building, Ms. Robinson stayed in the city funded hotels until the city no longer funded that relief on July 14. After that, she began staying with various relatives until she was able to find a house and moved in August 1. She has not been able to access her apartment to gather her things.

JOHN TOWLER

81. John Towler is a 55-year-old disabled, black male and military veteran that has lived in Seaview Lofts since September 2017.

82. He is a lower, left leg amputee and has a portion of his right foot amputated as well. He suffers from diabetes and hypertension. He was assigned apartment 7-G on the 7th floor.

83. Mr. Towler lives with his brother, Major Puryear, in the unit and has experienced numerous maintenance issues that have continued to go unresolved.

84. Mr. Towler has reported and experienced black mold, exposed holes from leaking walls and ceiling, the ceiling consistently leaks during storms, a lack of air conditioning for the majority of the summer in 2021, and a lack of building heat from 2021 to early 2022.

85. Mr. Towler has also had to deal with a roach and rodent infestation. The building used to have regular commercial pest control weekly, but that was eliminated completely in early 2022 and the issue has gotten progressively worse.

86. Mr. Towler reports that the elevators were out of service for an extended period of time in mid-2021 and again in early 2022. This military veteran had to crawl up seven flights of stairs on his stomach and back to reach his apartment in order to get his insulin. He has long been affected negatively due to the lack of continually working/safe elevators.

87. Since the condemnation of the building, Mr. Towler stayed in the city-funded hotels until the city no longer funded that relief on July 14, 2022. The City extended his stay for one week due to his disability, but has not funding anything beyond July 21, 2022.

88. He has been visiting the Veterans Affairs Hospital for help, meeting with City staff, and has had several friends calling apartments looking for availability, but to this point has not found anything available. This is causing additional stress because his disability limits what he can do for himself, so he requires assistance with rides to look for apartments and for most of his daily tasks. His blood pressure has been elevated, due to his lack of access to his insulin, his blood sugar has risen, and he is self-reporting severe depression due to his unknown future.

MARGARET ELEY

89. Margaret Eley is an 80-year-old disabled Black woman living at SeaView Lofts since 2011.

90. Ms. Eley is retired and lives on social security. Ms. Eley suffers from severe back and knee issues resulting from several surgeries that requires the use of a walker or scooter to get around.

91. Ms. Eley says that her apartment has leaks in her bathroom ceiling, her dishwasher

has not worked for four years, a broken window that has not been fixed in two years, and since the complex stopped paying for pest control in early 2022, she has dealt with an influx of Rats and Roaches.

92. She says that the Heat and A/C were out for the whole building for most of 2021.

93. The elevators were out for several weeks in early 2022 which really caused her severe issues given her limited mobility. She was unable to safely get up and down the stairs.

94. Since the condemnation of the building, Ms. Eley stayed in the city funded hotels until the city no longer funded that relief on July 14. She has been paying for a hotel out of her own pocket since then, but she is quickly depleting what little funds she has saved.

95. Ms. Eley is very worried and confused, the situation is causing added stress and anxiety. She has no permanent plan for living arrangements beyond the temporary hotel stay and is concerned she is going to run out of money.

YOLANDA JOHNSON

96. Yolanda Johnson is a 56-year-old, disabled black female that lived in Seaview Lofts, Apt. 2-J, prior to its condemnation.

97. Ms. Johnson has severe asthma, degenerative bone disease, has undergone two knee replacements, and has thyroid issues.

98. Ms. Johnson has experienced most of the same failures, dangers, and difficulties alleged herein generally and by other tenants including water leaks and lack of access to an elevator.

99. Ms. Johnson stayed in a city-funded hotel until the City no longer funded that relief on or about July 14, 2022. As of the date of this Complaint, Ms. Johnson doesn't have a place to live and is sleeping on a friend's couch with her two grandchildren.

NATHAN ROBINSON

100. Nathan Robinson is a 56-year-old black man tenant of the Seaview Lofts since Summer 2020. He suffers from knee arthritis and diabetes. He is a shipyard worker who is on the Covid Rent Relief program.

101. Upon moving into Seaview Lofts in 2020, Mr. Robinson moved into a “newly renovated” 15th floor apartment.

102. In 2022, without the availability of operable elevators, fifteen flights of stairs were a challenge on his knees and caused unnecessary pain and wear on his already arthritic knees.

103. Since the condemnation of the building, Mr. Robinson stayed in the city-funded hotels until the City no longer funded that relief on July 14, 2022. He has since been sleeping in his car, which has presented heat issues, added stress, and severe feelings of depression.

104. Mr. Robinson was already struggling financially at the time this occurred. He has limited resources to pay for a new apartment. The apartment complexes he has contacted since the condemnation of Seaview Lofts have not had any openings. He hopes the building will be fixed so he can access his belongings. Mr. Robinson is homeless, living in his car, and is severely depressed.

OLAN DOCTOR

105. Olan Doctor is a 75-year-old black male that lived in Seaview Lofts, Apt. 11-B, for several years prior to its condemnation.

106. Mr. Doctor has a history of heart valve issues and cancer.

107. Mr. Doctor has experienced most of the same failures, dangers, and difficulties alleged herein generally and by other tenants including climbing up nearly a dozen flights of stairs for three weeks while the elevator was shut down prior to the condemnation.

108. Mr. Doctor was stayed in a city-funded hotel until the City no longer funded that relief on July 14, 2022. As of the date of this Complaint, Mr. Doctor doesn't have a place to live and is sleeping on a friend's couch but has to leave within the next week.

VINCENT ANDERSON

109. Vincent Anderson is a 74-year-old disabled veteran and has lived at Seaview Lofts since 2011. Mr. Anderson suffers from COPD, and has had two heart valve replacements.

110. Mr. Anderson requires the use of a walker for any distances more than a few yards. Walking upstairs is nearly impossible in Mr. Anderson's condition. He was never on the Covid rent relief program and always pays his rent on time.

111. Mr. Anderson reports that the elevators were regularly inoperable, and both were inoperable for a few weeks in early 2022 and then again in June 2022.

112. Mr. Anderson reports that the entire building was without functioning heat or air conditioning from early 2021 until around October 2021. He regularly has water leaking into his apartment from the roof leaking. Despite numerous reports in person to management staff, the issues were never properly resolved.

113. Upon returning from the hospital from his last heart surgery in June 2022, both elevators were down and he could not get to his apartment without being assisted.

114. Since the condemnation of the building, Mr. Anderson stayed in the city funded hotels until the city no longer funded that relief on July 14. Mr. Anderson has since been paying out of pocket for a hotel and has not been able to find permanent housing.

115. He currently has no permanent housing plan and the stress of the situation is causing him to feel depressed and anxious about what lies ahead.

LINDA CHARITY

116. Linda Charity is a 69-year-old single Black female living at Seaview since 2007 in apartment 8-B. She had major back and knee surgeries and has some mobility issues.

117. Ms. Charity worked in maintenance for the building under the old ownership from 2007-2020. Mr. Weinstein terminated all of the existing staff after buying the property. She was on the Rent Relief program and is retired and on Social Security.

118. Over the last two years, she has seen nearly a year without working heat or air conditioning in her unit, from January to July 2021 and again from October to January.

119. The elevators were out for several weeks in late March/April 2022, which made it extremely challenging for her to walk eight flights to and from her apartment.

120. Ms. Charity recalls, when she was working for the building, there was an elevator company on call they simply reported issues to and they would send out workers to repair.

121. She has experienced consistent flooding and water leaks in her apartment. She also has a roach and mice infestation issue that have gotten worse since the new owner stopped using a pest control service in early 2022.

122. Since the condemnation of the building, Ms. Charity has been staying with her sister in Hampton. This is not a permanent option, but has provided temporary housing.

123. Ms. Charity's biggest concern is that as she will not be able to afford a new apartment. Since she worked for SeaView, she was grandfathered on an employee rate that does not increase. A lease done by the former building ownership to protect her. She pays only \$588 a month and will not be able to find similar circumstances.

GLORIA PARKER

124. Gloria Parker is a disabled 75-year-old widowed Black female living at SeaView Lofts since 2019. She suffers from back issues from several surgeries, kidney issues, high blood

sugar, and since moving in, has developed lung scarring, COPD, and now requires oxygen.

125. Ms. Parker proudly pays her rent in full every month and even did so during the entire six months she was hospitalized in a facility after a fall in her apartment. Her income is all from Social Security.

126. She experienced constant leaks in her living room ceiling, kitchen and bathroom. Every time that it stormed, the walls and ceilings would swell, get moisture spots and mold. She would report the issues, but maintenance never address the underlying leaks.

127. In October 2021, a major leak occurred that created so much damage above her living room, kitchen, and bathroom, the ceiling itself sagged and nearly caved in.

128. In November of 2021, the leaks were causing water pooling in places and it caused Ms. Parker to slip and fall.

129. Shortly after the fall, Ms. Parker started having difficulty breathing and ultimately was admitted to the hospital in November 2021 and stayed hospitalized with a variety of health issues until April 2022.

130. During this time, her daughter regularly communicated with management to ensure all repairs were being made to fix the leaks and make her apartment livable upon her return.

131. Ms. Parker's daughter was not satisfied with the work being done by maintenance and requested a call with Mr. Weinstein himself. He assured her that everything would be ready for her mother.

132. Upon discharge, the apartment was not ready, however Ben said that she could move into an apartment on the second floor but it would cost more per month. However, that apartment did not end up being ready as promised and Ms. Parker had to pay for a nursing home in the meantime.

133. Ms. Parker was finally able to move into a different unit, 2-K, in June, where she spent only a few weeks before the building was condemned.

134. Since the condemnation of the building, Gloria stayed in the city funded hotels until the city no longer funded that relief on July 14. The city extended her through July 21 due to her disability.

135. The condemnation has caused the Parkers extra expenses and unneeded stress during an already stressful time. All of the in-home care nurses and professionals that visit Ms. Parker for weekly treatments is out of the territory for her existing home health care folks, so Ms. Parker's daughter has been driving her back and forth to a friend's home for her regularly scheduled visits.

136. Ms. Parker is confused and worried. Her breathing and health has been affected, her finances have been affected, and there are waiting lists at all of the apartments/senior living places she has looked into.

MAJOR PURYEAR

137. Major Puryear is a 53-year-old disabled Black male that has lived in Seaview Lofts with his brother John Towler since Sept 2017.

138. He is a diabetic who is scheduled to have a foot amputated. He lives in apartment 7-G. He was on the Covid rent relief program and his monthly income is from part-time employment at Cool Wave Wash.

139. Mr. Puyear has experienced numerous maintenance issues that have continually gone unresolved. Black mold, exposed holes in ceilings from moisture/leaks, leaks during storms, the building air conditioning was out for most of summer 2021, and building heat was out for several months from late 2021 until early 2022.

140. It was a challenge for Mr. Puryear to climb the stairs to his seventh-floor apartment. However, he has the responsibility of caring for his brother and would have to leave the apartment if either of them needed anything.

141. Since the condemnation of the building, Mr. Puryear stayed in the city funded hotels until the city no longer funded that relief on July 14. Because he was not yet on full disability, the city denied any additional assistance for him.

142. He is currently homeless and is dealing with depression and anxiety from his current situation.

WILLIE BACKUS

143. Willie Backus is a 56-year-old, disabled black male that lived in Seaview Lofts prior to its condemnation.

144. Mr. Backus is on oxygen and ambulates with the assistance of a cane.

145. Mr. Backus has experienced most of the same failures, dangers, and difficulties alleged herein generally.

JOHNNY MCKOY

146. Mr. McKoy is a 47-year-old, black male that lived in unit 10-A at the Seaview Lofts prior to its condemnation.

147. Mr. McKoy has knee issues and hypertension, making climbing stairs very difficult.

148. Mr. McKoy has experienced most of the same failures, dangers, and difficulties alleged herein generally.

MARY JOHNSON

149. Ms. Johnson is a 67-year-old, black female that lived in Seaview Lofts, Apt. 8-J, prior to its condemnation.

150. Ms. Johnson is a senior with asthma, making climbing stairs very difficult.

151. Ms. Johnson has experienced most of the same failures, dangers, and difficulties alleged herein generally.

SALVADORE COOPER

152. Salvadore Cooper is a 60-year-old black male that lived in Seaview Lofts prior to its condemnation.

153. Mr. Cooper a history of heart problems.

154. Mr. Cooper has experienced most of the same failures, dangers, and difficulties alleged herein generally and by other tenants including being displaced and becoming homeless.

RADIA CAPEHART

155. Radia Capehart is a 48-year-old female that lived in Seaview Lofts prior to its condemnation.

156. Ms. Capehart has a history of back problems and post-traumatic stress disorder.

157. Ms. Capehart has experienced most of the same failures, dangers, and difficulties alleged herein generally, including water leaks and damages.

JOE BRANCH

158. Joe Branch is a 50-year-old black male that lived in Seaview Lofts prior to its condemnation.

159. Mr. Branch has a history of diabetes and hypertension.

160. Mr. Branch has experienced most of the same failures, dangers, and difficulties alleged herein generally.

PEGGY ADAMS

161. Peggy Adams is a 56-year-old, disabled black female that lived in Seaview Lofts,

Apt. 6-A, prior to its condemnation.

162. Ms. Adams has a history of knee problems and is diabetic.

163. Ms. Adams has experienced most of the same failures, dangers, and difficulties alleged herein generally, including water.

JASON SKEETE

164. Jason Skeete is a 25-year-old, disabled black male and military veteran that lived in Seaview Lofts, Apt. 9-B, prior to its condemnation.

165. Mr. Skeete has a history of back and neck problems as well as asthma.

166. Mr. Skeete has experienced most of the same failures, dangers, and difficulties alleged herein generally.

167. Each of the Plaintiffs – whether alleged just above or more generally - suffered similar failures and conditions in their apartments and use of common premises and services.

168. Each Plaintiff suffered substantial actual harm through their loss of use and enjoyment of their home, physical difficulties and exasperation of physical injury caused by the lack of available elevators and mobility, affront to the plaintiff's dignity, embarrassment, and the damage the plaintiff's self-image, and the resulting mental and emotional distress from all of these, all in excess of \$4,500.

169. The Tenants of Seaview Apartments suffered actual damages and out of pocket expenses because of Mr. Weinstein's failure to repair, to include: (a.) health ailments from the conditions of the apartment units that was a direct result of failure to maintain premises; (b.) severe depression/anxiety to include in at least one instance a suicide attempt and hospitalization; (c.) social and injury because of embarrassment of the apartment's condition; (d.) affront t their

dignity and damage to their self-image; (e.) other emotional and mental distress associated with each of these.

170. Each Plaintiff has also suffered substantial economic damages in their loss of use of the premises and property, relocation and moving expenses and other costs caused by Defendants' failure to comply with the Plaintiffs' rental agreements and the VRLTA, certainly also in excess of \$4,500 per Plaintiff.

**COUNT ONE:
VIOLATION OF THE VIRGINIA RESIDENTIAL LANDLORD AND TENANT ACT
VA. CODE ANN. § 55.1-1220**

171. As to each of the Seaview Tenants, Defendants violated the VRLTA, Va Code § 55.1-1227 as they failed to maintain fit premises in the manners alleged above and the conditions, including by:

- a. Failing to comply with the requirements of State and City of Newport News building codes materially affecting health and safety;
- b. Failing and refusing to make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition;
- c. Failing to keep all common areas shared the Seaview Tenants in a clean and structurally safe condition;
- d. Failing to maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances, including elevators, supplied or required to be supplied;
- e. Failing to maintain the premises in such a condition as to prevent and remediate the accumulation of moisture and the growth of mold and promptly respond to notices from the Seaview Tenants as to mold and water leaks;

f. Failing to provide and maintain appropriate receptacles and conveniences for the collection, storage, and removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of dwelling units and arrange for the removal of same;

g. Failing to supply a reasonable amount of hot water at all times; and

h. Failing to provide reasonable air conditioning and heat in season.

172. Defendants have been and are in material noncompliance with the rental agreements of each Seaview Tenant.

173. Defendants intentionally, willfully, and consciously avoided making any repairs to the maintenance requests made by the Tenants of Seaview Apartments.

174. Defendants maintain a pattern and practice of denying Plaintiffs requests for maintaining a fit premises and maintains a pattern and practice of failing to remedy code violations issued by the City of Newport News Virginia.

175. Plaintiffs are entitled to and have suffered substantial actual damages for the Defendants' violations of the VRLTA.

176. Pursuant to the VRLTA, Va. Code § 55.1-1234, Plaintiffs also seek injunctive relief (a.) declaring that Defendants' acts constitute violations of the VRLTA; (b.) ordering Defendants immediately to repair and correct the conditions and other material violations upon the property; (c.) granting such other equitable relief determined appropriate.

177. Based upon the foregoing, Plaintiffs are each also entitled to their attorneys fees and costs.

COUNT TWO: BREACH OF CONTRACT

178. Defendants materially breached the rental agreements by not maintaining the property as fit and habitable and by causing its condemnation.

179. Plaintiffs are entitled to and have suffered substantial actual damages for the Defendants' breach of the rental agreements.

COUNT THREE: RECEIVORSHIP

180. As alleged above, Defendant Seaview Apartments, LLC has been administratively cancelled by the Virginia State Corporation Commission and thus does not lawfully exist.

181. Further, over the last two years, Defendants removed all of the rent received from the company and property, and refuse to retain such money in order to adequately maintain the property and perform in accordance with the VRLTA and the rental agreements.

182. Plaintiffs move the Court under Virginia law, including without limitation its equitable powers under the VRLTA, to appoint a receiver to operate and maintain the Seaview Lofts apartments.

WHEREFORE, Plaintiffs pray for judgment and the following specific relief against each Defendant, joint and severally as follows: (a.) equitable, declaratory and injunctive relief as pled herein, including the appointment of a receivership; (b.) compensatory damages of \$250,000.00 per Plaintiff (c.) for their attorneys fees and costs; (d.) for pre-judgment and post-judgment interest at the legal rate, and (e.) for such other legal or declaratory relief as the Court does deem just, equitable, and proper.

JURY TRIAL IS DEMANDED

August 5, 2022

Respectfully Submitted,

PLAINTIFFS

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