

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

PETE MCMANUS

VS

CASE NO. 1:08-cv-00110-MP-AK

GAINESVILLE HOUSING AUTHORITY,
et al

SUMMONS IN A CIVIL ACTION

TO: (Name and Address of Defendant)

PEGEEN HANRAHAN
MAYOR, CITY OF GAINESVILLE
200 E UNIVERSITY AVENUE
GAINESVILLE, FL 32601

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and
serve upon

PLAINTIFF'S PRO SE (name and address)

PETE MCMANUS
P O BOX 2253
GAINESVILLE, FL 32602

an answer to the complaint which is herewith served upon you, within 20 days after
service of this summons upon you, exclusive of the day of service. If you fail to do so,
judgment by default will be taken against you for the relief demanded in the complaint.

WILLIAM M. McCOOL, CLERK OF COURT

June 13, 2008

DATE:

Deputy Clerk: Kelli Malu

**UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF FLORIDA, GAINESVILLE DIVISION
401 S.E. 1st Ave. Ste 243, 32601-6805
(352) 380-2400**

**SECOND AMENDED CIVIL RIGHTS COMPLAINT
UNDER 28 U.S.C. § 1331 OR § 1346 OR 42 U.S.C. § 1983**

**PETE MCMANUS,
Plaintiff,**

**Gainesville Northern District
Case No. 1:08-cv-00110-MP-AK.**

Vs.

**Jacksonville Middle District
Case No. 3:08-cv-402-J-32HTS**

**GAINESVILLE HOUSING AUTHORITY;
SHIRLEY JONES, MTG., 400 BUILDING;
JOHN CHERRY, DIRECTOR; PEGEEN
HANRAHAN, MAYOR, CITY OF
GAINESVILLE, ET AL; BEING SUED
INDIVIDUALLY AND COLLECTIVELY,
Defendants.**

**SECOND AMENDED
CIVIL AND CONSTITUTIONAL RIGHTS COMPLAINT FOR
CONSPIRACY TO VIOLATE PLAINTIFF'S RIGHTS TO EQUAL
ACCESS TO HABITABLE DISABILITY HOUSING WHILE
KNOWINGLY AND INTENTIONALLY SUBJECTING HIM TO
EXTREMELY DANGEROUS, TOXIC CONDITIONS CAUSING
IRREVERSABLE PHYSICAL INJURIES AND DISABILITY;
THEN, CONSPIRING TO "EVICT" HIM UNDER COLOR OF
LAW FOR BEING A "WHISTLE BLOWER"**

**Pete McManus
P.O. Box 2253
Gainesville, Florida 32602
(352) 264-7766**

OFFICE OF CLERK
U.S. DISTRICT CT.
NORTHERN DIST. FLA.
GAINESVILLE, FLA.
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COMES NOW, PETE MCMANUS, in pro se, and certifies and states:

STATEMENT OF FACT

1. Plaintiff, PETE McMANUS, is a Natural Born Citizen of the United States, and Citizen of the State of Florida. Damages exceed \$750,000.00.
2. Plaintiff retained counsel to sue in State court for the injuries and disabilities sustained due to the gross negligence of Defendants.
3. WHEREAS, Plaintiff asks leave to file this SECOND AMENDED COMPLAINT, removing Counts demanding damages for injuries and disabilities caused by Defendants; and HEREBY sues Defendants Individually and Collectively for damages for conspiracy to violate Plaintiff's Civil and Constitutional Rights, resultant years of anguish he suffered, and fraudulent attempt to evict him in retaliation for being a "Whistle Blower".
4. After moving into The 400 Building, under the control of GHA, Gainesville Housing Authority, ¹ 3/1/02, Plaintiff complained to Defendant Shirley Jones, Mgr., 400 Building, and Defendant John Cherry, Dir., GHA about the egregious commissions and omissions in deprivation of his Civil and Constitutional Rights, including Equal Access to U. S. Federally Funded Disability Housing with basic features, especially a Court documented Chronic Asthmatic Bronchial Patient:

Mold free, toxic free, Flood free environment (Exh. "A"-A12); properly working toilet, faucets (Exh. 12-12a); lights (electricity), (Exh. 12b, 52c); refrigerator (working) (Exh. 2-10); heating in the winter, A/C, summer, (12b, 52c-52d), etc.
5. Upon signing the lease, Defendant Jones assured McManus that flood-damage repairs would be made shortly to various units (Exh. "A"-A12"); and, defective **refrigerator** would be replaced "**immediately**". However, no repairs were made, nor the refrigerator replaced (Exh. "B"-B2) (Exh. 10), even after Plaintiff hand-delivered copies of formal Complaint (Exh. "C"-C2") (Exh. 2-12a), 25 Feb. 2003, to Jones, GHA Dir., John Cherry, and John Caraway, Dir., Sec 8, HUD (Exh. "C1"). Other repairs were not made until 1-2 years later (Exh. 6-12b, 52a-52d).

¹ Gainesville Housing Authority will be identified hereafter as GHA

6. Due to the gross negligence of Defendants in failing to replace the roof (Exh. "A") numerous apartments, hallways, stairwells, et al, were recurrently flooded year after year (Exh. "A4"- "A12"), causing massive damage to walls and ceilings throughout the building (Exh. "A2"- "A12"; 51-53f). Mold, blanketed walls and ceilings (Exh. "A11"- "A13").
7. After AGH @ SHANDS Emergency Room Physicians viewed the mold and flood damage pictures (Exh. "A5"- "A11"; 51-57) and those showing sever allergenic reaction of McManus' face (Exh. "D"; 57a-58b), they instructed Plaintiff to show the pictures to Dr. Carolyn Stalvey, M.D., UF, showing the facial lumps and rashes, who wrote Defendants a letter 09/23/04 stating McManus has: **"asthma and allergies and should not live in a home with mold or large amounts of dust and dirt"**. (Exh. "D1") (Exh. 1a-51a).
8. Defendants ignored even the Feb. 25, 03 formal COMPLAINT (Exh. "C"- "C1").
9. Jones, & "Company", her "click" ² claimed McManus' complaints were the result of (quote) **"perception problems"**. Other tenants reported similar name-calling by Jones' "click", accusing disabled, elderly **respiratory** and **asthmatic** patients of having **"mental disorders"** who complained about flooding (Exh. 53a-58), soaked clothing, bedding, causing **mold-mildew** smells and allergic reactions (Exh. "S"- "S4") 51-52, 53f).
10. Three members of Jones' "click", "Jimmie", "Beckey" and "Carpenter", claimed the 25 year old refrigerator was **"working just fine"**, even though, SO, Security Officer Steve Taylor's and tenants' statements (Exh. "B"- "B2") opined compressor was defective, magnetic door strips so worn out, doors would **"not stay closed"** (Exh. 6-9a).
11. Two members of Jones' "click", Ralph Carpenter, Apt. 101, and "Jimmie", Jones' maintenance worker, threateningly declared, without legal authority, that McManus **"didn't belong in The 400 Building"**; and, when Defendant Jones was handed a copy of SO Taylor's statement (Exh. "B"), she malevolently and menacingly declared:

"Steve Taylor had no business butting his nose into my business. He has no business writing letters about your refrigerator! I be telling him about that!"

² Tenants informed McManus that Jones had formed a "Click" which includes "thugs" believed to be responsible for numerous crimes which triggered the NOTICE posted by the FBI throughout the 400 Bldg. (Exh. "O") warning tenants about their investigation into the rampant criminal activity. At trial Plaintiff intends to testify to other mechanisms used to violate, wholesale, tenants rights (Exh. "H3").

A year and a half later, Jones wrote in the "Inspection" report. 6/14/2004:

"Replace or Repair Refrigerator" (Exh. "B3"). However, Instead of replacing it, GHA Maintenance Supr., Vince Marino, spent weeks replacing various parts. Appliance dealers opined this was: **"Just another GHA scam"**. Hundreds of dollars later, Marino "junked" it while failing to replace it with a refrigerator in vacant apartments (Exh. "B4").

12. Jones and Cherry failed to replace the heater/A/C unit during freezing winter months. Both had Dr. Harry S. Young's, M.D., report, warning that in his opinion:

"The cold, alone, with no other factor considered may make your asthma worse" (Exh. "E"); and failed to supply electricity to the bedroom and bath requiring **candle light** (Exh. "B6"; 12b-52b-52d) even though the Fire Dept. and maintenance reported **"burning electrical wiring"** May 27, 2004, in the heater/A/C unit (Exh. "B6").

13. After Plaintiff supplied AGH @ SHANDS and UF doctors pictures (Exh. "A1", "D", etc.) who transmitted to ACHD doctors; and attorneys consulted, City Inspectors cited numerous code violations requiring \$2.3 million dollars to correct (Exh. "F"- "F3").

14. As a result, Plaintiff suffered increased bronchial infections, difficulty breathing while chemicals sprayed on building from scaffolding (Exh. "A1"), construction dust (Exh. "A2"- "A4"; "B7"), discriminatorily moving other tenants to hotels.

15. In Dec., 2003, McManus suffered acute vision loss with Panuveitis (Exh. "G"- "G2"),. Doctors opined toxic mold causatively linked. The Pred Forte, Cyclogyl, Eye Pressure drops (Exh. "G2"), from Jan. 2 through Nov., 2004, triggered cataracts. Allergenic mold reactions caused lumps on his face (Exh. "D") (Exh. 57a-57d).

a) Defendants Shirley Jones and John Cherry were supplied these medical reports.

a) Cataract surgeries (Exh. "G3"- "G4") July and Sept., 2006, and other operations.

16. Plaintiff has 63% arm rotator-cuff disability (Exh. "H"- "H1") caused from fall, May, 05' while treating ceiling mold with 100% bleach as instructed by Jones and GHA.

17. Attorneys Judy Collins, Timothy McLendon, UF, Nicholas T. Schroeder, and UF doctors indicated shock, opining pictures reminiscent of New Orleans, "3rd World conditions", stating the eviction was in retaliation for being a "Whistle Blower". Jerry Blue, GHA Inspector, warned: **"You shouldn't have shown those pictures to anyone"**.

18. GHA fraudulently filed the "5-DAY EVICTION SUMMONS" Feb. 28, 2005, (Exh. "H2") claiming Plaintiff owed rent Jones discriminatorily over-charged, failing to make statutory medical deductions, while claiming she did not receive Drs. Daniel Pitstick and Lessoner's, Jan. 2, 2004, report (Exh. "G") diagnosing Panuveitis and vision loss; and. Colon's "Work Restriction" (Exh. "G5"), Jan. 27, 2004, delivered on crutches; and treated by Drs. Langdoc and Sedwick for "**acute sinusitis, nasal polyps, allergic rhinitis, nasal bleeding**" (Exh. "I"-"I1"), warning that UF doctors could not continue treating McManus while living in the "**mold infested**" 400 Bldg..³

19. Mr. Michael Amideo, PCA, flew to Gainesville to examine Jones' "accounting" and the 400 Bldg. When Jones bold-faced lied to Mr. Amideo, claiming McManus had not come to the office for two months to get the requested rent receipts, Amideo placed two (2) of the detailed letters in front of Jones that she and her Asst. had signed for (Exh. "J3"-"J13") during 11 trips to get receipts. Confronted, Jones refused to explain the contradictions, or open the office file containing the work restrictions ("G1", "G 5").

a) Jones denied receiving the work restrictions GHA Counselor Barbara Thomas sent Jones, Feb. 1, 2005 (Exh. "J9"-"J"10). Jones unwittingly **admitted** that she received Thomas' **notice** written on the detailed letter: "**2/1/05 Jan., Feb. – 2004 rent – papers received on behalf of rent reduction**". Staple holes show the reports were **removed**.

20. Jones' "click" member, Carpenter, attempted to run into McManus in the 400 Building after leaving Jones' Office in an apparent attempt at a violent assault and battery in a further criminal act, attempt to evict McManus from the 400 Building.

21. See attached affidavit of Peggy Gervais (Exh. "K"-"K"6), another "Whistle Blower" and member of COP, Citizens On Patrol (Exh. "K4"), which McManus obtained during his investigation of GHA controlled Apt. Buildings, documenting failure to evict Ron Bishop who repeatedly attempted to murder, drive over "Whistle Blowers", until police matched tire tracks and rubber on curb and sidewalk (Exh. "K"); wherein tenants complain that GHA knowingly permits criminals to engage in "child prostitution, attempted murder, rampant thefts, drug running", et al. The FBI NOTICE put on 400

³ Although originally McManus paid Liberty Mutual \$3,600.00 a year for WC Medical Insurance, they refused to pay for medical bills and medications where Defendants were responsible for 400 Building injuries.

Bldg. Bulletin Boards (Exh. "Ks"), warned tenants that they had an obligation to report criminal activity to the FBI, including "Stalking, Identity theft Complaints, Larceny and Fraud" (Exh. 39-39c). Tenant K. Bozeman and others state a machination exists to:

force the **"decent, honest"**, especially **"Christian"** oriented tenants **"out of the 400 Building"**, leaving **"dope-addicts, thugs, thieves, evil people"**, to roam .

22. Attorney Judy Collins filed Motion to Dismiss the fraudulent "Eviction Summons", March 4, 2005, charging GHA discriminatorily violated HUD and GHA rules and regulations: (Exh. 13-14) charging **"Miscalculation of Rental Obligation"** (Exh. 15-20), although supplied medical reports: (Exh. "G"- "G2", "G5")

"His", McManus', **"vision is currently blurry in both eyes"**, Jan. 3, 2004 (Exh. "G1"); **"his near vision is more impaired due to the dilation. He will be dilated for several more weeks. It is unclear at this time when his vision will return to normal"**, Jan. 13, 2004, treated for 11 months; **"diagnosis or description of problems: Pulmonary disease, Visual disease"**; **"This is to certify that McManus, Pete, has been examined by me. I consider that he "is unable to work": "The Prognosis: Unknown"** (Exh. "G5").

a) Jones refused to calculate "\$25.00 per month" starting Dec., 2003 through June, 2004, date SS payments started, over-charging hundreds of dollars in rent (Exh. "J1").

23. GHA filed a voluntary "Motion to Dismiss" Nov. 2, 2005 (Exh. "Q"). Plaintiff, Nov. 22, 2005, dismissed his \$350,000. CROSS-COMPLAINT **"Without Prejudice"**.

a) And, GHA retained an Orlando law firm that made a written offer in settlement.

24. Plaintiff retained a law firm that filed suit in State court for the injury damages..

25. WHEREFORE, Plaintiff demands damages from Defendants individually and collectively in the amount of seven hundred and fifty thousand (\$750,000.00) dollars for conspiracy to violate Plaintiff's Civil and Constitutional Rights, for years of anguish he suffered under said conspiracy, extreme Bad Faith, while violating the ADA, 1990 **"Reasonable Accommodation"** clause; plus attorney fees should a Jacksonville law firm be retained, Federally, travel , and other expenses; and, demands a Jury Trial.

May-18, 2008

June 3rd, 2008

Pete McManus
Pete McManus, Complainant
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Gainesville, Florida 32602
(352) 264-7766