

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

ERICKA M. BYRD, KEMONE )  
BROOKS, QUANTEZ MOORE, and )  
ERNESTINE LAWSON, on behalf )  
of themselves and on behalf of )  
others who are similarly situated, )

Plaintiffs, )

v. )

JWB PROPERTY MANAGEMENT, )  
LLC and JWB REAL ESTATE )  
CAPITAL, LLC, )

Defendants. )

Case No.: 3:23-cv-266

**DEFENDANTS’ ANSWER AND ANSWER AND AFFIRMATIVE  
DEFENSES TO PLAINTIFFS’ CLASS ACTION COMPLAINT  
AND DEMAND FOR JURY TRIAL [ECF NO. 1]**

Defendants, JWB Property Management, LLC, a Florida limited liability company, and JWB Real Estate Capital, LLC, a Florida limited liability company, (collectively “JWB”), by and through their undersigned attorneys, and pursuant to Federal Rule of Civil Procedure 8, hereby files their *Answer and Affirmative Defenses to Class Action Complaint and Demand for Jury Trial*, and state as follows:

**I. DEFENDANTS’ ANSWER TO CLASS ACTION COMPLAINT**

In paragraphs numbered to correspond to the numbered paragraphs of Plaintiffs’ *Class Action Complaint and Demand for Jury Trial* (Doc. 1) (the

“Complaint”) filed in this case, Defendants answer the Complaint as follows:

### NATURE OF ACTION

1. Admitted that JWB Property Management, LLC does business as JWB Rental Homes and rents homes in Duval County, Florida. The remainder of the allegations are denied.

2. Admitted that JWB Real Estate Capital, LLC owns rental property in Duval County, Florida, and utilizes tenant screening companies, including SafeRent Solutions, LLC. The remainder of the allegations are denied.

3. Denied. Defendants demand strict proof thereof.

4. Denied. Defendants demand strict proof thereof.

5. Denied. Defendants demand strict proof thereof.

6. Denied. Defendants demand strict proof thereof.

7. Without knowledge, therefore, denied.

8. Without knowledge, therefore, denied.

9. Without knowledge, therefore, denied.

10. Without knowledge, therefore, denied.

11. Without knowledge, therefore, denied.

12. Without knowledge, therefore, denied.

13. Without knowledge, therefore, denied.

14. Denied. Defendants demand strict proof thereof.
15. Denied. Defendants demand strict proof thereof.
16. Admit that is the relief being sought by Plaintiffs. Denied that Plaintiffs are entitled to such relief, and denied as to the remainder of the allegations.

### **JURISDICTION AND VENUE**

17. Admitted for jurisdictional purposes only.
18. Admitted for jurisdictional purposes only.
19. Admitted for venue purposes only.

### **PARTIES**

20. Without knowledge, therefore, denied.
21. Denied. Defendants demand strict proof thereof.
22. Without knowledge, therefore, denied.
23. Denied. Defendants demand strict proof thereof.
24. Without knowledge, therefore, denied.
25. Denied. Defendants demand strict proof thereof.
26. Without knowledge, therefore, denied.
27. Denied. Defendants demand strict proof thereof.
28. Admitted.

29. Admitted.

30. Admitted that JWB is a property management company; otherwise denied.

31. Admitted that JWB maintains a website under the name JWB Rental Homes. Otherwise, denied as the website speaks for itself.

32. Denied as the website speaks for itself.

33. Admitted that the units are managed by JWB. Otherwise denied as phrased.

34. Denied as phrased.

#### **FACTUAL ALLEGATIONS**

35. Denied as phrased.

36. Denied as phrased.

37. Denied as the website speaks for itself.

38. Denied as the website speaks for itself.

39. Denied as the website speaks for itself.

40. Denied. Defendants demand strict proof thereof.

41. Denied as the website speaks for itself.

42. Denied as the website speaks for itself.

43. Denied as the website speaks for itself.

44. Denied. Defendants demand strict proof thereof.
45. Denied as phrased.
46. Denied as phrased.
47. Denied as phrased.
48. Admitted.
49. Without knowledge, therefore, denied.
50. Admitted that SafeRent provides a Registry Check report; otherwise denied.
51. Denied as the reports speak for themselves.
52. Denied as the reports speak for themselves.
53. Without knowledge, therefore, denied.
54. Admitted that Defendants have engaged Credit Information Center; otherwise denied.
55. Without knowledge, therefore, denied.
56. Denied as the reports speak for themselves.
57. Denied as the reports speak for themselves.
58. Without knowledge, therefore, denied.
59. Without knowledge, therefore, denied.
60. Without knowledge, therefore, denied.

61. Without knowledge, therefore, denied.
62. Denied. Defendants demand strict proof thereof.
63. Without knowledge, therefore, denied.
64. Without knowledge, therefore, denied.
65. Without knowledge, therefore, denied.
66. Denied. Defendants demand strict proof thereof.
67. Without knowledge, therefore, denied.
68. Denied. Defendants demand strict proof thereof.
69. Without knowledge, therefore, denied.
70. Admitted.
71. Denied. Defendants demand strict proof thereof.
72. Without knowledge, therefore, denied.
73. Denied. Defendants demand strict proof thereof.
74. Denied. Defendants demand strict proof thereof.
75. Admitted.
76. Without knowledge, therefore, denied.
77. Denied. Defendants demand strict proof thereof.
78. Without knowledge, therefore, denied.
79. Without knowledge, therefore, denied.

80. Without knowledge, therefore, denied.
81. Denied. Defendants demand strict proof thereof.
82. Without knowledge, therefore, denied.
83. Denied. Defendants demand strict proof thereof.
84. Without knowledge, therefore, denied.
85. Denied. Defendants demand strict proof thereof.
86. Admitted.
87. Without knowledge, therefore, denied.
88. Admitted.
89. Without knowledge, therefore, denied.
90. Admitted.
91. Denied as the document speaks for itself.
92. Denied. Defendants demand strict proof thereof.
93. Denied as the website speaks for itself.
94. Admitted that it has a “Second Chance Program”; otherwise denied.
95. Denied as the website speaks for itself.
96. Denied as the website speaks for itself.
97. Denied. Defendants demand strict proof thereof.
98. Without knowledge, therefore, denied.

99. Without knowledge, therefore, denied.
100. Without knowledge, therefore, denied.
101. Without knowledge, therefore, denied.
102. Without knowledge, therefore, denied.
103. Without knowledge, therefore, denied.
104. Without knowledge, therefore, denied.
105. Without knowledge, therefore, denied.
106. Without knowledge, therefore, denied.
107. Without knowledge, therefore, denied.
108. Without knowledge, therefore, denied.
109. Without knowledge, therefore, denied.
110. Without knowledge, therefore, denied.
111. Denied. Defendants demand strict proof thereof.

#### **CLASS ACTION ALLEGATIONS**

112. Admitted that this is styled as class action. Denied that this matter should be certified as a class action.

113. Without knowledge, therefore, denied.
114. Without knowledge, therefore, denied.
115. Without knowledge, therefore, denied.



116. Without knowledge, therefore, denied.
117. Without knowledge, therefore, denied.
118. Without knowledge, therefore, denied.
119. Without knowledge, therefore, denied.
120. Without knowledge, therefore, denied.
121. Without knowledge, therefore, denied.
122. Without knowledge, therefore, denied.
123. Denied. Defendants demand strict proof thereof.
124. Without knowledge, therefore, denied.
125. Without knowledge, therefore, denied.
126. Without knowledge, therefore, denied.

#### **CAUSE OF ACTION**

##### **Fair Housing Act, 42 U.S.C. § 3604 et seq.**

127. Admitted that is what Plaintiffs allege; otherwise denied.
128. Denied. Defendants demand strict proof thereof.
129. Denied. Defendants demand strict proof thereof.
130. Without knowledge, therefore, denied.
131. Denied. Defendants demand strict proof thereof.
132. Without knowledge, therefore, denied.

133. Denied. Defendants demand strict proof thereof.

134. Denied. Defendants demand strict proof thereof.

135. Any allegations in the *Class Action Complaint and Demand for Jury Trial* that Defendants have not expressly admitted are hereby denied.

## II. DEFENDANTS' CLAIM FOR ATTORNEYS FEES

Defendants are entitled to an award of their reasonable attorneys' fees in defending this action pursuant to 42 U.S.C. Sec. 3613.

## III. DEFENDANTS' AFFIRMATIVE DEFENSES

**First Affirmative Defense.** Plaintiffs fail to state a cause of action upon which relief can be granted against Defendants.

**Second Affirmative Defense.** Defendants' leasing policies do not robustly cause racial imbalance, if any such imbalance exists.

**Third Affirmative Defense.** Defendants have substantial, legitimate, and non-discriminatory reasons for their leasing policies, and there is no alternative that has a less disparate impact and serves Defendants' legitimate needs.

**Fourth Affirmative Defense.** Plaintiffs failed to mitigate their damages, if any.

**Fifth Affirmative Defense.** The Complaint fails to state a claim or cause of action against Defendants for injunctive relief, and fails to allege the facts necessary for the elements of this claim.

**Sixth Affirmative Defense.** Plaintiffs have not sustained any injuries or damages proximately or actually caused by Defendants.

**Seventh Affirmative Defense.** The Complaint fails to state facts sufficient to constitute a valid claim for monetary damages.

#### **IV. RESERVATION OF RIGHTS**

Defendants reserve the right to raise any additional defenses, affirmative or otherwise, which may become apparent through discovery in the course of this action.

Respectfully submitted this 20<sup>th</sup> day of April 2023.

*/s/ Rebecca E. Rhoden*

**Rebecca E. Rhoden, Esquire**

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**Michael D. Piccolo, Esquire**

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 4<sup>th</sup> day of April 2023, I electronically filed the foregoing document with the Clerk of Court via CM/ECF which will send notice of such filing to all counsel of record.

*/s/ Rebecca E. Rhoden* \_\_\_\_\_

**Rebecca E. Rhoden, Esquire**