

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

**Heather Miller, Individually and as
Next Friend of I.M., a Minor**

Plaintiffs,

v.

**Yes Management, LLC, FSI Santa
Barbara Property LLC, Kevin
Shyrock, and Sharon Shyrock**

Defendants.

Civil Action No. _____

Jury Trial Demanded

PLAINTIFFS' COMPLAINT AND JURY DEMAND

Plaintiffs, Heather Miller, Individually, and as Next Friend of I.M., a Minor, (hereinafter collectively, "Plaintiffs") bring this action against Defendants, Yes Communities, LLC, FSI Santa Barbara Property LLC, Kevin Shyrock, and Sharon Shyrock (hereinafter referred to as "Defendants"), for legal relief to address Defendants' acts of racial discrimination against Plaintiffs in violation of Plaintiffs' rights under the Fair Housing Act, Titles VIII through IX of the Civil Rights Act of 1968 ("FHA"), 42 U.S.C. 3601, et seq.

JURISDICTION

1. Jurisdiction over Plaintiffs' claims is based on: (a) FHA, 42 U.S.C. § 3613(a)(1)(A), which authorizes an aggrieved person to commence a civil action in an appropriate United States district court after the occurrence of an alleged discriminatory housing practice; and (b) 28 U.S.C. §§ 1331, which confers original jurisdiction upon this Court for actions arising under the laws of the United States.

2. Venue is proper in the United District Court of Kansas, pursuant to Title 28 U.S.C. § 1391(b) and (c). At all times material herein (1) at least one Defendant resided in the State of Kansas, (2) Defendants are doing business in this District, and (3) some of the unlawful practices described in this Complaint occurred in this District.

PARTIES

3. Heather Miller, Individually, and as Next Friend of I.M., a Minor. Heather Miller is a female citizen of the United States and a resident of Kansas. She resides with her son, I.M., in a manufactured home community in Olathe, Kansas owned and/or operated by Defendants.

4. Yes Management, LLC. Yes Management, LLC is a Delaware limited liability company with its principal place of business in Denver, Colorado. Yes Management, LLC is authorized to do business, and is doing business, in the State of Kansas. Yes Management, LLC may be served through its registered agent for service of process, Corporation Service Company, 2900 Southwest Wanamaker Drive Suite 204, Topeka, Kansas. 66614.

5. FSI Santa Barbara Property LLC. FSI Santa Barbara Property LLC is a Delaware limited liability company with its principal place of business in Denver, Colorado. FSI Santa Barbara Property LLC is authorized to do business, and is doing business, in the State of Kansas. FSI Santa Barbara Property LLC may be served through its registered agent for service of process, Corporation Service Company, 2900 Southwest Wanamaker Drive Suite 204, Topeka, Kansas 66614.

6. Sharon Shyrock. Sharon Shyrock is the property manager of Santa Barbara Estates. At all materials times, Sharon Shyrock, was an agent and/or employee of Defendants Yes Management, LLC and FSI Santa Barbara Property LLC and was

acting within the course, scope, and authority of her agency and/or employment with Defendants. Sharon Shyrock may be served with process at 1600 North Ridgeview Road, Olathe, Kansas 66061.

7. Kevin Shyrock. Kevin Shyrock is the property manager of Santa Barbara Estates. At all materials times, Kevin Shyrock, was an agent and/or employee of Defendants Yes Management, LLC and FSI Santa Barbara Property LLC and was acting within the course, scope, and authority of his agency and/or employment with Defendants. Kevin Shyrock may be served with process at 1600 North Ridgeview Road, Olathe, Kansas 66061.

NATURE OF CASE

8. Plaintiff Heather Miller resides with her 8-year-old son, I.M., in a manufactured home community in Olathe, Kansas known as Santa Barbara Estates (hereinafter, the “Community”). The Community is owned and/or operated by Defendants Yes Management, LLC and FSI Santa Barbara Property LLC, and managed by Kevin and Sharon Shyrock.

9. On October 8, 2020, Heather Miller signed a lease contract with Defendants to lease a mobile home lot in the Community for \$560.00 a month. Ms. Miller purchased the mobile home through the Defendants. Ms. Miller’s lease included the mobile home lot and use of the Community facilities, including the pool.

10. Heather Miller’s son, I.M., is bi-racial and lives with Ms. Miller full time. I.M.’s father is African American and Ms. Miller is white. I.M. attends an alternative school for learning and attention challenges in Olathe, Kansas. I.M. has been diagnosed with attention deficit hyperactivity disorder, disruptive mood dysregulation disorder, and sensory processing disorder with particular sensitivity to loud noises and yelling.

I.M. is a registered occupant of Ms. Miller's home and his name is in the lease.

11. On June 15, 2021, I.M. went to the pool to swim as he had on other occasions. I.M. was escorted by his uncle, Cory Miller, who was watching him while his mother was working. While I.M. was swimming and enjoying the pool with other Community neighbors, Defendant Sharon Shyrock entered the pool area, and said in an aggressive manner, "somebody get that colored boy's attention, get that color boy's attention. Who's he here with, is he with an adult. He can't be here!" Sharon Shyrock then approached I.M. and told him in a loud and intimidating manner that he needed to leave the pool. I.M.'s uncle, Cory Miller, asked Ms. Shyrock to lower her voice and to stop yelling. She did not. She made sure everyone was aware that I.M. was not allowed to swim in the Community pool and was being ejected immediately.

12. Defendant Kevin Shyrock, the other property manager, came to the pool area to assist Ms. Shyrock. Ms. Shyrock pointed at I.M. and Cory Miller and said he should remember them because they are permanently banned from the pool.

13. Sharon Shyrock continued yelling, humiliating, and berating I.M. and Cory Miller in front of everyone at the Community pool, including the pool monitor. She told Cory Miller that I.M.'s mother was behind on her lot rent and is suspended from the pool. This was not true; Ms. Miller was not behind on rent. She overpaid her lot rent by \$1600.00.

14. I.M. ran home upset and told his mother what happened. He was scared, angry, and embarrassed.

15. Ms. Miller called the leasing office to discuss her son's treatment and name calling and spoke directly with Defendant Kevin Shyrock. Before saying anything, Kevin Shyrock asked Ms. Miller if she was calling about the "incident." He

said “nobody heard her [Sharon Shyrock] say that . . . we’ve been called racist for 50 years doesn’t mean we’re racist.” Kevin Shyrock said he would not apologize because he didn’t think she did it.

16. Later that same day, Ms. Miller went to the leasing office to discuss the false claims that she was behind on lot rent and suspended from the pool. The Shyrocks were not there, On the way out, Ms. Miller talked to the pool monitor, who confirmed the incident involving her son took place but quickly shut Ms. Miller down and said he had nothing to do with it.

17. Based upon information and belief, Defendants Kevin and Sharon Shyrock deny the June 15, 2021, incident. They never spoke to Ms. Miller about it and have never addressed her concerns. The owners of the Community have never intervened and taken steps to address and correct the situation so that this type of discriminatory practice and interference with Plaintiffs’ fair housing rights does not continue. Based on information and belief, Defendants Kevin and Sharon Shyrock still manage the Community.

18. Since June 15, 2021, Heather Miller has been bullied, harassed, intimidated, and threatened on social media and in the public domain. She has been called a liar, and that she shouldn’t “cross breed,” among other unspeakable things.

19. Defendants’ intentional interference with Plaintiffs’ rights to fair housing is illegal and violates federal law, the FHA.

20. Defendants intentionally humiliated, shamed, and viciously called out and disciplined Heather and I.M. in front of their Community due to race. I.M. was singled out as a “colored boy” in front of his peers and told to get out the pool. He was eight years old at the time with little understanding of what he or his mother did wrong. I.M. also struggles with emotional processing and stress, noise, and yelling sensitivity.

21. Defendants without just cause and authority, intentionally interfered with Plaintiffs' fair housing rights provided by federal law.

22. Defendants, without just cause and permission, told I.M.'s uncle, Cory Miller, who is not a resident, that Plaintiffs' pool privileges were suspended due to non-payment of rent. Defendants' accusations were false, defamatory, and used as a pretext to unlawfully eject I.M. from the Community pool.

23. Defendants' malicious and obnoxious conduct towards I.M., a young bi-racial child, has caused Plaintiffs' fear, loss of security, and peace of mind. The Shyrocks have a history of publicly posting content supporting "white privilege" and belittling minority movements such as "Black Lives Matter." Due to the Shyrocks' content, which they distribute into the public domain, Heather Miller is concerned for her and her son's safety.

24. On July 15, 2021, Heather Miller filed a housing discrimination complaint with the U.S. Department of Housing and Urban Development (HUD) and the Office of Fair Housing and Equal Opportunity (FHEO) describing the deliberate racial discrimination by Defendants against her and her son, interference with their fair housing rights, Defendants' denial of their pool privileges, and false claims of her poor financial standing in an attempt to harass and intimidate them due to her son's race.

25. Defendants' conduct is unlawful under the FHA and Plaintiffs are entitled to damages, including actual and punitive damages, along with reasonable attorneys' fees and costs of this action, as provided in 42 U.S.C. § 3613 (a).

FIRST CLAIM FOR RELIEF
VIOLATION OF THE FAIR HOUSING ACT, 42 UNITED STATES CODE,
SECTION 3604 (B)

26. Plaintiffs incorporate by reference the allegations set forth in the paragraphs above.

27. The FHA prohibits discrimination based on race in housing. 42 U.S.C. § 3604 et seq. Any such discrimination is illegal under federal law.

28. Defendants Yes Management, LLC and FSI Santa Barbara Property LLC are in the business of selling or renting dwellings, including mobile homes, in communities across the United States, and are therefore subject to the FHA. 42 U.S.C. § 3603 (c).

29. Defendants Kevin and Sharon Shyrock are the property managers, agents, and employees of Defendants Yes Management, LLC and FSI Santa Barbara Property LLC. Defendants Yes Management, LLC and FSI Santa Barbara Property LLC are vicariously liable for the Shyrocks' conduct and all acts of discrimination done in the course and scope of their employment as Defendants' authorized agents.

30. Under the FHA, it is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin. 42 U.S.C. § 3604 (b).

31. Defendant intentionally and without just cause ejected I.M. from the Community pool and suspended the Millers' privileges of access and use of the facilities on account of race. Defendants' conduct violates federal law, the FHA, 42 U.S.C. § 3604 (b).

32. As a direct and proximate cause of Defendants' illegal conduct and violation of the FHA, Plaintiffs have suffered actual damages including emotional and physical distress, humiliation, isolation, medical expenses, and economic losses. Plaintiffs are in fear of leaving their home, are concerned about their physical safety, and fear retaliation by Defendants Kevin and Sharon Shyrock who are known to post racially charged content on their social media. I.M., who has a diagnosis of attention deficient hyperactivity disorder, sensory processing disorder, and disruptive dysregulation mood disorder, is experiencing mental and emotional decompensation requiring in-patient medical treatment for emotional distress. Plaintiffs' damages are severe and continuing in nature.

33. Defendants' violations of the FHA were done willfully and in bad faith such that the Plaintiffs are entitled to punitive damages. Defendants knew, had reason to know, or showed reckless disregard for Plaintiffs' fair housing rights and privileges to use the community pool without fear of harassment, humiliation, and intimidation due to race. Defendants showed reckless disregard for Plaintiffs' fair housing rights to be free from racial discrimination when exercising the same privileges as other Community members.

34. By reason of Defendants' unlawful conduct in removing Plaintiffs from the Community facilities without just cause and suspending them from use on account of race, Plaintiffs are entitled to recover damages under the FHA, including actual and punitive damages, along with reasonable attorneys' fees and costs of this action, as provided in 42 U.S.C. § 3613 (a).

SECOND CLAIM FOR RELIEF
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

35. Plaintiffs incorporate by reference the allegations set forth in the paragraphs above.

36. The conduct of Defendants was outrageous and directed at Plaintiffs. Defendants' conduct was intended to cause injury or was in reckless disregard of the probability of causing injury to Plaintiffs and did in fact cause Plaintiffs serious emotional distress and mental injuries.

37. As a direct and proximate cause of Defendants' actions, Plaintiffs suffered damages, including actual and punitive damages, emotional distress, loss of security, and out-of-pocket expenses.

CLAIM FOR PUNITIVE DAMAGES

38. Plaintiffs incorporate by reference the allegations set forth in the paragraphs above.

39. Defendants' acts and omissions were intentional, willful, malicious, reckless, and in conscious disregard of each Individual Plaintiffs protected rights. As such and to deter future similar conduct by Defendants, Plaintiffs are entitled to an award of punitive damages against Defendants.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray:

A. That the practices of Defendants complained of be adjudged, decreed, and declared to be violative of the rights of Plaintiffs under the FHA 42 U.S.C. 3601, et seq.

B. That judgment be entered in favor of Plaintiffs against Defendants, for all actual and punitive damages in all in amounts to be established at trial and under the longest period of limitations allowed.

A. That the Court order Defendants to pay counsel for the Plaintiffs her reasonable attorneys' fees and the costs and expenses of this action.

B. That Plaintiffs be awarded such other and further relief and equitable relief as may be found appropriate, just and/or equitable.

JURY DEMAND

Plaintiff seeks to have this matter tried before a jury.

Respectfully Submitted,

s/ Aaron Kite
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*Motion to Appear Pro Hac Vice
Submitted*

Counsel For Plaintiff