

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MORTON

Case No. 04-C-0323

SEP 12 2005

North Dakota Department of Labor,

Plaintiff,

and Alma DuCharme, Intervening
Plaintiff,

vs.

Verna Lund,

Defendant.

ORDER

This matter was tried on August 30, 2005. Based on the evidence presented at trial, the Court finds:

Alma DuCharme rented an apartment from Verna Lund in July of 2001. The apartment was owned by Lund and located at 506 1st Ave. NW in Mandan.

Alma DuCharme is an individual with a disability within the meaning of Section 14-02.5-01(6) of the North Dakota Century Code. Her diagnosed and treated mental illness was such that she required the reasonable accommodation of having therapeutic dogs with her to afford her an opportunity to use and enjoy the dwelling.

Lund knew at the time the apartment was rented or shortly after that DuCharme was an individual with a disability and that her treating psychiatrist had written a letter indicating she needed to have therapeutic dogs to keep her grounded. However, Lund charged DuCharme an additional \$50 in rent each month to have the dogs.

Even after having been advised by the Department of Labor that she could not charge the additional rent, Lund did not return funds to DuCharme.

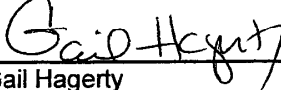
After an action was brought against Lund alleging she had engaged in discriminatory conduct, she filed a cross-claim. Based on the evidence, the timing of making the claims presented in the cross-claim and Lund's testimony, the Court concludes the cross-claim was brought in an effort to persuade DuCharme not to proceed with the case alleging discriminatory conduct.

The Court concludes that Lund is responsible to refund \$200 to DuCharme for rent charged for having the therapeutic dogs. DuCharme will also be awarded \$200 as nominal damages for the bringing of the retaliatory cross-claim.

In addition, Lund will be responsible for DuCharme's legal fees and costs incurred in this matter and the legal fees and costs of the State of North Dakota.

Dated September 9, 2005.

BY THE COURT:



Gail Hagerty
District Judge

STATE OF NORTH DAKOTA
COUNTY OF MORTON

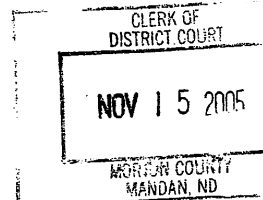
IN DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT
Case No. 04-C-0323

State of North Dakota, by North Dakota Department of Labor,
Plaintiff, and
Alma Ducharme,
Plaintiff-in-Intervention
vs.
Verna Lund,
Defendant.

ORDER FOR JUDGMENT

This matter was tried on August 30, 2005, before this Court without a jury. The Court issued an Order on September 9, 2005, in which it awarded Plaintiff-in-Intervention Alma Ducharme a total of \$400 as damages and other compensation and in which it ordered that the Defendant Verna Lund be responsible for the legal fees and costs of both the Plaintiff-in-Intervention Alma Ducharme and the State of North Dakota. The law firm of Dyer & Summers, P.C. requested an award for attorneys fees and costs in the amount of \$8,535.40 and the law firm of Brancart & Brancart requested an award of attorneys fees and costs in the amount of \$22,340.40 for the representation of the Plaintiff-in-Intervention Alma Ducharme. The State of North Dakota, by and through the Office of the Attorney General requested an award of attorneys fees and costs in the amount of \$8,276.59. The Court, through an Order dated October 19, 2005, awarded one-half of the attorneys fees and costs which were requested by the parties. Based upon all of the foregoing, the Court:

HEREBY ORDERS that Judgment be entered herein for the following persons or entities as follows:

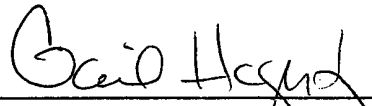


Alma Ducharme.....\$ 400.00
Dyer & Summers, P.C.....\$ 4,267.70
Brancart & Brancart.....\$11,170.20
State of North Dakota.....\$ 4,138.30

Let Judgment enter accordingly.

Dated November 10, 2005.

BY THE COURT:



Gail Hagerty, District Judge

STATE OF NORTH DAKOTA

NOV 16 2005
IN DISTRICT COURT

COUNTY OF MORTON

SOUTH CENTRAL JUDICIAL DISTRICT

Civil No. 04-C-0323

State of North Dakota, by North Dakota Department of Labor, Plaintiff, and
Alma Ducharme, Plaintiff-In-Intervention

vs.

Verna Lund, Defendant.

JUDGMENT

The Court, having entered an Order for Judgment, IT IS HEREBY ORDERED, ADJUDGED
AND DECREED:

The following attorney's fees and costs will be awarded:

Alma Ducharme will be awarded the sum of four hundred dollars (\$400.00);

Dyer & Summers, P.C. will be awarded the sum of four thousand two hundred sixty
seven dollars and seventy cents (\$4,267.70);

Brancart & Brancart will be awarded the sum of eleven thousand one hundred
seventy dollars and twenty cents (\$11,170.20);

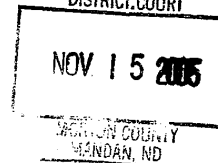
State of North Dakota will be awarded the sum of four thousand one hundred thirty
eight dollars and thirty cents (\$4,138.30).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 15 day of November, 2005.

BY THE COURT:

Finola Zearley, Deputy
Clerk of District Court



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