

Tennis Court Argument Snowballs Into \$7M Federal Discrimination Suit Against HOA

By **Christyne D. Santisteban** | September 30, 2020



Christyne Santisteban, associate with Siegfried Rivera in Coral Gables.

Disputes between community residents over the use of shared amenities can flare up from time to time in HOA and condominium communities. Associations must be prepared to address and resolve these clashes by using a set process that typically includes letters to the owners involved from the association's attorney, impartial board/committee meetings and hearings, and possibly also reasonable fines and suspensions. Otherwise, as a recent federal lawsuit with shocking allegations of discriminatory conduct illustrates, these skirmishes could snowball into potentially dangerous confrontations that may expose associations to severe legal and financial liabilities.

The recent suit involves allegations of horrid discriminatory conduct and statements against homeowners Jeffrey and Deborah LaGrasso at the Seven Bridges community in Delray Beach, Florida. It seeks \$7 million in compensatory and punitive damages from the community's HOA and Rachel Aboud Tannenholz, who allegedly engaged in harassing behavior that included phone calls, text messages, personal visits to the plaintiffs' home, and discriminatory posts on Facebook. The suit alleges the HOA and Tannenholz violated the federal Fair Housing Act by inflicting discriminatory behavior based on the LaGrasso's religion and intentionally causing them emotional distress.

A Fracas on the Courts

According to the complaint, the couple paid the HOA more than \$1,000 per week for tennis coaching services for their three children, ages 16, 13 and 11, at the community's tennis center. However, the suit alleges the children were being continuously harassed on the courts by a group of women who had formed a tennis league. They would allegedly interrupt their lessons, distract their coaches, walk on their courts, taunt them about their tennis skills, and move their personal belongings from nearby tables and chairs.

The LaGrassos responded by lodging several complaints with the HOA and suggesting that the tennis league be assigned to different courts or different times. After these efforts proved fruitless, Deborah LaGrasso went to the tennis center and asked the members of the tennis league to cease interacting with her children and interfering with their lessons.

According to the suit, this incident quickly escalated into a shouting match with security being called to separate everyone. The HOA responded by sending a letter to LaGrasso stating the members of the tennis league had filed complaints and alleged she had physically assaulted them. The letter indicated the board of directors had voted to

suspend her rights to use the HOA facilities for three months pending a hearing of its compliance committee.

At the subsequent committee hearing, LaGrasso presented video evidence demonstrating she never touched any of the women, who aggressively surrounded her and waved their tennis racquets in her face. She also presented statements from the tennis center coaches and staff corroborating that the league members had been harassing the LaGrasso children.

The committee apparently was not swayed by the video and written statements, and it informed LaGrasso via a second letter that it had voted unanimously to affirm the three-month suspension.

Discrimination Allegedly Ensues

According to the suit, the HOA and members of its compliance committee thereafter embarked on a concerted effort to stigmatize and alienate the LaGrasso family. In a Facebook blog called "Bridges Seven" devoted to the community, defendant Rachel About Tannenholz, the wife of one of the members of the compliance committee, began posting hateful comments personally attacking LaGrasso and her Christian faith.

"Move out you stupid shikska," which is an offensive term for a non-Jewish woman, demanded Tannenholz in one of her posts.

The suit alleges Tannenholz obtained LaGrasso's cellphone number and began to harass her via text messages stating: "I know who you are ... [g]et ready to be exposed" and "I suggest you follow the real 7b residents page you will see your name plastered on there."

Tannenholz then posted on the official Facebook page for the Seven Bridges community: "[s]o apparently there is this new page up that is bashing the community

and the owner of it is a true anti Semite ... After much research it was found that the page is owned by a Deborah LaGrasso that lives on Labelle court.”

Shortly after the post, she allegedly visited the LaGrasso home, repeatedly rang their doorbell and banged on the front door, and yelled for them to “come outside.” After she was asked to leave and refused, the police were called and warned her that she would be arrested for trespassing if she returned to the home.

Nonetheless, the suit alleges Tannenholz continued to drive by the home and yell at the family to move out, and she was later recorded on a call to LaGrasso stating: “You moved in somewhere which is 80% Jewish and you do not belong here. Move to a Klan neighborhood, that’s where you need to move, to a white supremacist area. If I was hated as much as you I would move out. I would not want to live where I could not walk out with everybody looking at me like I’m f[----]g crazy and that is the current situation whether you like it or not. Move the f[--]k out. It’s over for you.”

Jeffrey LaGrasso responded by sending a letter to the HOA requesting it initiate its formal complaint and sanctioning process, and advising they had video and audio recordings of Tannenholz engaging in harassing and discriminatory conduct.

Escalation Without Investigation

Rather than acting on this complaint and investigating it, the suit states the HOA replied with another letter to Deborah LaGrasso alleging the comments on her Facebook post were in violation of the “Nuisance” and “Improper Use” sections of the community’s governing documents, which the lawsuit contends actually only apply to acts taking place inside of the community and not on the internet. The letter also indicated the board voted to propose cumulative fines totaling \$5,000 and the suspension of the use of amenities for 330 days for the entire LaGrasso family, and the fines and suspension were subsequently confirmed by the compliance committee.

In addressing disputes among unit owners, associations must always maintain uniformity and impartiality in their deliberations and decisions. The allegations in this case of the wife of one of the members of the compliance committee harassing and making discriminatory statements online and via text messages and phone calls are very egregious for the HOA. Once she became involved in the dispute, her husband should have been removed from the compliance committee, and new hearings should have been held to include deliberations over the alleged recordings and postings of her statements and actions.

Having allegedly failed to do so, now the HOA could be forced to reconcile those appalling recordings and postings together with its disciplinary actions and decisions before a jury in federal court. The Fair Housing Act prohibits discrimination in housing based on protected statuses such as race, nation of origin and religion. If the allegations in this lawsuit and the claims of harassing and discriminatory conduct hold up in court, the HOA and Tannenholz could be forced to pay significant compensatory and punitive damages as well as legal costs, including the fees for the plaintiffs' attorneys.

Christyne D. Santisteban *is an associate at Siegfried Rivera in Coral Gables.*

<https://www.law.com/dailybusinessreview/2020/09/30/tennis-court-argument-snowballs-into-7m-federal-discrimination-suit-against-hoa/>