

**United States Court of Appeals  
For the First Circuit**

No. 17-2135

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UNITED STATES,  
Plaintiff, Appellee,

v.

JOHN DERAFFELE,  
Defendant, Appellant.

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Before  
Howard, Chief Judge,  
Torruella, Lynch and Thompson,  
Circuit Judges.

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**ORDER OF COURT**

Entered: March 7, 2019

Pursuant to this court's Internal Operating Procedure X.C., we treat a petition for rehearing en banc also as petition for rehearing before the original panel. The petition for rehearing having been denied by the panel of judges who decided the case and the petition for rehearing en banc having been submitted to the active judges of this court and a majority of the judges not having voted that the

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case be heard en banc, it is ordered that the petition for rehearing and petition for rehearing en banc be denied.

By the Court:

Maria R. Hamilton, Clerk

cc:

Cynthia A. Young  
Jennifer A. Serafyn  
Gregory Joseph Dorchak  
John Deraffele

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,  
Plaintiff,

v.

Civil Action No.  
16-10991-MGM

JOHN DERAFFELE,  
Defendant.

**JUDGMENT IN A CIVIL CASE**

MASTROIANNI, U.S.D.J.

x **Jury Verdict.** This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**Decision by the Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED**

In accordance with the Jury Verdict returned October 27, 2017, judgment enters for plaintiff.

ROBERT FARRELL,  
CLERK OF COURT

By

/s/ Timothy J. Bartlett  
Courtroom Deputy Clerk

Dated: October 30, 2017

United States Court of Appeals  
For the First Circuit

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No. 17-2135

UNITED STATES,  
Plaintiff, Appellee,

v.

JOHN DERAFFELE,  
Defendant, Appellant.

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Before  
Torruella, Lynch and Thompson,  
Circuit Judges.

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**JUDGMENT**

Entered: January 18, 2019

Pro se defendant-appellant John DeRaffele appeals from a jury verdict finding that he violated the Fair Housing Act (“FHA”) by discriminating based on familial status and by retaliating against individuals exercising rights protected by the FHA. See 42 U.S.C. § 3601, et seq. The government moves for summary disposition.

Having carefully reviewed the parties’ submission, including each and every one of the arguments sufficiently developed in appellant’s brief, and relevant portions of the record, we conclude that the appeal does not present a “substantial question”

and that the government's motion for summary disposition should be granted. See 1st Cir. R. 27.0(c).

The judgment of the district court is affirmed, substantially of the reasons set out by the district court in its rulings addressing the issues developed on appeal.

Affirmed. See 1st Cir. R. 27.0(c).

By the Court:

Maria R. Hamilton, Clerk

cc: Cynthia A. Young, Jennifer A. Serafyn, Gregory Joseph Dorchak, John Deraffele

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No.  
16-10991-MGM

JOHN DERAFFELE,

Defendant.

SPECIAL JURY VERDICT FORM

**Housing Discrimination Against the  
Hernandez Family:**

1. Did Plaintiff, the United States of America, prove by a preponderance of the evidence that John DeRaffele did one or more of the following?

a) Refused to rent apartment 2L at 27 Loring Street to Aileen and Esteban Hernandez after they offered to rent the apartment and, at the time of that offer, they were ready, willing, and able to pay John DeRaffele's rental price.

Yes \_\_\_\_\_ No   X  

b) Refused to negotiate with Aileen and Esteban Hernandez regarding the rental of apartment 2L at 27 Loring Street.

Yes \_\_\_\_\_ No   X

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- c) Made unavailable or denied apartment 2L at 27 Loring Street to Aileen and Esteban Hernandez.

Yes   X   No       

- d) Made, or caused to be made, a notice or statement to Aileen and Esteban Hernandez that indicated a preference, limitation, or discrimination with respect to the rental of apartment 2L at 27 Loring Street.

Yes        No   X  

**If you answered "No" to all parts of Question 1, please move to question 5. If you answered "Yes" to one or more parts of Question 1, please answer Question 2.**

2. Did Plaintiff, the United States of America, prove by a preponderance of the evidence that the familial status of Aileen and Esteban Hernandez was a substantial factor motivating the conduct of John DeRaffele on which you based your answer to question 1?

Yes   X   No       

**If you answered "No" to Question 2, please move to question 5. If you answered "Yes" to Question 2, please answer Question 3.**

3. Did Plaintiff, the United States of America, prove by a preponderance of the evidence that Aileen and Esteban Hernandez suffered

actual damages, in the form of financial losses and/or emotional distress, as a result of the refusal to rent on which you based your answers to questions 1 and 2?

Yes X No           

If you answered “No” to Question 3, please move to question 5. If you answered “Yes” to Question 3, please answer Question 4.

4. What total amount of money do you find will fairly and adequately compensate Aileen and Esteban Hernandez for the financial losses and/or emotional distress caused by the refusal to rent on which you based your answers to questions 1 and 2?

five hundred  $\frac{00}{100}$  (Dollars)  
 (Write amount in words)

\$ 500. -  
(Write and amount in numbers)

Please continue to Question 5.

**Discriminatory Pattern or Practice:**

5. Did Plaintiff, the United States of America, prove by a preponderance of the evidence that John DeRaffele had a pattern or practice of discriminating against tenants and/or prospective tenants based on familial status?



Yes   X   No       

**Please continue to Question 6.**

**Interference, Coercion, or Intimidation:**

6. Plaintiff, the United States of America, prove by a preponderance of the evidence that Aileen and Esteban Hernandez's filing of a fair housing complaint against John DeRaffele was a substantial factor motivating his decision to name them as defendants in a lawsuit he filed after they made their complaint?

Yes   X   No       

**If you answered "No" to Question 6, proceed to Question 10. If your answer is "Yes" proceed to Question 7.**

7. Did Plaintiff, the United States of America, prove by a preponderance of the evidence that John DeRaffele sought to coerce, intimidate, or threaten Aileen and Esteban or to interfere with their fair housing rights when he filed the law suit described in question 6?

Yes   X   No       

**If you answered "No" to Question 7, proceed to Question 10. If your answer is "Yes" proceed to Question 8.**

8. Did Plaintiff, the United States of America, prove by a preponderance of the evidence that Aileen and Esteban Hernandez suffered actual damages, in the form of financial losses and/or emotional distress, as a result of the conduct on which you based your answers to questions 6 and 7?

Yes   X   No       

**If you answered "No" to Question 8, proceed to Question 10. If your answer is "Yes" proceed to Question 9.**

9. What total amount of money do you find will fairly and adequately compensate Aileen and Esteban Hernandez for the financial losses and/or emotional distress caused the conduct on which you based your answers to questions 6 and 7?

00

          eight thousand   100           (Dollars)

(Amount in Words)

\$           8,000. -          

(Amount in Numbers)

**Please continue to Question 10.**

10. Answer this question only if you answered "Yes" to Questions 1 and 2 and/or Question 5 and/or Questions 6 and 7. If you did not answer "Yes" to any part of Questions 1 and Question 2 AND/OR Question 5 AND/OR Questions 6 and 7, you have completed your deliberations and your foreperson should sign and date the verdict form.

What amount of money, if any, up to a maximum of \$75,000, should John DeRaffele pay to the United States as a penalty for violating the Fair Housing Act?


$$\frac{\text{Thirty five thousand } \overline{00}}{100} \text{ (Dollars)}$$
 (Write amount in words)

\$ 35,000. -  
 (Write and amount in numbers)

This ends your deliberations and your foreperson should sign and date the verdict form.

The undersigned foreperson of the jury hereby certifies that the members of the jury agree to the above findings.

10/27/17  
DATE

  
 FOREPERSON'S SIGNATURE

