

Montrose Master Association
Board of Directors Meeting Minutes

10/18/2023 / 6:05PM / Zoom Meeting



This emergency meeting was called to order at 6:05 P.M. by President Jennifer Barbieri.

Those present in the Zoom meeting were:

President: Jennifer Barbieri

Vice President: Lacy Smay

Treasurer: Gene Niederkleine

Secretary: Lacy Smay

Member at Large: Dennis Robertson & Matthew Kifer

New Business

This emergency meeting of the board of directors was called for the purpose of voting on seeking legal counsel regarding Kyle Perez's lawsuit filed on October 4, 2023, in Superior Court of the State of Idaho, Kootenai County, Case#CV28-23-6373. Perez claims that Montrose HOA, along with Google North America, Inc., and undisclosed "Does 1-50" have conducted (1) Anti-Discrimination, (2) Unfair Business Practices, and (3) Tortious Interference into his Drug Rehabilitation House and business.

On October 17, 2023, Kyle Perez also served additional court documents to Montrose HOA Case #CV28-23-6373, requesting (1) Production and (2) Admissions. These documents were not filed with the District Court Clerk as the original lawsuit, but were served by Marley West, who works for Kyle.

Dennis Robertson moved that the HOA seek legal counsel regarding the lawsuit. Matt Kifer seconded the motion. Discussion followed. Views ranged from seeking legal counsel should not be ignored for protection of the HOA, to it was a frivolous waste of time and money, a fishing expedition on Kyle's part and not serious. Documents weren't professionally drafted and in the second case, not rightfully served to the HOA by Marly West who works for Kyle.

Five board members voted for the motion (Jennifer Barbieri, Gene Niederkleine, Dennis Robertson, and Matthew Kifer). One member, Lacy Smay voted against the motion. The motion was approved to seek legal counsel.

Meeting Minutes: Taken and submitted by Gene Niederkleine.

Draft of the meeting minutes will be sent to Board Members and Gil Pierce to be approved.

Jennifer closed the meeting at 6:20 PM.

10/19/2023

Corrections made: (1) Lawsuit case number was corrected from W28-23-6373 to CV28-23-6373

(2) Spelling of Jennifer's last name corrected

1 Kyle Perez
2 Plaintiff in *Pro Per*
3 2067 W Alsea Avenue
4 Post Falls, ID 83854
5 KylePerezEstate@gmail.com

STATE OF IDAHO
COUNTY OF KOOTENAI
FILED:

2023 OCT -4 AM 9:37

CLERK DISTRICT COURT

RECEIVED

8 **SUPERIOR COURT OF THE STATE OF IDAHO**
9 **FOR THE COUNTY OF KOOTENAI**
10 **UNLIMITED JURISDICTION**

11
12 Kyle Perez,

13 Plaintiff,

14 v.

15
16 GOOGLE NORTH AMERICA INC.,
17 MONTROSE MASTER
18 ASSOCIATION, INC., DOES 1-50,

19 Defendants.

Case No. CV 28-23-6373

**VERIFIED COMPLAINT AND
DEMAND FOR JURY TRIAL FOR:**

1. ANTI-DISCRIMINATION;
2. UNFAIR BUSINESS PRACTICES;
3. TORTIOUS INTERFERENCE

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CYNTHIA K.C. MEYER

1 Plaintiff Kyle Perez (hereafter "Me"/"I") sues Defendant GOOGLE NORTH
2 AMERICA INC., (hereafter "Google"), MONTROSE MASTER ASSOCIATION
3 INC., (hereafter "Montrose") and DOES 1-50 (hereafter "neighbors") for injunctive
4 relief and money damages, and alleges and pleads as follows:

5 I. PRELIMINARY STATEMENT

6 This is an action for an injunction and money damages arising out of
7 Defendants' discriminatory, unfair and tortious business practices. The Defendants
8 have discriminated against me, and I have suffered damages as a result. I reserve the
9 right to add additional causes of action, additional defendants, to sue in Federal
10 Court under the Fair Housing Act and Americans with Disabilities Act and reserve
11 the right to hire counsel.

12 II. PARTIES

- 13 1. Plaintiff is currently a resident in Los Angeles, California.
- 14 2. Plaintiff has a business (the "residential rehab") located in Kootenai
15 County, Idaho.
- 16 3. Defendant Google is a Delaware corporation that regularly transacts
17 business in Kootenai County, Idaho and around the continental United States.
- 18 4. Defendant Google has a principal address at: 1600 AMPHITHEATRE
19 PARKWAY MOUNTAIN VIEW, CA 94043.
- 20 5. Defendant Google has a registered agent address at: CORPORATION
21 SERVICE COMPANY, 1305 12TH AVE RD, NAMPA, ID 83686.
- 22 6. Defendant Montrose is an Idaho corporation that regularly transacts
23 business in Kootenai County, Idaho.
- 24 7. Defendant Montrose has a principal address at: 1421 N Meadowwood
25 Lane, Suite 200, Liberty Lake, WA 99019.
- 26 8. The DOES in the complaint have yet to be identified but are believed
27 to be residents of Kootenai County, Idaho.
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III. JURISDICTION

9. This Court has jurisdiction over this action: (1) jurisdiction is proper in this venue under Idaho Civil Code of Procedure; (2) Defendants regularly transacts business in Kootenai County; (3) Defendants caused injury in Kootenai County, and; (4) DOES are believed to be Kootenai County residents.

IV. FACTUAL BACKGROUND

8 10. On or around 01 June 2023 Plaintiff opened a residential drug and alcohol treatment facility identical to the one I have listed in Chatsworth, CA.

9 11. The residential home I am operating out of is in the Montrose neighborhood in Post Falls, Idaho.

10 12. On 06 June 2023 the neighbors, along with Montrose, contacted the local news station, "NonStop Local KHQ" to run a hit piece on the facility being opened in, "their" neighborhood.

11 13. The news article is titled, "Post Falls residents concerned over a drug and alcohol rehab facility opening in their neighborhood".

12 14. On the same day, a city council meeting was called due to the pressure the mayor's office was receiving from dozens of phone calls and emails from the neighbors and members of Montrose.

13 15. On the same day, the neighbors and Montrose were informed by the mayor that there was nothing the city could do to stop the residential drug and alcohol rehab being opened in the city as it was outside their jurisdiction and a federal issue.

14 16. The neighbors and Montrose were subsequently informed by the Post Falls city attorney that there was nothing illegal about someone such as me opening a drug and alcohol rehab in Post Falls, Idaho.

- 1 17. The neighbors and Montrose were also informed by Bob Seale, the Post
2 Falls community development director, that this facility was protected under
3 the ADA and FHA.
- 4 18. This rehab is protected under the Fair Housing Act and the Americans
5 with Disabilities Act, among other federal and Idaho state statutes.
- 6 19. Despite this knowledge and information, the neighbors and Montrose
7 continued to move forward with a plan to have my rehab shut down.
- 8 20. The next day on 07 June 2023 an HOA meeting was called by Montrose
9 and the neighbors.
- 10 21. Montrose and the neighbors worked collectively to devise a plan to
11 have my home shut down through legal avenues or any other means they could
12 think of.
- 13 22. I have received numerous harassing phone calls and messages from
14 people I believe to be the neighbors.
- 15 23. On 03 June 2023 I received two messages from neighbors on the
16 California website chat feature stating, "Leave Idaho. Leave Idaho."
- 17 24. On 04 June 2023 I received seven (7) messages from neighbors on the
18 California website chat feature stating, "Leave post falls Idaho we don't want
19 you there."
- 20 25. On 06 June 2023 my program director received a threatening and
21 harassing phone call on our 800 number from (208) 818-4519 and is believed
22 to be from a neighbor. The phone call lasted approximately 01:36.
- 23 26. Among other derogatory statements, the caller stated, "Get out of our
24 neighborhood. Go back to California. Nobody wants you here. You'll be sorry
25 if you stay in this neighborhood."
- 26 27. On 08 June 2023 a group of three juveniles approached the facility, one
27 of them pointing at the door saying, "this is the rehab", and then they ran up
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1 and banged on the door before running away. This was captured on
2 surveillance video with audio.

3 28. On 14 June 2023 two of my female staff were getting out of their cars
4 and going into the facility when a neighbor who was walking a small dog
5 across the street yelled out, "Piece of shit! Go back to California! Go back to
6 California!". Then he flipped them off. This was all captured and recorded on
7 surveillance video with audio.

8 29. It took approximately two months to finally get the business profile
9 listed, after going back and forth with representatives from Google for weeks.

10 30. On or around 30 July 2023 Plaintiff had the rehab listed on Google's
11 platform, which provided essential visibility to the rehab.

12 31. The business profile was listed on Google for approximately one week.

13 32. On 06 August 2023, Google removed Plaintiff's business listing without
14 proper justification, thereby adversely affecting Plaintiff's business.

15 33. Google cited the removal of the newly listed business as, "suspended
16 because it was flagged for suspicious activity."

17 34. No other information was listed or provided despite several attempts to
18 ascertain details.

19 35. Upon information and belief, I allege that Montrose and the neighbors
20 erroneously began to flag the business with no grounds or justification for
21 doing so simply because they do not like the fact that a residential rehab is in,
22 "their neighborhood".

23 36. On 20 September 2023 I received an email from "Najam" from Google
24 who stated in part, "Based on the information provided, I'm happy to confirm
25 that we manually reinstated the Profile for you."
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- 1 37. On 29 September 2023 at approximately 2:30PM, one of my staff was
2 walking out to his truck and was flipped off by one of the neighbors later
3 identified by our next-door neighbor Kristin Moody as, "Mike".
- 4 38. On the same day and approximately 30 minutes later, an associate of
5 mine who leads AA meetings at the residence was being escorted out to his
6 vehicle and was subsequently flipped off by "Mike" and then told, "Fuck
7 you!".
- 8 39. This act was committed in the presence of staff and other neighbors
9 who were outside at the time.
- 10 40. This reinstatement of the business profile lasted two weeks.
- 11 41. On 04 October 2023, Google once again removed Plaintiff's business
12 listing without proper justification, thereby adversely affecting Plaintiff's
13 business for a second time.
- 14 42. The email I received from Google stated in part, "Your Business Profile
15 has been suspended... because it was flagged for 'suspicious activity'".
- 16 43. A review was submitted the same day.
- 17 44. Despite repeated attempts to have the exact same rehab as the one in
18 California re-listed, Google representatives refuse and continue to block my
19 efforts to have the business re-listed.
- 20 45. Upon information and belief, I allege that Google makes tens of
21 millions of dollars per year from charging residential rehabs for pay per click
22 advertising.
- 23 46. Upon information and belief, I allege that Google is refusing to re-list
24 my business to force me to pay for their "pay per click" advertising.
- 25 47. Upon information and belief, I allege that the neighbors and Montrose
26 have banned together to flag my business profile to discreetly discriminate
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1 against my clients and myself because they do not want this business operating
2 in, "their" neighborhood.

3 48. As a proximate result of Defendants' actions I have suffered money
4 damages, loss of business revenue and opportunities, emotional distress, harm
5 to reputation and legal costs incurred in pursuing this lawsuit.

6
7 **V. FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS**
8 **(Violation of Idaho Anti-Discrimination Laws)**

9 49. Plaintiff incorporates by reference all the above paragraphs of this
10 Complaint as though fully stated herein.

11 50. Qualified individuals under the ADA include those individuals: who
12 have been successfully rehabilitated and who are no longer engaged in the
13 illegal use of drugs; who are currently participating in a rehabilitation program
14 and are no longer engaging in the illegal use of drugs; and who are regarded,
15 erroneously, as illegally using drugs.

16 51. The duty to provide reasonable accommodations to qualified
17 individuals with disabilities is considered one of the most important statutory
18 requirements of the ADA. If a recovering drug addict is not currently illegally
19 using drugs, then he or she may be entitled to reasonable accommodation.

20 52. A reasonable accommodation would be to have access to treatment
21 resources and to know where they are located.

22 53. Google refuses to provide this reasonable accommodation.

23 54. Montrose and the neighbors are actively colluding together to have the
24 business profile removed from Google.

25 55. Montrose and the neighbors are discriminating against my clients,
26 future clients and myself by flagging the business profile as, "suspicious
27 activity".
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- 1 56. Montrose and the neighbors have been colluding since at least May of
2 2023 to have the residential rehab shutdown by any means necessary.
- 3 57. I have audio recordings from the city council/town hall meeting that
4 was called by the mayor of Post Falls on 06 June 2023.
- 5 58. I have audio from the HOA meeting conducted by Montrose on 07 June
6 2023 and the subsequent meeting that followed.
- 7 59. In these audio recordings, the neighbors and members of the Montrose
8 HOA can be heard colluding to have the residential rehab shut down by any
9 means necessary, including but not limited to, continuing to report the home
10 on Alsea Avenue for the smallest of infractions such as not bringing in the
11 trash cans in a timely fashion or having yard debris not picked up timely.
- 12 60. In the KHQ news report, one of the neighbors, Christopher Tiffany, can
13 be quoted as saying, "and if we have to continuously call the cops every single
14 time they do something or every single time something happens then that's
15 what we're gonna do and we're gonna be diligent about it until he stops."
- 16 61. In the same news report, another neighbor can be quoted saying, "I feel
17 that there is a better location to help these people recover."
- 18 62. Plaintiff alleges that Defendants' removal of my business listing has
19 been based on discriminatory factors, including discriminating against
20 disabled persons as defined and covered under the Americans with
21 Disabilities Act.
- 22 63. Such action constitutes a violation of Idaho's anti-discrimination laws,
23 including Title 67, Chapter 59B of the Idaho Code.
- 24 64. Exclusionary clauses preventing sales or leases to anyone within a
25 protected class would also violate the Fair Housing Act.
- 26 65. The FHA requires that an HOA make reasonable accommodations for
27 people with disabilities.
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1 66. The FHA prohibits all forms of discrimination based on protected
2 classes.

3 67. In this case, Montrose and the neighbors are violating the Fair Housing
4 Act by not making reasonable accommodations for people with disabilities
5 and by discriminating against my tenants (who are a protected class) if
6 Montrose tries to threaten, fine or otherwise harass based on that protected
7 class status.

8 68. In this case, I am being threatened and harassed based off a protected
9 class status.

10 69. As a proximate result of Defendants' actions, I have suffered money
11 damages, loss of business revenue and opportunities, emotional distress, harm
12 to reputation and legal costs incurred in pursuing this lawsuit.

13 70. Defendants' actions were a substantial factor in causing me harm.

14 **SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS**
15 **(Unfair Business Practices)**

16 71. Plaintiff incorporates by reference all the above paragraphs of this
17 Complaint as though fully stated herein.

18 72. Plaintiff asserts that Defendants' actions in removing my business
19 listing constitute a violation of the Idaho Consumer Protection Act and Idaho
20 Code Section 48-603.

21 73. Defendants' removal falls under the category of deceptive or unfair
22 business practices as defined by Idaho statute.

23 74. Having the business profile removed once for "suspicious activity" may
24 have been an accident, but it has happened twice and shows malicious intent.

25 75. Plaintiff was harmed as a proximate result of Defendants' actions.

26 76. Defendants' unfair business practices were a substantial factor in
27 causing Plaintiffs' harm and I suffered money damages, loss of business
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1 revenue and opportunities, emotional distress, harm to reputation and legal
2 costs incurred in pursuing this lawsuit.

3 **THIRD CAUSE OF ACTION AGAINST ALL DEFENDANTS**
4 **(Tortious Interference)**

5 77. Plaintiff incorporates by reference all the above paragraphs of this
6 Complaint as though fully stated herein.

7 78. Plaintiff alleges that Defendants' actions have intentionally interfered
8 with my business relationships, causing harm.

9 79. This interference includes interfering with prospective economic
10 advantage such as the ability to market to or obtain clients in need of drug and
11 alcohol treatment services.

12 80. Defendants' actions were intentional, unjustified, and have resulted in
13 financial losses for Plaintiff.

14 81. Plaintiff was harmed as a proximate result of Defendants' actions.

15 82. Defendants' tortious interference was a substantial factor in causing
16 Plaintiff's harm and I suffered money damages, loss of business revenue and
17 opportunities, emotional distress, harm to reputation and legal costs incurred
18 in pursuing this lawsuit.


19 WHEREFORE, Plaintiff Kyle Perez demands the following:

- 20 1. Trial by jury on all issues so triable;
- 21 2. A declaration that Google violated Idaho anti-discrimination laws;
- 22 3. An injunction requiring Google to reinstate Plaintiff's business listing;
- 23 4. An injunction requiring Montrose and the neighbors to cease harassing;
- 24 5. Compensatory damages for financial losses incurred by Plaintiff
- 25 6. For Plaintiff's costs and attorney's fees pursuant to statute; and,
- 26 7. All other relief to which Plaintiff may appear to be entitled or that the

27 Court may deem just and proper.

1 Dated: 10/04/2023

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by: 
Kyle Perez
Plaintiff in *Pro Per*
2067 W Alsea Avenue
Post Falls, ID 83854
KylePerezEstate@gmail.com


VERIFICATION

I, Kyle Perez, declare and state as follows:

I am the Plaintiff in the above-entitled matter. I have read the foregoing Verified Complaint and know the content thereof, and the same is true of my own knowledge, except as to matters which are stated upon my own information and belief, which I believe to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10/04/2023 at Post Falls, Idaho.



Kyle Perez
All Rights Reserved

STATE OF IDAHO
COUNTY OF KOOTENAI
FILED:

2023 OCT -4 AM 9:40

CLERK DISTRICT COURT

DEPUTY

Kyle Perez

Full Name of Party Filing This Document

2067 W Alsea Avenue

Mailing Address (Street or Post Office Box)

Post Falls, ID 83854

City, State and Zip Code

(310) 876-4681

Telephone Number

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

Kyle Perez

Plaintiff,

vs.

GOOGLE NORTH AMERICA INC.,
MONTROSE MASTER ASSOCIATION
INC., DOES 1-50,

Defendants

Case No.: CV 28-23-6373

SUMMONS

NOTICE: You have been sued. The court may enter judgment against you without further notice unless you respond. Read the information below.

If you want to defend this lawsuit, you must file a written response (Answer or appropriate Rule 12 I.R.C.P. Motion) to the Complaint at the Court Clerk's office for the above-listed District Court, within 20 days from the service of this Summons.

If you do not file a written response the court may enter a judgment against you without further notice. A letter to the Judge is not an appropriate written response.

The written response must comply with Rule 10(a)(1) and other Idaho Rules of Civil Procedure and include: your name, mailing address and telephone number; or your attorney's name, mailing address and telephone number; and the title and number of this case.

If your written response is an Answer, it must state the things you agree with and those you disagree with that are in the Complaint. You must also state any defenses you have.

You must mail or deliver a copy of your response to the Plaintiff or Plaintiff's attorney (the address listed above), and prove that you did.

To determine whether you must pay a filing fee with your response, contact the Clerk of the District Court.

If you are considering talking to an attorney, you should do so quickly to protect your legal rights.

DATED this 4th day of October, 2023

CLERK OF THE DISTRICT COURT

JENNIFER OCKE

By: Allina LeBlanc

Deputy Clerk

