



U.S. Department of Justice

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Southern District of New York*

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August 17, 2018

BY ECF

The Hon. John G. Koeltl
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *National Fair Housing Alliance et al. v. Facebook, Inc.*,
18 Civ. 2689 (JGK)

Dear Judge Koeltl:

I write respectfully, on behalf of the United States of America (the “Government”), to inform the Court of our filing of a Statement of Interest in connection with the Defendant’s motion to transfer venue, or alternatively to dismiss the First Amended Complaint (the “Complaint”) in this case, filed on July 30, 2018. The Statement of Interest opposes the motion to dismiss, and takes no position on the motion to transfer venue.

Although the Government is not a party to this action, 28 U.S.C. § 517 authorizes the Attorney General of the United States to send any officer of the Department of Justice to “attend to the interest of the United States in a suit pending in a court of the United States, or in the courts of a State, or to attend to any other interest of the United States.” The Justice Department and the Department of Housing and Urban Development (“HUD”) share responsibility for the enforcement of the Fair Housing Act. *See, e.g.*, 42 U.S.C. §§ 3610, 3612, 3614. The United States frequently files Statements of Interest in cases such as this one, that concern the applicability and interpretation of federal law in which it has enforcement interests. On August 14, 2018, moreover, HUD served an administrative complaint against Facebook for conduct similar to that alleged in the Complaint, alleging violations of Sections 3604(a), (b), (c), and (f) of the FHA. The Government therefore has a strong interest in this matter, and concurs with Plaintiffs’ argument that the Complaint states a claim under the Fair Housing Act, 42 U.S.C. § 3604, and that Facebook is not entitled to immunity under the Communications Decency Act, 47 U.S.C. § 230, for the alleged conduct.

The Government is filing the Statement of Interest today to avoid any interference with the briefing schedule established by the Court, under which Plaintiffs’ opposition to Defendant’s motion is due one week from today, on August 24, 2018, and Defendant’s reply is due on

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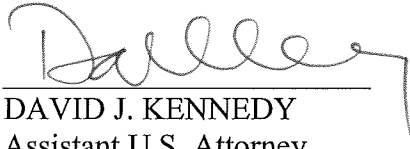
September 14, 2018. Filing the Statement of Interest today will afford both parties the opportunity to address the Government's arguments, should the parties desire to do so.

Counsel for the Government will be available for oral argument on Defendants' motion upon the Court's request, should the Court decide to hold oral argument.

Thank you for your attention to this matter.

Sincerely,

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United States Attorney

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Cc: All Counsel by ECF