

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

|                                    |   |                |
|------------------------------------|---|----------------|
| DOROTHY GAUTREAUX, et al.,         | ) |                |
|                                    | ) |                |
| Plaintiffs,                        | ) | No. 66 C 1459  |
|                                    | ) |                |
| vs.                                | ) | No. 66 C 1460  |
|                                    | ) |                |
| CHICAGO HOUSING AUTHORITY, et al., | ) | (Consolidated) |
| and GEORGE W. ROMNEY,              | ) |                |
|                                    | ) |                |
| Defendants                         | ) |                |

MOTION TO DISMISS

Now Comes Defendant Jack I. Sperling, member of the City Council of the City of Chicago, by his attorney, and moves the court as follows:

1. To dismiss the action as to this Defendant pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure because the Supplemental Complaint fails to state a claim against this Defendant upon which relief can be granted, for the following reasons:

A. The Supplemental Complaint alleges no set of facts which, if proved, would entitle Plaintiffs to any relief against this Defendant;

B. The Supplemental Complaint includes no request for relief of any kind against this Defendant.

C. The Supplemental Complaint is based on prior original proceedings to which Defendant was not a party. This fact, combined with the facts that the Supplemental Complaint alleges no set of facts that would entitle Plaintiffs to any relief from this Defendant and that no relief of any kind relating to this Defendant is requested, compels the conclusion that this Defendant was not and is not a necessary or proper party in this cause.

WHEREFORE, said Defendant Jack I. Sperling prays that his motion be granted and an order be entered dismissing this cause of action as to him.

Respectfully submitted,

RICHARD L. CURRY  
Corporation Counsel of the City of Chicago  
511 City Hall, Chicago, Illinois 60602  
Attorney for Defendant Jack I. Sperling

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|                                    | ) |                |
| Defendants.                        | ) |                |

NOTICE OF MOTION

TO: James R. Thompson  
United States Attorney  
Attn. James Murray, Esq.  
219 South Dearborn Street  
15th Floor  
Chicago, Illinois

Patrick W. O'Brien, Esq.  
231 South LaSalle Street  
19th Floor  
Chicago, Illinois 60604

Alexander Polikoff  
109 N. Dearborn Street  
Chicago, Illinois 60602

PLEASE TAKE NOTICE that on February 23, 1972 the undersigned filed a Motion to Dismiss the Supplemental Complaint on behalf of Defendant Jack I. Sperling, a copy of which is attached hereto and served upon you.

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RICHARD L. CURRY  
Corporation Counsel of the City of Chicago  
511 City Hall, Chicago, Illinois 60602  
Attorney for Defendant Jack I. Sperling

CERTIFICATE OF SERVICE

I, Daniel Pascale, certify that on February 23, 1972 I served copies of the attached Motion to Dismiss to the persons named above by placing copies with proper prepaid postage in the United States Postal Service Mail Chute at City Hall, Chicago, Illinois.

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