

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 GEROGE W. ROMNEY,              | ) |                |
|                                    | ) |                |
| Defendants.                        | ) |                |

MOTION TO DISMISS

Now Come Defendants Fred B. Roti, Alexander, A. Adduci, John F. Aiello, Burton F. Natusus, Anthony C. Laurino, Edward J. Hines, Frank D. Stemberk, Stanley M. Zydlo, William Cullerton, Joseph Potempa, Theris M. Gabinski, Thomas J. Casey, Vito Marzullo, Edward Burke, Casimir C. Laskowski, Casimir J. Staszczuk, Bennett M. Stewart and Elmer R. Filippini, members of the City Council of the City of Chicago, by their attorney, and move the court as follows:

1. To dismiss the action as to these Defendants pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure because the Supplemental Complaint fails to state a claim against these Defendants 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 these Defendants;

B. The Supplemental Complaint includes no request for relief of any kind against these Defendants.

C. To the extent the Supplemental Complaint suggests that proper relief includes the issuance of a mandatory order requiring affirmative legislative action pursuant to Illinois Revised Statutes 1971, Chapter 67½, Paragraph 9, such relief is beyond the province of the judiciary.

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

WHEREFORE, said Defendants, pray that their motion be granted and an order be entered dismissing this cause of action as to them, and in support thereof adopt the Memorandum in Support of Motion to Dismiss filed heretofore by Defendants Jack Sperling and Michael Bilandic.

Respectfully submitted,

RICHARD L. CURRY  
Corporation Counsel of the City of Chicago  
511 City Hall, Chicago, Illinois 60602  
Attorney for Certain Defendants.

CERTIFICATE OF SERVICE

I, Daniel Pascale, certify that on February 28, 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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|                                    | ) |                |
| 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 28, 1972 the undersigned filed a Motion to Dismiss the Supplemental Complaint on behalf of Defendants Fred B. Roti, Alexander A. Adduci, John F. Aiello, Burton F. Natarus, Anthony C. Laurino, Edward J. Hines, Frank D. Stemberk, Stanley M. Zydlo, William Cullerton, Joseph Potempa, Theris M. Gabinski, Thomas J. Casey, Vito Marzullo, Edward Burke, Casimir C. Laskowski, Casimir J. Staszczuk, Bennett M. Stewart and Elmer R. Filippini, 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 Certain Defendants.