

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

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs	)	
	)	
v.	)	No. 66C 1459
	)	66C 1460
CHICAGO HOUSING AUTHORITY,	)	(Consolidated)
et al.,	)	
	)	
Defendants	)	

AMENDED ANSWER OF CHA TO SUPPLEMENTAL COMPLAINT

Now come defendants Chicago Housing Authority and C. E. Humphrey (hereinafter collectively called "CHA"), by their attorneys, and for their answer to plaintiffs' Supplemental Complaint state and allege as follows:

The Supplemental Complaint:

1. Defendant Richard J. Daley resides within and is Mayor of the City of Chicago. Under Section 3-11-14, Chapter 24, Illinois Revised Statutes, the Mayor of the City of Chicago presides at meetings of the City Council of the City of Chicago ("City Council") and has the power to vote at such meetings under certain circumstances.

2. Defendants Fred B. Roti *** are all of the duly elected and acting members of the City Council and reside in the City of Chicago.

3. Defendant City of Chicago ("City") is an Illinois municipal corporation having a population of more than 500,000 persons. The City Council is the governing body of the City.

CHA's Answer:

CHA admits the allegations in paragraphs 1, 2 and 3 of the Complaint.

The Supplemental Complaint:

Paragraphs 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15.

CHA's Answer:

The matters referred to in said paragraphs are matters of judicial notice and need not be pleaded.^{*/} Accordingly, CHA need not and does not respond to same in this answer.

The Supplemental Complaint:

14. Relying upon such lack of such approval and upon the provisions of Section 9, Chapter 67-1/2, Illinois Revised

^{*/} Opinions and orders in this case and documents filed with this court by CHA reporting its actions are matters of judicial notice. In re Woodmar Realty, 294 F.2d 785 (7th Cir. 1961, cert. denied, 369 U.S. 803). "*** as a general rule what may be judicially noticed need not be pleaded" Buell v. Sears, Roebuck and Co., 321 F.2d 468, 471 (10th Cir. 1963).

Statutes, CHA has not acquired real property for the provision of Dwelling Units in conformity with the Judgment Order. Such failure by CHA to acquire real property for such purpose has the effect of denying to the plaintiffs the relief to which they are entitled under the Judgment Order and of preventing this Court from providing a full remedy for the violations of federal constitutional rights which this Court's memorandum opinion of February 10, 1969, found to have occurred.

CHA's Answer:

CHA denies the allegations in paragraph 14 of the Supplemental Complaint.

Further answering said paragraph, CHA states:

- (1) The City Council of the City of Chicago has approved 44 sites in the General Public Housing Area for the provision of approximately 300 dwelling units in conformity with the Judgment Order. The 36 sites for approximately 267 units are included in CHA Project ILL-2-85 which has now been approved by HUD. (See Paragraphs 2 and 4 of CHA's Report filed 12/30/71 for reasons 8 sites were dropped.) Of the 36 sites, land acquisition procedures have been instituted by CHA for 29 sites estimated to

accommodate 199 dwelling units. (As to the other 7 sites, either building permits have been issued or mandamus proceedings are pending. (See Attachment A to CHA's Response filed 1/18/72.)

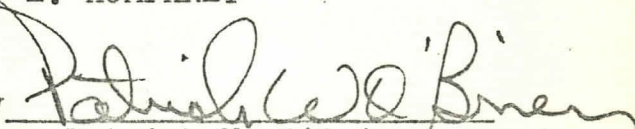
- (2) The existence of Section 9, Chapter 67-1/2, Illinois Revised Statutes is just one reason why CHA has not yet acquired real property in the City of Chicago for the provision of dwelling units in conformity with the Judgment Order. Another reason is that federal law also requires approval by the City Council of the City of Chicago of sites for public housing within the city limits. Additional reasons have been set forth in CHA's quarterly reports and the other documents filed by CHA with this Court.
- (3) As to CHA, plaintiffs have had all the relief they are entitled to under the Judgment Order of July 1, 1969, and have had their remedy for the violation of federal constitutional rights referred to in this Court's opinion of February 10, 1969.

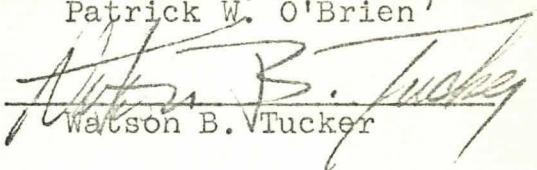
No facts are alleged in the Supplemental Complaint which would justify the imposition of any relief against CHA. Accordingly, CHA prays that the Supplemental Complaint be dismissed as to it and that it be awarded its costs of defending same.

Respectfully submitted,

CHICAGO HOUSING AUTHORITY
G. E. HUMPHREY

By


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Its Attorneys

17

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Name of Presiding Judge, Honorable Richard B. Austin

Cause No. 66C 1459; 66C 1460

Date March 17, 1972

(Consolidated)

Title of Cause Gautreaux v. Chicago Housing Authority,
et al.

Brief Statement
of Motion

Motion of Chicago Housing Authority to file amended
answer to supplemental complaint *inst*

Ans
The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and
Addresses of
moving counsel

Patrick W. O'Brien, 231 South LaSalle Street, Chicago,
Illinois 60604

Representing

Names and
Addresses of
other counsel
entitled to
notice and names
of parties they
represent.

Reserve space below for notations by minute clerk

Enter order

Austin, J

Hand this memorandum to the Clerk.
Counsel will not rise to address the Court until motion has been called.