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

*Served by
Judge Sechen
4/26/72*

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	
	)	Nos. 66 C 1459
vs.	)	66 C 1460
	)	(Consolidated)
GEORGE W. ROMNEY and CHICAGO	)	
HOUSING AUTHORITY, et al.,	)	
	)	
Defendants.	)	

MOTION TO STAY INJUNCTION PENDING APPEAL

NOW COMES the City of Chicago, et al., certain defendants in the above-captioned matter, by their attorney, Richard L. Curry, Corporation Counsel of the City of Chicago, and moves the Court for an order staying the injunction heretofore entered, pending the hearing and disposition of the appeal of these defendants to the United States Court of Appeals from the order of this Court entered April 10, 1972, for the following reasons:

1. The order entered April 10, 1972, at paragraphs 3D and 4E thereof, directs the Chicago Housing Authority, at periods of respectively, 40 days and 120 days from the entry of the order, to "begin all steps and procedures necessary or appropriate to acquire" designated parcels of real estate.

2. The order further declares that the provision of Section 9, Chapter 67 1/2, Illinois Revised Statutes, reserving to

the governing body of a municipality the authority to approve the acquisition of real property, "shall not be applicable to CHA's actions, including without limitation the acquisition of real property in the City of Chicago...."

3. Accordingly, CHA may be forced to acquire property, and property owners may be forced to sell property under an order which may subsequently be dissolved.

4. This Court has the power, under Rule 62(c) of the Federal Rules of Civil Procedure, to stay its order of April 10, 1972. That Rule is "expressive of a power inherent in the court to preserve the status quo where, in its sound discretion, the court deems the circumstances so justify." 7 Moore's Federal Practice 1365 (2d ed.) Where a request for a stay has been made, the Fifth Circuit Court of Appeals has described the issue as follows: "Upon a consideration of all the facts, would harm result to either party as a result of the granting or denial of the stay, and were there probable grounds for an appeal to protect the rights which might be prejudiced by a refusal to grant the stay?" Shinholt v. Angle, 90 F.2d 297, 298.

5. It is clear that the rights of many individuals who own property in the City of Chicago, and who are not parties in this proceeding, will be adversely affected should acquisition and condemnation proceedings be initiated pending a disposition of an appeal in this matter.

For these reasons, these defendants respectfully request this Court to stay the injunction entered April 10, 1972, with respect to Paragraphs 2, 3D, and 4E thereof.

RICHARD L. CURRY
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Attorney for City of Chicago.

EARL L. NEAL,
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DANIEL PASCALE,
Assistant Corporation Counsel,
Of Counsel.

PROOF OF SERVICE

The undersigned hereby certifies that on April 19, 1972, he personally delivered a copy of the foregoing Notice of Motion and Motion to Stay Injunction Pending Appeal to counsel for the plaintiff, and mailed copies of same, with postage fully prepaid, to each of the other persons to whom said notice of motion is directed.

DANIEL PASCALE

IN THE UNITED STATES DISTRICT COURT
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RECEIVED
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UNITED STATES DISTRICT COURT

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HOUSING AUTHORITY, et al.,	)	
	)	
Defendants	)	

NOTICE OF MOTION

TO: (See Attached List)

Please take notice that on April 19, 1972, at the hour of 10:00 A.M., we shall appear before the Honorable Richard B. Austin, or any judge sitting in his stead, in the courtroom usually occupied by him in the United States Court-house, 219 South Dearborn Street, Chicago, Illinois 60604, and present a Motion to Stay Injunction Pending Appeal, a copy of which is attached.

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Attorney for certain defendants

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