

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

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	
	)	No. 66 C 1459
vs.	)	66 C 1460
	)	(Consolidated)
CHICAGO HOUSING AUTHORITY and	)	
JAMES T. LYNN, Successor to George	)	
W. Romney, Secretary of the	)	
Department of Housing and Urban	)	
Development, et al.,	)	
	)	
Defendants.	)	

CHA'S MEMORANDUM IN OPPOSITION
TO PLAINTIFFS' MOTION FOR A
DISCOVERY HEARING IN OPEN COURT

Over three years ago, on April 16, 1971, pursuant to agreement of the parties, CHA was directed to file quarterly reports setting forth its activities to comply with the judgment order of July, 1969, and other orders of this Court. CHA's twelfth quarterly report was filed on April 1, 1974.

For the convenience of the Court, relevant portions of the quarterly reports (without attachments) covering the last fifteen month period which report the facts as to projects 2-85, 2-86, 2-87 and the Section 23 leasing program are attached hereto as indicated below.

<u>Exhibit No.</u>	<u>Report No.</u>	<u>Date Filed</u>	<u>2-85</u>	<u>2-86,87</u>	<u>Sec. 23</u>
A	8	3-30-73	pp.1-4	4	
B	9	6-29-73	pp.1-2	2,3	
C	10	10-1-73	pp.1-2		
D	11	12-31-73	pp.1-2		
E	12	4-1-74	pp.1-2	3	3,4

Also for the convenience of the Court, attached hereto, marked Exhibit F, is CHA's letter of March 29, 1974, to counsel for plaintiffs, with attachments, dealing with the same subject matters.

At the Project 2-85 opening of construction proposals on April 18, 1974, to which counsel for plaintiffs was invited (See Ex. G) but did not attend, three proposals were received. They are now being examined by CHA staff.

There has, therefore, been no information gap - CHA regularly has been reporting to this Court and plaintiffs about its activities. For this good and sufficient reason, the plaintiffs' motion should be denied.

There is, however, another and more basic reason why the motion should be denied: it is contrary to the letter and spirit of the rules governing procedures in this Court which make it clear that "discovery" has no place in the courtroom.

On March 11, 1971, in the course of the proceeding which culminated in the quarterly report order of April 16, 1971, this Court said that the then "discovery" effort of plaintiffs (which

CHA objected to) was analogous to a supplementary proceeding after judgment (Tr. p.10). CHA agrees. That being the case, Rule 69 F.R.C.P., applied. And that rule was amended in 1970 to provide: "In aid of judgment***the judgment creditor***may obtain discovery from any person***in the manner provided in these rules***". By reason of the 1970 amendment to Rule 69, "***the judgment creditor***is entitled to the full range of discovery devices provided for in the Rules". 7 Moore's Fed. Practice ¶ 69.05[1], p. 69-28.

Thus it is clear that plaintiffs' remedy with respect to any asserted information gaps is to be found outside the courtroom.

Further underscoring the reason why plaintiffs should not be taking up the Court's time with "discovery" in open court is Rule 12(d) of the General Rules for this Court which, to "curtail undue delay in the administration of justice", provides that discovery matters shall not be brought to court unless "moving counsel shall first advise the court in writing that after personal consultation and sincere attempts to resolve differences they are unable to reach an accord". Obviously, this Court's rule providing that disputes regarding discovery have no place in the courtroom until counsel have tried to resolve them makes it clear that discovery itself does not belong in the courtroom.

For all of the foregoing reasons, plaintiffs' motion
for a discovery hearing in open court should be denied.

Respectfully submitted,

OF COUNSEL:

MAYER, BROWN & PLATT

Patrick W. O'Brien
One of the attorneys for
Chicago Housing Authority
231 South LaSalle Street
Chicago, Illinois 60604
STate 2-0600

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
EASTERN DIVISION

DOROTHY GAUTREAU, et al.,
Plaintiffs,

v.

GEORGE W. BONNEY and
CHICAGO HOUSING AUTHORITY,
et al.,
Defendants.

NO. 66 C 1459
NO. 66 C 1460
(Consolidated)

REPORT NO. 8 TO THE COURT
PURSUANT TO ORDER OF APRIL 16, 1971

CHA ACTIVITIES - FAULTY PUBLIC HOUSING SITES

1. Project Ill. 2-85

The HUD approved Development Plan for this project consists of the development of 217 family dwelling units on scattered sites at an estimated cost of \$6,921,150.00. As noted in previous reports, a number of the proposed sites have been abandoned. The current number of viable sites has been estimated to accommodate 20 dwelling units.

EX. A

Site No.

A-21
A-24
A-27
A-30
145-A
244
316

Of the viable sites, 7 will be
accommodate 7 dwelling units.
Invitation to Bid on the construction of 7
units have been issued, with bid opening
scheduled for April 12, 1977. See Attachment
No. 1.

In addition, one site is presently being
with acquisition of the parcel by
negotiation, a preappraisal has been
completed and an option mailed to the
owner. This site, when acquisition is
complete, will accommodate 6 dwelling units.
These 6 units have been included in the
Invitation to Bid package referred to above,
with the hope that acquisition will be com-
pleted in sufficient time to permit contract
award and construction with the other buildings.

Site No.

A-22

In addition, one site is being acquired
a total of 7 units have been included in the
acquisition of this site. These 7
units have been included in the Invitation
to Bid package referred to above.

Site No.

243
314

In addition, on site A-50, although acquisition of title is not required in order to obtain a variation in the nature of a Special Use from the Zoning Board of Appeals to permit construction of a dwelling unit on the ground floor level in a B-4 zone. This site would accommodate 6 units and has been included in the Invitation to Bid package referred to above with the hope that zoning variation can be obtained in sufficient time to permit inclusion in the construction contract.

Site No.

A-50

NOTE: Construction of a total of 56 dwelling units on 11 sites was included in the Invitation to Bid issued March 13, 1973.

Site Nos.

A-26

A-27

313

Of the remaining viable sites, IRD approved has been requested to initiate condemnation proceedings on these sites estimated to accommodate 16 units.

One other site estimated to accommodate 8 dwelling units at the Northwest corner of Peterson and Riverdale, which is owned by CHA, is part of a larger parcel being planned for elderly housing. Construction

Site No.

A-31

of the family with each site and a
of development plan for the elderly unit.
Staff is working on identifying additional
sites to substitute for "lost" sites and
to bring the total of dwelling units in
Illinois 2-85 back up to 197, through the
development program.

2. Projects Ill. 2-86 and Ill. 2-87

As previously reported, CHA submitted Development
Plans for Projects Ill. 2-86 and Ill. 2-87 to HUD
for approval in September and October, 1972.

Under letter of March 7, 1973, HUD returned said
Development Plans to CHA with directions to dis-
continue development activities relative to these
projects, apparently all in accordance with the
current moratorium on housing. See Attachment
No. 2.

3. Application to HUD for 2500 Additional Dwelling Units

On October 18, 1972, CHA submitted to HUD the
application for 2500 additional family dwelling
units. On March 21, 1973, the Director of the
Area Office of HUD returned said application to
CHA pursuant to a directive of the Secretary of

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

DOROTHY GAUTREAUX, et al.,
Plaintiffs

vs.

GEORGE W. ROMNEY and
CHICAGO HOUSING AUTHORITY,
et al.,
Defendants

NO. 66 C 1450
NO. 66 C 1450
(Consolidated)

REPORT NO. 9 TO THE COURT
PURSUANT TO ORDER OF APRIL 16, 1971

CHA ACTIVITIES - FAMILY PUBLIC HOUSING SITES

1. Project Ill. 2-85

The HUD approved Development Plan for this project consists of 267 family dwelling units on scattered sites at an estimated cost of \$6,921,180.00. As noted in previous reports, a number of the proposed sites have been dropped. One site, A-50, at 6100-6104 N. California, was deleted since the date of the last report because the Zoning Board of Appeals denied CHA's Application For A Special Use to permit ground floor apartments.

The current number of viable sites is 10, estimated to accommodate 74 dwelling units. On June 14, 1973, the Commissioners of CHA adopted Resolution 73-CHA-75 (Attachment No. 1) awarding two contracts for the construction of 50 units on 10 sites.

Subsequent to this action, on June 22, 1973 the award was submitted to HUD for approval. (See Attachment No. 2) On June 27, 1973, CHA received HUD's response, advising that they did not concur in the proposed award. (See Attachment No. 3.) On June 28, 1973 the Commissioners of CHA directed staff to respond to Mr. Waner's letter by requesting that the matter be referred to Washington for review and approval.

The original list of 36 sites which comprised Project Ill. 2-85, with deletions of certain sites indicated, status of acquisition of remaining viable sites, and construction contract award information is contained in Attachment No. 4.

In order to substitute for lost sites and to restore the total number of units to 267, CHA has submitted 69 additional sites, estimated to accommodate 231 units to HUD for preliminary site approval. (See Attachment No. 5.)

2. Projects Ill. 2-86 and Ill. 2-87

As previously reported: (a) CHA submitted Development

Plans for Projects Ill. 2-86 and Ill. 2-87 to HUD for Approval in September and October, 1972;

(b) Under letter of March 7, 1973 HUD returned said Development Plans to CHA with directions to discontinue development activities relative to these projects, apparently all in accordance with the current moratorium on housing; (c) On March 21, 1973, the HUD Area Office returned CHA's application for 3,500 additional family dwelling units pursuant to a directive of HUD, apparently in accordance with the current moratorium on housing.

The status remains the same as the moratorium is still in effect.

3. Nucleus of Chicago Home Owners Association (No CHA)
et al v. HUD and CHA - Case No. 72-C-1197

CHA was actively engaged in a 6-week trial, defending the subject litigation, which charges violation of the National Environmental Policy Act and seeks to enjoin the acquisition of the scattered sites involved in Projects Ill. 2-85, Ill. 2-86 and Ill. 2-87 pending compliance with environmental analysis procedures of Section 102 of the National Environmental Policy Act.

The trial commenced May 7, 1973 and terminated June 13, 1973. Parties to the suit are now preparing Findings of Fact and supporting briefs.

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

DOROTHY GAUTREAUX, et al.,
Plaintiffs

vs.

GEORGE W. ROMNEY and
CHICAGO HOUSING AUTHORITY,
et al.,

Defendants

)
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)
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) NO. 66 C 1459
) NO. 66 C 1460
) (Consolidated)
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)

REPORT NO. 10 TO THE COURT
PURSUANT TO ORDER OF APRIL 16, 1971

CHA ACTIVITIES - FAMILY PUBLIC HOUSING SITES

1. Project ILL-2-85

The current status of sites is set forth in Attachment No. 1.

In addition, the following comments are pertinent:

- (a) Parcel A-22. There are some defects in title which must be cleared before closing. This is expected to be done by October 15, 1973.
- (b) Parcel A-27. Option has been executed; owner delaying delivery of deed.
- (c) Parcel A-51. Residential Planned Development application heard by Building & Zoning on September 5, 1973. Yet to be acted upon by Planning and Housing and City Council.

In addition, recent HUD regulations require that a full environmental impact statement be prepared on this combination Elderly-Family site. Staff is now preparing this document. A minimum of 3-months is required after documentation is completed.

As noted in our previous Report, CHA submitted to HUD a list of 69 sites estimated to accommodate 231 units for preliminary site approval as replacement for deleted sites. On September 20, 1973 a letter was directed to Mr. Waner requesting a written response on the status of our June 28th submittal. (See Attachment No. 2.)

With respect to award of construction contracts in connection with acquired sits, as previously reported the Area Office of HUD rejected CHA's recommendation for award. Subsequently, on July 2, 1973, CHA requested the Area Office to withdraw its rejection and to submit the matter to the HUD Commissioner, i.e. Secretary, for final review. (See Attachment No. 3.) On August 10, 1973, the Area Office advised CHA that after reviewing current prototype construction costs, they had concluded that such costs were "relevant and consistent with current construction experience" and advised that there was no basis for forwarding our appeal to Central Authority. (See Attachment No. 4.) On August 16, 1973, CHA submitted to the Regional Administrator of HUD a request that the Regional Office review the decision of the Area Office and approval be given to the construction contract awards or, in the event such approval was not forthcoming, to submit the matter to the Secretary of HUD for final review. (See Attachment No. 5.) On the basis of informal inquiries, CHA has been advised that the matter has been referred by the Regional Office to HUD Washington.

2. Projects ILL-2-86 and ILL-2-87

The status is the same as Report No. 9, dated June 30, 1973.

CHA ACTIVITIES - INFORMING THE PUBLIC
RE THE NEW PUBLIC HOUSING PROGRAM

Distribution of special printed materials on the New Look to areas on the Northeast Side of the city where new scattered sites developments are scheduled to be located has been held up pending HUD's approval of construction contracts for Project ILL-2-85.

In the meantime, a new 15-page publication called "CHA Facts 1973" has been produced and distributed to staff, the news media, government and city agencies, and community leaders and organizations. "CHA Facts 1973" contains a section on the New Look. Perhaps the most thorough explanation of CHA programs ever published, "CHA Facts 1973" will be provided to religious and community leaders in Uptown, Lake View, and West Town when construction is approved by HUD. (See Attachment No. 6.)

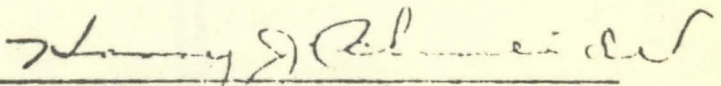
The New Look was prominently featured in CHA's Central Office - Hilliard Center tours and discussions during the quarter for approximately 45 persons.

All requests for printed materials relating to the New Look were filled and staff responded to all requests for personal appearances. Lefley recorded an interview with Stan Ferris of WMBI Radio for broadcast on "Accent: Community" on July 23.

CHA ACTIVITIES - AGREEMENT WITH
HOUSING AUTHORITY OF COOK COUNTY

No new developments since Report No. 8, dated March 30, 1973.

Respectfully submitted,



Harry J. Schneider
Executive Director

September 30, 1973

DOROTHY GAUTREAUX, et al.,

VS.

Defendants

(Consolidated)

Ex. D.

substantially reduced, CHA staff has been instructed by the Board of Commissioners to pursue every approach, method and design that holds any promise of providing family housing units within the HUD prototype costs. Currently, staff is preparing a Turnkey proposal for submission to HUD. Further, staff has met with small contractors to explore the feasibility of construction cost reductions.

2. Projects ILL-2-86 and ILL-2-87

No new developments since Report No. 9, dated June 30, 1973.

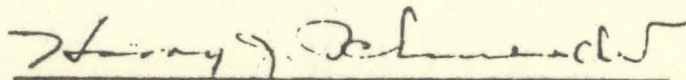
CHA ACTIVITIES - INFORMING THE PUBLIC
RE THE NEW PUBLIC HOUSING PROGRAM

No new developments since Report No. 10, dated September 30, 1973.

CHA ACTIVITIES - AGREEMENT WITH
HOUSING AUTHORITY OF COOK COUNTY

No new developments since Report No. 8, dated March 30, 1973.

Respectfully submitted,



Harry J. Schneider
Executive Director

December 31, 1973

Ex. 11

Turnkey proposals was sent to the Director, Area Office of the Department of Housing and Urban Development for its approval. In its February 27, 1974 letter, the Department of Housing and Urban Development referred this proposal to its Washington office for review and approval. See HUD Area Office letter attached hereto as "Exhibit A."

In order to avoid further delay in securing proposals for this modification of Turnkey regulations, the Chicago Housing Authority on March 13, 1974 mailed an invitation letter to more than a hundred builders and an advertisement was placed in local newspapers soliciting proposals for this work on or before April 18, 1974. Copy of the invitation letter is attached hereto as "Exhibit B." Chicago Housing Authority has now received approval of its Modified Turnkey proposals in a letter from the Department of Housing and Urban Development, Area Office, dated March 22, 1974. See "Exhibit C" attached. Chicago Housing Authority is prepared to extend this procedure to the remaining 213 units upon approval of the cost basis for these initial units. Part I of CHA's Applicants' Environmental Application was delivered to the Department of Housing and Urban Development, Area Office, on January 21, 1974.

2. Projects ILL-2-86 and ILL-2-87

As reported in Report No. 9, dated June 30, 1973, Chicago Housing Authority Development Plans for Projects ILL-2-86 and ILL-2-87 were ordered discontinued in accordance with the moratorium. Development Programs for these projects are in the process of revision and will be resubmitted to the Department of Housing and Urban Development, Area Office, for approval in accordance with directives. See letter from the Department of Housing and Urban Development, Area Office, Director of Operations, dated March 26, 1974, attached hereto as "Exhibit D." All submittals are subject to financial feasibility requirements.

3. Section 23 - Leasing Program

The Department of Housing and Urban Development published in the Federal Register of January 22, 1974 proposed rules for substantial changes in the Leasing Program. Comments were solicited from interested parties including suggestions or objections to the Rules Docket Clerk, Office of General Counsel, on or before February 21, 1974. The proposed amendment has not been adopted. Chicago Housing Authority has under study these proposed rule changes and has submitted to the Area Office of the Department of Housing and Urban Development for review the City Council ordinance adopted in 1965 which permits Chicago Housing Authority

to enter into Section 23 Leasing Program. Also under close scrutiny is the Senate "Omnibus Bill" now pending which proposes significant changes in the Leasing Program and public housing.

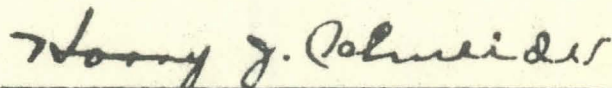
CHA ACTIVITIES - INFORMING THE PUBLIC
RE THE NEW PUBLIC HOUSING PROGRAM

No new developments since Report No. 10, dated September 30, 1973.

CHA ACTIVITIES - AGREEMENT WITH
HOUSING AUTHORITY OF COOK COUNTY

No new developments since Report No. 8, dated March 30, 1973.

Respectfully submitted,



Harry J. Schneider
Executive Director

April 1, 1974

March 29, 1974

Mr. Alexander Polikoff
Executive Director
Business and Professional People
for the Public Interest
109 North Dearborn Street
Room 1001
Chicago, Illinois 60602

Dear Al:

In response to your letter of March 18, 1974
and to supplement my letter to you of March 7, 1974,
the following comments are made:

PROJECT ILL-2-85

In my March 7, 1974 letter I advised that on January 18, 1974 new criteria for three-flat buildings to solicit Modified Turnkey proposals was sent to the HUD Area Office for approval. Preceding this transmittal there was a meeting between CHA and HUD staffs in which various methods of resolving the cost problem was discussed. The January 18th transmittal represents considerable CHA staff time expended to meet what appeared to be an unsolvable problem; its contents represent a modification of Turnkey regulations. In light of the HUD letter dated February 28, 1974 referring this proposal to HUD Central Office for approval, it was decided that in order to avoid further loss of time immediate proposals should be sought from qualified builders. On March 13, 1974 an invitation letter (copy attached) was sent to more than a hundred builders and an advertisement placed

Ex. F

March 29, 1974

in local newspapers soliciting proposals for this work. In anticipation of receiving a proposal in which costs will be approved, CHA is going forward with all preparations to extend this procedure to the remaining 213 units. CHA has now received approval of its Modified Turnkey proposals in a letter dated March 22, 1974 from the HUD Area Office. A copy is attached for your information. The approval extends to Projects Nos. ILL-2-86 and ILL-2-87.

PROJECTS ILL-2-86 AND ILL-2-87

Development Programs for these projects are in the process of revision and will be resubmitted to HUD for approval in accordance with directives.

SECTION 23 - LEASING PROGRAM

In your letter of March 18, 1974, you state ". . . The fact is that a major new public housing program -- construction for leasing has now been authorized" This statement is incorrect. HUD published in the Federal Register of January 22, 1974 proposed rules for some rather dramatic changes in the Leasing Program. Comments were solicited from interested parties including suggestions or objections to the Rules Docket Clerk, Office of General Counsel, on or before February 21, 1974. The statement was made that all relevant material would be considered before adoption of the final rule. The proposed amendment has not been adopted. CHA has been in communication with the HUD Area Office relative to these proposed rules and HUD has under review the City Council ordinance adopted in 1965 which permits CHA to enter into Section 23 Leasing Program. You can, of course, appreciate the fact that it would be both presumptuous

Mr. Alexander Polikoff

-3-

March 29, 1974

and premature to make concrete proposals prior to adoption of the final rules. There is some doubt that the proposed regulations of January 22, 1974 conform with the intent of existing Section 23 legislation. In any event, CHA feels there are positive aspects to these proposed rules which may be helpful in increasing the supply of housing. CHA is considering these proposed rules as well as new housing legislation commonly called the "Omnibus Bill" now pending in Congress.

Best Personal Regards,

Patrick O'Brien

POL:mm

cc: Honorable Richard D. Austin

R. B. Schaefer, Esq.

cc: Calvin R. Hall, Esq.



BOARD OF COMMISSIONERS
CHARLES R. SWIBEL, CHAIRMAN
THEOPHILUS M. MANN
LETITIA NEVILL
NICHOLAS J. BOSEN

EXECUTIVE DIRECTOR
HARRY J. SCHNEIDER
55 W. CERMAK ROAD
CHICAGO, ILLINOIS 60616
(312) 791-8500

Chicago Housing Authority

Project Ill 2-85
Scattered Site Family Housing

Gentlemen:

Notice of Invitation

The Chicago Housing Authority invites private builders to participate in the Turnkey method of construction of fifty-four (54) 3-bedroom dwelling units in eighteen (18) buildings.

These units are to be constructed at ten (10) scattered Northeast locations in Chicago, Illinois, on sites owned by the CHA which are satisfactory to CHA, the Housing Assistance Office of the Department of Housing and Urban Development and the City of Chicago.

Proposals must be submitted on eighteen (18), thirty-six (36) or fifty-four (54) units. Proposals will be received at Chicago Housing Authority, Central Office, 55 West Cermak Road, Chicago, Illinois, 60616, until 2:00 p.m., local time, on April 18, 1974.

Informational packets may be obtained after March 15, 1974 from the office of the Chicago Housing Authority by depositing \$25.00 in the form of certified or cashier's check or money order payable to the Chicago Housing Authority.

Interested builders and developers should immediately contact Mr. W. E. Brekke, Purchasing Agent of the CHA at the above address, Telephone: 791-8406, for further and more specific information.

Very truly yours,

Harry J. Schneider
Contracting Officer



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
CHICAGO AREA OFFICE
17 NORTH DEARBORN STREET
CHICAGO, ILLINOIS 60602

REGION V
300 South Wacker Drive
Chicago, Illinois 60606

IN REPLY REFER TO:
5.2PM
Mack

MAR 22 1974

Mr. Harry Schneider
Executive Director
Chicago Housing Authority
55 West Cermak Road
Chicago, Illinois 60616

Dear Mr. Schneider:

Subject: Ill. 2-85, 2-86 & 2-87
Modified Turnkey

It is our understanding that you no longer wish to pursue the strict Conventional approach to building the 50 units in Ill. 2-85 for which you advertised for bids in 1973. Instead, in response to a recommendation from HUD you have decided to seek Turnkey proposals for 54 units on the 10 sites for which you originally sought Conventional bids.

To this end, you submitted for our approval a package of Turnkey documents which contained certain modifications of standard Turnkey procedures. Please be advised that this Turnkey package with modifications has been approved not only for Project Ill. 2-85 but also for Projects Ill. 2-86 and 2-87 for which HUD's Central Office recently authorized the resumption of processing. The specific modifications are as follows:

- (1) You are permitted to use pre-selected or CHA owned sites in securing Turnkey proposals.
- (2) You are authorized to make monthly periodic payments to the selected developer(s).
- (3) To insure that the Government's interest is protected you will require a 100% Performance & Payment Bond from the selected developer(s).

With regard to Project Ill. 2-85 and the site at 5357 N. Ravenswood, the Regional HUD office has approved the use of the site provided that 1/2" insulating windows and air conditioning sleeves are installed as noise attenuation measures. It was also suggested that as an additional measure, design considerations permitting, the wall of the building facing the tracks be solid without fenestration.

April 17, 1974

Mr. Alexander Polikoff
Executive Director
Business and Professional People
for the Public Interest
109 North Dearborn Street
Chicago, Illinois 60602

Dear Mr. Polikoff:

This is a reminder of the scheduled opening
of Modified Turnkey proposals for Project
ILL-2-85 construction set for 2:00 p.m. on
April 18, 1974 in the Authority's Central
Office Board Room, 55 West Cermak Road,
Chicago, Illinois.

You are invited to attend if you choose.

Very truly yours,

Calvin H. Hall
Acting General Counsel

CHH:rmt

cc: Legal
CO Files
Patrick W. O'Brien

Ex G.

PROOF OF SERVICE

Patrick W. O'Brien, one of the attorneys for Chicago Housing Authority, certifies that on April 24, 1974, he served a copy of the above and foregoing CHA's Memorandum In Opposition To Plaintiffs' Motion For A Discovery Hearing In Open Court upon the attorney of record for plaintiffs and HUD.

Patrick W. O'Brien