

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

RECEIVED
MAY 15 1997
JUDGE MARVIN E. ASPEN
UNITED STATES DISTRICT COURT

DOROTHY GAUTREAUX, et al.,

Plaintiffs,

v.

CHICAGO HOUSING AUTHORITY and
HENRY CISNEROS, Secretary of
Department of Housing and Urban
Development,

Defendants.

66 C 1459

66 C 1460

(Consolidated)

NOTICE

To: Attached Service List

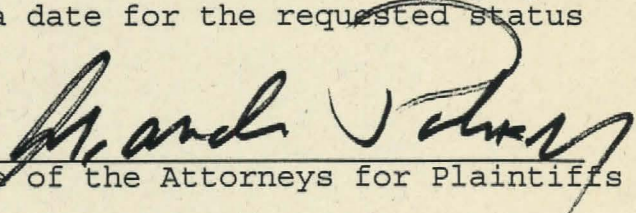
PLEASE TAKE NOTICE that on Tuesday, May 20, 1997, at 9:30 a.m., I shall appear before the Honorable Marvin E. Aspen, Judge of the United States District Court, and then and there present:

Plaintiffs' Motion Pursuant to Paragraph 8.1 of Consent Decree Respecting Paragraph 5.8.1 of Consent Decree; and

Plaintiffs' Motion for a Status Conference.

Copies of both motions and of proposed orders relating thereto are attached.

At such time plaintiffs will ask the Court to set a briefing schedule with respect to the Motion Pursuant to Paragraph 8.1 of Consent Decree, and to set a date for the requested status conference.


One of the Attorneys for Plaintiffs

May 15, 1997

Alexander Polikoff
Julie Elena Brown
Robert L. Jones, Jr.
Jeanne L. Nowaczewski
BUSINESS AND PROFESSIONAL PEOPLE
FOR THE PUBLIC INTEREST
17 East Monroe Street - #212
Chicago, Illinois 60603
312/641-5570

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

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	
	)	
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CHICAGO HOUSING AUTHORITY and	)	
HENRY CISNEROS, Secretary of	)	(Consolidated)
Department of Housing and Urban	)	
Development,	)	
	)	
Defendants.	)	

**PLAINTIFFS' MOTION PURSUANT TO PARAGRAPH 8.1 OF CONSENT DECREE
RESPECTING PARAGRAPH 5.8.1 OF CONSENT DECREE**

Plaintiffs, by their attorneys, pursuant to paragraph 8.1 of the Consent Decree approved by the Court on June 16, 1981 (523 F.Supp. 665, the "Consent Decree"), move the Court to enter an order for the implementation and enforcement of the Consent Decree. In support of this motion plaintiffs say:

1. Paragraph 8.1 of the Consent Decree provides that jurisdiction is retained by the Court for the purpose of enabling the plaintiffs and the defendant Department of Housing and Urban Development ("HUD") to apply to the Court at any time for such further orders as may be necessary or appropriate for the "implementation . . . or enforcement of this Consent Decree."

2. Paragraph 5.8.1 of the Consent Decree obligates HUD not to approve or set aside contract authority for Section 8 Existing housing in the City of Chicago unless -

"(a) not less than one-third of the units of Section 8 New Construction housing and not less than one-third of the units of Section 8 Existing housing (other than Moderate Rehabilitation) within the City of Chicago are to be physically located within the General Area, and (b) not more than one-third of the units of Section 8 New Construction housing and not more than one-third of the units of Section 8 Existing housing (other than Moderate Rehabilitation) within the City of Chicago are to be physically located within the Limited Area."

3. In disregard of paragraph 5.8.1 of the Consent Decree HUD has approved and set aside contract authority for Section 8 Existing housing in the City of Chicago without assuring that the provisions of subparagraphs (a) and (b) of paragraph 5.8.1 of the Consent Decree were observed, and such contract authority has in fact been utilized and continues to be utilized without compliance with such provisions.

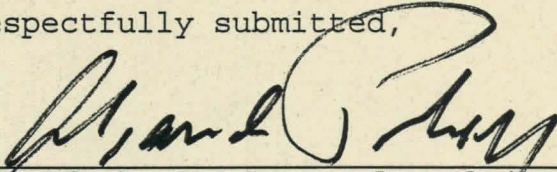
4. On information and belief, HUD is continuing to approve and set aside contract authority for Section 8 Existing housing in the City of Chicago without assuring that the provisions of subparagraphs (a) and (b) of paragraph 5.8.1 of the Consent Decree are observed, and absent the intervention of this Court such contract authority will continue to be utilized in disregard of such provisions.

5. Plaintiffs and HUD have carried on lengthy discussions to attempt to resolve this matter by agreement. During the course of such discussions it appears that the 7100 occupancies referred to in paragraph 5.1 of the Consent Decree were reached. As a part of such discussions, however, HUD agreed that should the effort to resolve the matter by agreement fail, HUD would not

take the position that this motion was untimely filed.

WHEREFORE, plaintiffs move the Court to enter an order pursuant to paragraph 8.1 of the Consent Decree directing HUD to comply with paragraph 5.8.1 of the Consent Decree with respect to all contract authority approved or set-aside for Section 8 Existing housing in the City of Chicago which has not yet been utilized, and providing plaintiffs with such relief for the past violations of paragraph 5.8.1 of the Consent Decree as is just and equitable.

Respectfully submitted,



One of the attorneys for plaintiffs

May 15, 1997

Alexander Polikoff
Julie Elena Brown
Robert L. Jones, Jr.
Jeanne L. Nowaczewski
Business and Professional People
for the Public Interest
17 East Monroe Street - #212
Chicago, Illinois 60603
312/641-5570
312/641-5454 - fax

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CHICAGO HOUSING AUTHORITY and	)	
HENRY CISNEROS, Secretary of	)	(Consolidated)
Department of Housing and Urban	)	
Development,	)	
	)	
Defendants.	)	

O R D E R

On Plaintiffs' Motion Pursuant to Paragraph 8.1 of Consent Decree,

IT IS HEREBY ORDERED that plaintiffs shall have 45 days within which to file a memorandum in support thereof, that defendant HUD shall have 45 days to respond thereto, and that plaintiffs shall have 30 days to file a reply memorandum.

Enter:

Judge

May __, 1997

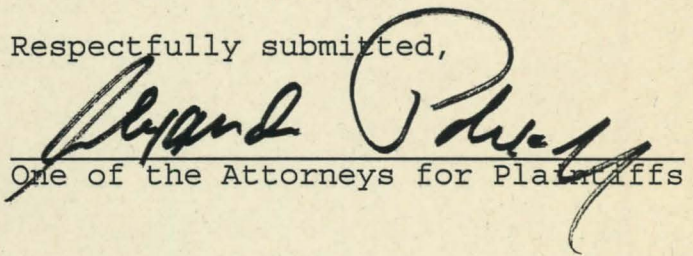
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Defendants.	)	

MOTION FOR STATUS CONFERENCE

Now come plaintiffs, by their attorneys, and move the Court to convene a status conference among the parties. Both pending and soon-to-be-filed motions make it appropriate to provide the Court with an overview of developments in these consolidated cases.

Respectfully submitted,


One of the Attorneys for Plaintiffs

May 15, 1997

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O R D E R

On Plaintiffs' Motion for a Status Conference,

IT IS HEREBY ORDERED that a status conference shall be held
at ____ o'clock __.m., on _____, 1997.

Enter:

Judge

May __, 1997

GAUTREAUX SERVICE LIST

Jerome Butler
General Counsel
Chicago Housing Authority
200 West Adams - 2nd Floor
Chicago, IL 60606
Facsimile Service
312/726-6053

Carole Wilson
Office of General Counsel
U. S. Department of Housing and
Urban Development
451 Seventh Street, S.W.
Washington, D. C. 20410
Facsimile Service
202/708-3351

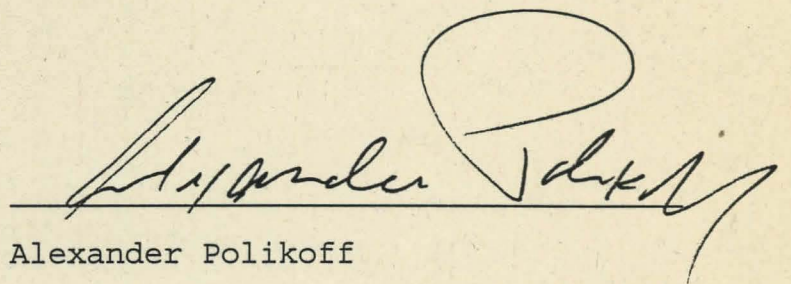
Lewis M. Nixon, Regional Counsel
John Jensen, Assoc. Regional Counsel
U. S. Department of Housing and
Urban Development
77 West Jackson Boulevard - #2620
Chicago, IL 60604
Facsimile Service
312/886-4944

Linda Wawzenski
Assistant U. S. Attorney and
Deputy Chief Civil Division
219 South Dearborn - #500
Chicago, Illinois 60604
Facsimile Service
312/886-4073

Daniel Levin
The Habitat Company
350 West Hubbard Street
Chicago, IL 60610
Facsimile Service
312/527-4639

CERTIFICATE OF SERVICE

I, Alexander Polikoff, an attorney, certify that before 4:00 p.m. on May 15, 1997 I served copies of the foregoing notice, with motions and draft orders attached, by facsimile service on the persons listed on the attached service list.



A handwritten signature in black ink, appearing to read 'Alexander Polikoff', is written over a horizontal line. The signature is stylized with a large, looping 'P' and a long, sweeping tail.

Alexander Polikoff

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS

RECEIVED
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JUDGE MARVIN E. ASPEN
UNITED STATES DISTRICT COURT

Name of Assigned Judge or Magistrate Judge	Judge Marvin E. Aspen	Sitting Judge if Other Than Assigned Judge	
Case Number	66 C 1459 66 C 1460 (consolidated)	Date	May 20, 1997
Case Title	Dorothy Gautreaux, et al. v. Chicago Housing Authority and Henry Cisneros, Secretary of Department of Housing and Urban Dev.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd-party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Plaintiffs' Motion Pursuant to Paragraph 8.1 of Consent Decree Respecting Par. 5.8.1 of Consent Decree; and
Plaintiffs' Motion for a Status Conference

DOCKET ENTRY:

(1)	☐	Filed motion of [use listing in "MOTION" box above]
(2)	☐	Brief in support of motion due _____
(3)	☐	Answer brief to motion due _____ Reply to answer brief due _____
(4)	☐	☐ Ruling on _____ set for _____ at _____ ☐ Hearing
(5)	☐	Status hearing ☐ held ☐ continued to ☐ set for ☐ re-set for _____ at _____
(6)	☐	Pretrial conf. ☐ held ☐ continued to ☐ set for ☐ re-set for _____ at _____
(7)	☐	Trial ☐ Set for ☐ re-set for _____ at _____
(8)	☐	☐ Bench Trial ☐ Jury Trial ☐ Hearing held and continued to _____ at _____
(9)	☐	This case is dismissed ☐ without ☐ with prejudice and without costs ☐ by agreement ☐ pursuant to ☐ FRCP 4(j) (failure to serve) ☐ General Rule 21 (want of prosecution) ☐ FRCP 41(a)(1) ☐ FRCP 41(a)(2)
(10)	☐	[Other docket entry]
(11)	☐	[For further detail see ☐ order on the reverse of ☐ order attached to the original minute order form.]

☐	No notices required, advised in open court.		number of notices	Document #
☐	No notices required.			
☐	Notices mailed by judge's staff.			
☐	Notified counsel by telephone.			
☐	Docketing to mail notices.			
☐	Mail AO 450 form.			
☐	Copy to judge/magistrate Judge.		date docketed	
☐			docketing dpty. initials	
☐			date mailed notice	
☐	courtroom deputy's Initials	Date/time received in central Clerk's Office	mailing dpty. initials	

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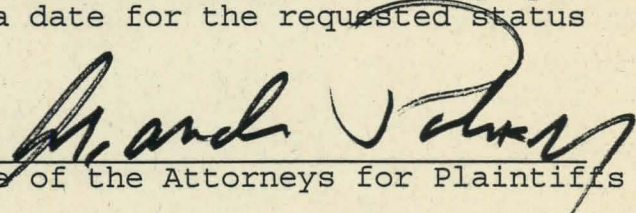
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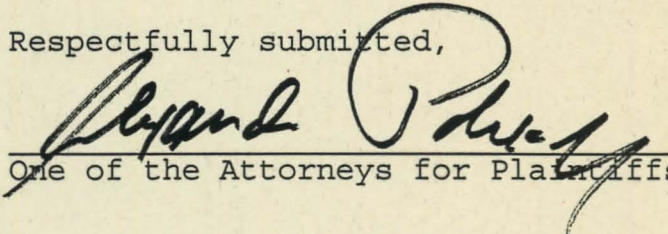
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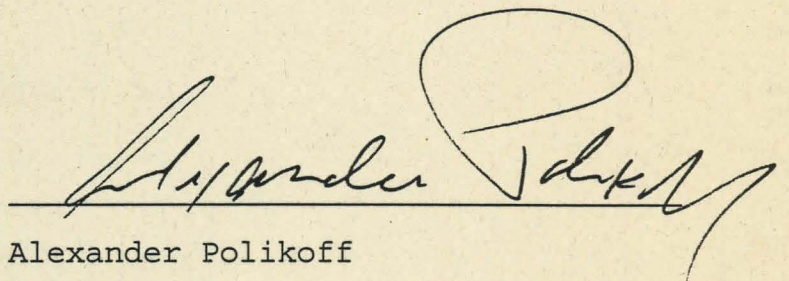
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