



# United States Court of Appeals *kh*

*For the Seventh Circuit  
Chicago, Illinois 60604*

May 29, 1998

*Before*

Hon. WALTER J. CUMMINGS, *Circuit Judge*

Hon. DANIEL A. MANION, *Circuit Judge*

Hon. TERENCE T. EVANS, *Circuit Judge*

DOROTHY GAUTREAU, ODELL JONES,  
DOREATHA R. CRENCRAW, et al.,  
Plaintiffs-Appellees,

Nos. 98-1807 and 98-2311 v.

CHICAGO HOUSING AUTHORITY and JOSEPH  
SHULDINER, Executive Director, in  
his official capacity,  
Defendants-Appellants.

] Appeals from the United  
] States District Court for  
] the Northern District of  
] Illinois, Eastern  
] Division.

] No. 66 C 1459  
] Marvin E. Aspen,  
] Chief Judge.  
]

The following are before the court:

1. DEFENDANTS-APPELLANTS' MOTION FOR STAY PENDING APPEAL, filed on May 19, 1998, by counsel for the appellants.
2. DEFENDANTS-APPELLANTS' MEMORANDUM IN SUPPORT OF MOTION TO SAY ORDER PENDING APPEAL, filed on May 19, 1998, by counsel for the appellants.
3. DEFENDANTS-APPELLANTS' EMERGENCY MOTION TO EXPEDITE CONSIDERATION OF MOTION TO STAY FEBRUARY ORDER AND EMERGENCY MOTION TO STAY MAY ORDER, filed on May 20, 1998, by counsel for the appellants.

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4. PRELIMINARY RESPONSE OF DANIEL E. LEVIN AND THE HABITAT COMPANY, AS RECEIVER FOR CERTAIN CHA HOUSING DEVELOPMENT RESPONSIBILITIES PURSUANT TO CHIEF JUDGE ASPEN'S ORDER OF AUGUST 14, 1987, TO THE EMERGENCY MOTION OF THE CHICAGO HOUSING AUTHORITY TO EXPEDITE CONSIDERATION OF STAY MOTIONS, filed on May 20, 1998, by counsel for Daniel E. Levin and The Habitat Company, the Court-appointed receiver.
5. PLAINTIFFS-APPELLEES' RESPONSE TO DEFENDANTS-APPELLANTS' (1) MOTION FOR PENDING APPEAL AND THEIR MEMORANDUM IN SUPPORT THEREOF FILED MAY 19, 1998, AND (2) EMERGENCY MOTION TO EXPEDITE CONSIDERATION OF MOTION TO STAY FEBRUARY ORDER AND EMERGENCY MOTION TO STAY MAY ORDER, FILED MAY 20, 1998, filed May 27, 1998, by counsel for the appellees.
6. RECEIVER'S STATEMENT IN RESPONSE TO THE CHA'S STAY MOTIONS, filed on May 27, 1998, by counsel for David E. Levin and The Habitat Company the Court-appointed Receiver.
7. APPELLEES' MOTION TO DISMISS APPEAL, filed on April 13, 1998, by counsel for the appellees.
8. DEFENDANTS-APPELLANTS' RESPONSE TO APPELLEES' MOTION TO DISMISS APPEAL, filed on April 27, 1998, by counsel for the appellants.
9. MOTION FOR LEAVE TO FILE REPLY, filed on May 4, 1998, by counsel for the appellees.
10. DEFENDANTS-APPELLANTS' MOTION FOR LEAVE TO FILE SURREPLY, filed on May 13, 1998, by counsel for the appellants.

IT IS ORDERED that the motions for stay pending appeal (#1 and #3) are DENIED.

IT IS FURTHER ORDERED that the motions for leave to file a reply (#9) and to file a sur-reply (#10) are DENIED.

IT IS FURTHER ORDERED that the motion to dismiss (#7) and the response to the motion to dismiss (#8) will be taken with the case for determination by the assigned merits panel. The parties shall address all jurisdictional issues concerning either appeal in their merits briefs. The parties may not incorporate the motion to dismiss, the response thereto, or any of the other papers filed in connection with the motions for stay pending appeal by reference.

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The Clerk is directed to distribute a copy of the motion to dismiss (#7), the response to the motion to dismiss (#8), and this order to the assigned merits panel.

IT IS FURTHER ORDERED that briefing in these consolidated appeals shall proceed as follows:

1. Appellants' briefs and required appendices in appeal nos. 98-1807 and 98-2311 are due by June 29, 1998.
2. Appellees' consolidated brief in appeal nos. 98-1807 and 98-2311 due by July 29, 1998.
3. Appellants' reply briefs, if any, in appeal nos. 98-1807 and 98-2311 are due by August 12, 1998.

Note: The parties are advised that Rule 26(c), Federal Rules of Appellate Procedure, which allows for three additional days after service by mail, shall not apply when the due dates of briefs are specifically set by order of this court. All briefs are due by the dates ordered.

Note: New Circuit Rule 31(e) became effective January 1, 1997. The rule is as follows:

*Digital Media.* One copy of each brief must be filed on digital media. The disk must contain nothing more than the text of the brief, and the label of the disk must include the case name and docket number. One copy of the disk must be served on each party separately represented by counsel. Filing and service under this subsection are not required if counsel certifies that the text of the brief is not available on digital media.

Attorneys filing briefs after January 1, 1997 must comply with the new rule. Although any word processing format is allowed under the rule, WordPerfect 5.1 or greater and/or a generic format such as ASCII is preferred. Indicating on the label which brief is being filed, (i.e. appellant's brief, appellee's brief, appellant's reply brief, etc.) and what word processing format the file is in is also preferred. Briefs tendered by counsel after January 1, 1997 without a computer disk copy or certification that the text is not available on digital media may be rejected by the clerk's office.