

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CABRINI-GREEN LOCAL ADVISORY)
COUNCIL,)
Plaintiff,)
v.) No. 96 C 6949
CHICAGO HOUSING AUTHORITY, et al.,) Chicago, Illinois
November 19, 1998
Defendants.) 9:30 a.m.
Status

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DAVID H. COAR

APPEARANCES:

For the Plaintiff: LEGAL ASSISTANCE FOUNDATION
OF CHICAGO (Housing Law Project)
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Suite 700
Chicago, Illinois 60603
BY: MR. RICHARD M. WHELOCK

STANLEY L. HILL & ASSOCIATES, PC
10 South LaSalle Street
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BY: MR. STANLEY L. HILL
MR. ROBERT D. WHITFIELD

For the Defendant CHA: JOHNSON, JONES, SNELLING,
GILBERT & DAVIS
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BY: MR. THOMAS E. JOHNSON

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1 APPEARANCES CONTINUED:

2 For the City Defendants:

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1 THE CLERK: 96 C 6949, Cabrini Green versus CHA.

2 MR. MINE: Good morning, Your Honor. Andrew Mine
3 for the City defendants.

4 MR. WHEELOCK: Good morning, Your Honor. Richard M.
5 Wheelock on behalf of the plaintiff Cabrini Green LAC.

6 MR. JOHNSON: Tom Johnson, Judge, on behalf of the
7 CHA defendants.

8 MR. HILL: Good morning, Your Honor. Stan Hill and
9 Robert Whitfield. We're here on behalf of the LAC.

10 THE COURT: What's going on?

11 MR. JOHNSON: Let me just -- did Your Honor receive
12 a copy of a letter? Habitat's counsel indicated that they
13 were going to be sending it over to Your Honor. It would
14 have been a November 16th letter to Cora Moore.

15 THE COURT: No.

16 MR. JOHNSON: I called them yesterday and asked if
17 they would have any objection if I handed that letter up to
18 Your Honor, and they said they did not. So with Your Honor's
19 permission, I would like to approach and give that to you.

20 MR. WHEELOCK: Tom, here's a cover letter to that.

21 (Document tendered.)

22 MR. JOHNSON: I guess what I would --

23 THE COURT: Well, the receiver has seen fit to
24 ignore these proceedings except to get an injunction against
25 them proceeding, the injunction from Judge Aspen. The

1 receiver has notice of these proceedings, and in his absence
2 any order of this Court will be binding on the receiver in
3 his capacity as receiver. So his absence in this court is
4 mystifying.

5 I am no longer going to wait for the receiver to
6 proceed at this own pace. I'm going to go forward with this
7 case. And any orders that I enter will be binding on the
8 receiver, Judge Aspen's order to the contrary notwith-
9 standing. This is unseemly, and I'm just not going to
10 tolerate it. So I'll go forward with the pending motions in
11 this case, and we'll let the chips fall where they may.

12 MR. WHEELLOCK: Your Honor, just another development
13 to inform you of. Tomorrow the Cabrini Green LAC will be
14 filing with Judge Aspen a motion for a limited waiver in
15 light of the fact that the receiver after so many months of
16 meetings has yet to come up with a final report. And so
17 we're going to ask Judge Aspen to directly rule on the
18 propriety of the proposed consent decree, and we will have a
19 briefing schedule in place for that, for that process to --
20 so there will be closure to those proceedings.

21 THE COURT: Well, I'll do this, I will not take up
22 the pending motions until after December 11th, but at that
23 time I'm going to go ahead and rule on the pending motions.

24 MR. JOHNSON: Let me just say, Your Honor, from
25 CHA's perspective, we fully support the consent decree and

1 believe it's the appropriate resolution of this case. And if
2 the tenants file this motion before Judge Aspen to seek
3 authority to enter into the consent decree, we're going to
4 support that.

5 By Your Honor saying you're going to take up the
6 motions, where we left off when we settled this case is there
7 was a motion for summary judgment by them, by the
8 plaintiffs -- I'm sorry, by us. By us and by the City, and
9 the plaintiffs have responded and we were going to file a
10 reply brief. I am loathe to spend the CHA's resources
11 contesting a case that we believe is settled.

12 If Your Honor takes up the motion, you should
13 understand you're putting us in that spot.

14 THE COURT: I understand that. But in this case the
15 CHA is a party. In the case before Judge Aspen and the basis
16 of his order staying the presentation of the settlement was
17 that the receiver has the right to speak for CHA. Now, if he
18 has a right to speak for CHA and he has notice of these
19 proceedings and he has elected not to appear here, then he is
20 waiving his rights to speak in this case and I'm going to
21 proceed as if he does not exist in this case.

22 So whatever burden that places on CHA is a result of
23 the receiver's conduct, and you should take that up with
24 Judge Aspen.

25 MR. JOHNSON: Understood, Judge.

1 THE COURT: All right.

2 MR. MINE: Judge, just for clarification. In terms
3 of taking up the pending motions, the City was joined as a
4 defendant after the original suit was brought. We filed a
5 motion to dismiss, which is still pending before Your Honor.

6 THE COURT: Yes, sir.

7 MR. MINE: So when you say the pending motions --

8 THE COURT: That includes the City's motion.

9 MR. WHEELOCK: So, Your Honor, will there be a date
10 set for the City and CHA to reply or what's the status?

11 THE COURT: To reply to what?

12 MR. JOHNSON: Well, Your Honor raises a good point,
13 which is I'm not sure we ever were in a position to reply
14 given Judge Aspen's order and the receiver acting --

15 THE COURT: You'll have to take that up with Judge
16 Aspen.

17 MR. JOHNSON: -- on our behalf.

18 THE COURT: There's only going to be one judge in
19 this courtroom, and Judge Aspen does what he deems is
20 appropriate, and I'm going to do what I deem is appropriate.
21 And if you can't answer, then that's a matter you should ask
22 relief from Judge Aspen about, but I'm going forward.

23 MR. JOHNSON: Okay. And I guess just to be clear
24 then, you're going to take the motions up after December
25 11th.

1 THE COURT: Yes, sir.

2 MR. JOHNSON: So if we wanted to file a reply, we
3 better do that before then?

4 THE COURT: Absolutely.

5 MR. HILL: Judge, could we have another status
6 before you?

7 THE COURT: Yes, sir. I'll set a status for --
8 let's go over till January 11th at 9:30. And I hope to have
9 a decision on the motions before then.

10 MR. HILL: Thank you, Judge.

11 MR. WHEELOCK: Thank you, Your Honor.

12 MR. JOHNSON: Okay. Thank you, Judge.

13 * * * * *

14 C E R T I F I C A T E

15 I hereby certify that the foregoing is a true and
16 correct transcript of the aforesaid matter.

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Gracey D. McCullough

Official Court Reporter

12/2/98

Date

B.P.I.

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From: Alex Polikoff / Marissa Manos**To: Daniel Levin
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From: Alex Polikoff / Marissa Manos

**To: Daniel Levin
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Date: December 2, 1998

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FAX TRANSMISSION

Number of pages including this one: 8

TO: Eddie Feldman and Alex Polikoff

FAX NO.: 263-3270 641-5454

FROM: Tom Johnson

DATE: Dec. 2, 1998

As you requested, here is the transcript of Judge Coar's remarks the other day. The paper record does not quite capture his irritation.

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