

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED
AUG 27 1999
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

DOROTHY GAUTREUX, et al.)

Plaintiffs,)

v.)

THE CHICAGO HOUSING AUTHORITY,
et al.,)

Defendants.)

No. 66 C 1459

Hon. Marvin Aspen

HUD'S RESPONSE IN SUPPORT OF JOINT MOTION OF GAUTREUX PLAINTIFFS
AND DANIEL E. LEVIN AND THE HABITAT COMPANY, GAUTREUX RECEIVER,
FOR ORDERS WHOSE EFFECT WOULD BE TO DISMISS THE ABLA COMPLAINT
WITHOUT PREJUDICE TO THE RIGHT OF THE ABLA PLAINTIFFS TO SEEK
LEAVE TO INTERVENE IN THIS CASE.

The secretary of the department of Housing and Urban
Development ("HUD"), by SCOTT R. LASSAR, United States Attorney for
the Northern district of Illinois, submits this response in support
of the motion by the Gautreaux plaintiffs and the Gautreaux
Receiver ("moving parties"), who seek to dismiss the newly filed
ABLA complaint¹ (99 C 4959) without prejudice to the right of the
ABLA plaintiffs to seek to intervene in this case. HUD believes
that the relief the moving parties seek is appropriate, because it

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It is unclear whether this court can, in fact, dismiss a case
which is not before it; however, it is also questionable whether a
non-party (the Receiver) can seek dismissal of the case pending
before Judge Gettleman. Regardless of the answer to this procedural
question, HUD supports the position that the issues raised in the
ABLA complaint should be heard by this court.

would avoid the risk of inconsistent decisions and would further the interest of judicial economy.

The ABLA suit not only overlaps, but also potentially conflicts, with relief already required by an ABLA-related Gautreaux order. In a June 19, 1998 order, this Court designated an ABLA Revitalizing Area in the backdrop of the over \$24 million FY 1996 HOPE VI grant provided to CHA and the then-anticipated application for a \$35 million FY 1998 HOPE VI grant. The order authorized the Receiver to develop an approximate number of public housing units at ABLA and discussed who would occupy the housing, in terms of income level, so that ABLA would be a mixed-income development. This Court retained jurisdiction over the ABLA Revitalization Area by stating that such revitalization was "[s]ubject to such terms and conditions as are specified by further orders of the Court...." The ABLA complaint challenges the ongoing ABLA revitalization, in part, due to its mixed-income nature. Indeed, part of the relief the ABLA plaintiffs seek, which is to enjoin the implementation of the present ABLA revitalization plans, could, if granted, hamper the implementation of the June 19, 1998 order, and thus, could lead to inconsistent orders in two different courts.

Allowing the ABLA case to be handled by the Gautreaux court would further the interest of judicial economy. As an example, it would avoid some of the controversies that the parties in another

case involving the HOPE VI program, Henry Horner Mothers Guild, et al. v. Chicago Housing Authority, et al. (91 C 3316), have experienced. In the past, the Horner case has been faced with the continuing controversy as to whether the Horner court has jurisdiction over the Gautreaux Receiver, which is not a party to Horner, but which performs the development functions of CHA, which is a Horner defendant. This is just one instance of how the need to consult the Gautreaux court has continued throughout the Horner case, and why allowing the ABLA case to be handled by the Gautreaux court would avoid the requirement to consult two different courts in such situations. For these reasons, HUD agrees with the moving parties that the ABLA case should be handled by the Gautreaux court.

Respectfully submitted,

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STATE OF ILLINOIS)
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PAULA M. GABRIEL being first duly sworn on oath deposes and says that she is employed in the Office of the United States Attorney for the Northern District of Illinois; that on the 27th day of August 1999, she placed a copy of HUD'S RESPONSE IN SUPPORT OF JOINT MOTION OF GAUTREAUX PLAINTIFFS AND DANIEL E. LEVIN AND THE HABITAT COMPANY, GAUTREAUX RECEIVER, FOR ORDERS WHOSE EFFECT WOULD BE TO DISMISS THE ABLA COMPLAINT WITHOUT PREJUDICE TO THE RIGHT OF THE ABLA PLAINTIFFS TO SEEK LEAVE TO INTERVENE IN THIS CASE in a prepaid envelope addressed to each of the following named individual(s) and caused each envelope to be deposited in the United States mail chute located in the Everett McKinley Dirksen Building, Chicago, Illinois on said date at the hour of 5:00 p.m.

SEE ATTACHED SERVICE LIST

Paula M. Gabriel
SUBSCRIBED AND SWORN TO before
me this 27th day of August, 1999

Mary Anne Martin
NOTARY PUBLIC
My Commission Expires: 9/28/2002



SERVICE LIST

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Case No. 66 C 1459

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