

Minute Order Form (06/97)

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Marvin Aspen	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	66 C 1459	DATE	11/4/1999
CASE TITLE	Gautreaux vs. CHA		

[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:

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/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Before us is a joint motion of the Gautreaux plaintiffs and the Receiver for entry of an order whose effect would be to dismiss a complaint filed in front of Judge Gettleman by the Concerned Residents of ABLA (CRA) and certain individuals, without prejudice to their right to intervene in the Gautreaux case. We grant the motion by reassigning the ABLA case to this Court pursuant to Local Rule 40.4 and then dismissing it without prejudice to the ABLA plaintiffs' right to seek intervention in Gautreaux.
- (11) ☒ [For further detail see order on the reverse side of the original minute order.]

☐ No notices required, advised in open court.		number of notices			
☐ 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 deputy initials	11/4/1999		
GL				courtroom deputy's initials	date mailed notice

(Reserved for use by the Court)

ORDER

Before us is a joint motion of the *Gautreaux* plaintiffs and the Receiver for entry of an order whose effect would be to dismiss a complaint filed in front of Judge Gettleman by the Concerned Residents of ABLA (CRA) and certain individuals, without prejudice to their right to intervene in the *Gautreaux* case. HUD and the CHA support the motion. For the following reasons, we will grant the motion by reassigning the ABLA case to this Court pursuant to Local Rule 40.4 [formerly Local General Rule 2.31] and then dismissing it without prejudice to the ABLA plaintiffs' right to seek intervention in *Gautreaux*.

In 1998, the CHA and HUD, along with the *Gautreaux* Receiver, the *Gautreaux* plaintiffs, and an ABLA tenants' group called the ABLA LAC developed a plan to build new and replacement housing at the ABLA public housing developments. On June 19, 1998, we entered an order designating an ABLA "revitalizing area" – a necessary step under the *Gautreaux* decree to allow new public housing to be constructed there – and authorized the Receiver to construct new public, low income, and market rate housing in the area. The ABLA plaintiffs want Judge Gettleman to declare that the ABLA plan violates various housing, relocation, and civil rights laws, and requests an injunction requiring, *inter alia*, the development of a modified plan for the area that addresses their concerns.

Because the ABLA complaint directly attacks the relief we ordered for the ABLA area pursuant to the *Gautreaux* decree, it is appropriate to reassign the case to this Court and then dismiss it without prejudice to the ABLA plaintiffs' right to intervene. See *Hines v. Rapides Parish School Board*, 479 F.2d 762 (5th Cir. 1973). This result will allow the ABLA plaintiffs to present their complaints about the revitalization plan without "fostering a multiplicity of new lawsuits over the same complicated and emotional issues which have already once been fought out in an all too lengthy court battle." *Id.* at 765.

The ABLA plaintiffs contend that *Hines* and its progeny are not applicable here because some of them are not members of the *Gautreaux* class and because the ABLA complaint encompasses issues not covered by the *Gautreaux* decree. We do not find these arguments persuasive – *Hines* itself involved a collateral attack on a desegregation consent decree by white parents who were not members of the original plaintiff class. And although the ABLA complaint alleges new statutory violations in addition to those covered by the *Gautreaux* decree, the entirety of the complaint attacks the revitalization plan created pursuant to this Court's June 19, 1998 order. See *Davis v. Board of School Commissioners of Mobile County*, 517 F.2d 1044, 1048 (5th Cir. 1975) (ordering plaintiff to seek intervention even though he added a Title VII claim to his attack on the consent decree).

Pursuant to Local Rule 2.31, we find it appropriate to deem the ABLA case related to the *Gautreaux* action and transfer it to this Court. Reassignment will promote judicial economy by avoiding the possibility that Judge Gettleman will order relief that is inconsistent with or otherwise violative of *Gautreaux*. See August 12, 1998 order (enjoining a Cabrini-Green redevelopment plan created without the required input of the Receiver).

Second, there is little chance that reassignment will delay the *Gautreaux* case because the ABLA piece is still in the development phase, unlikely to move forward until the CRA challenge is resolved. And finally, all of the ABLA plaintiffs' challenges to the ABLA revitalizing plan may be addressed in a single proceeding concerning the development of the area. Any plan for the area that involves the construction of public housing must be approved by a host of entities, all of whom are parties to the *Gautreaux* litigation. It would be much more expedient to address all of the challenges to the ABLA plan now, in one forum, instead of pursuing piecemeal litigation in different courts with the intention of later moving for waivers and approval pursuant to the *Gautreaux* decree. We therefore grant the joint motion, reassign the case to this Court, and dismiss it without prejudice to the ABLA plaintiffs' right to intervene in *Gautreaux*. It is so ordered.

