

cc
Poble
Adom
Jules

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	9/25/2000
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:

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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] As stated on the reverse, the CRA's concerns are not yet ripe for review, and thus we currently have nothing to decide. So we dismiss the complaint without prejudice to the CRA's right to bring another motion intervene in this court after the completion of the development plan. Concerned Residents of ABLA's motion to intervene (0-1) is denied without prejudice.

- (11) ☒ [For further detail see order on the reverse side of the original minute order.]

☐ No notices required, advised in open court. ☐ 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.	courtroom deputy's initials	Date/time received in central Clerk's Office	number of notices	Document Number
			date docketed	
			docketing deputy initials	
			9/25/2000	
			date mailed notice	
			GL	GL

ORDER

Before us is the motion of the Concerned Residents of ABLA ("CRA"), a tenants' group made up of current, former, and potential residents of the ABLA public housing development, to intervene in the case of *Gautreaux v. Chicago Housing Authority*, 66c1459, for the purpose of challenging plans to redevelop the ABLA site into one of mixed-income housing. Opposing the motion are the Chicago Housing Authority ("CHA"), the *Gautreaux* plaintiff class, the Department of Housing and Urban Development ("HUD"), and the Receiver appointed by this Court. For the reasons stated herein, we deny the motion to intervene without prejudice to the CRA's right to refile the motion in the future, when the controversy is ripe.

The CRA's proposed complaint in this case alleges that there exists a plan to revitalize ABLA by utilizing funds granted from HUD to CHA through a federal program known as HOPE VI, and that this plan discriminates against the CRA individuals in violation of the Fair Housing Act, the Civil Rights Act of 1968, the Civil Rights Act of 1964, § 1983, the Uniform Relocation Act and the United States Housing Act. The CRA presumably bases its allegations on the tentative plan for revitalization that accompanied the CHA's 1998 application for HOPE VI funds. However, as the *Gautreaux* plaintiffs and other objecting parties point out in their briefs, the application explained that "[t]he scenario included in this application is a sample development plan to demonstrate the financial feasibility of CHA's redevelopment strategy, not the final development plan." The process of creating a final development plan includes selecting a development manager, having the manager prepare tentative final plan documents, having a working group which includes the Receiver and the *Gautreaux* plaintiffs consider and approve the plan, and incorporating the plan into a final proposal submitted to HUD for approval.

Because there is still no final development plan, the CRA's complaint, which alleges that the plan is illegal, is not ripe for adjudication. See *Abbott Laboratories v. Gardner*, 387 U.S. 136 (1967). We cannot consider whether the sample plan violates the various laws cited by the CRA because it is not apparent whether any or all of the sample plan will actually be implemented. Further, although the CRA contends that it has been shut out of the planning process, the evidence submitted by the CHA belies this allegation. And with regard to future planning, the Receiver has represented that "[during the process of plan development, the Receiver, CHA, the City and the *Gautreaux* plaintiffs will consult regularly with the representatives of the putative intervenors, informing them of pertinent developments and giving them an opportunity to present their views. . . ." Unless we are confronted with evidence that this is not occurring, we will assume that the CRA will have the opportunity to present its opinions on the progress of the planning and development.

Finally, once a development plan is finalized, we expect to hold a hearing on the merits of the plan, which would involve receiving either oral or written submissions from all interested parties. At that time, if the CRA believes the final plan is in violation of the law, it may renew its motion to intervene.

This result comports with our order of November 4, 1999, which dismissed the CRA's complaint filed in front of Judge Gettleman without prejudice to their right to intervene here. As we explained in that order, it would be much more expedient to address the concerns of the CHA in this forum instead of pursuing piecemeal litigation in a variety of courts. As we have explained above, the CRA's concerns are not yet ripe for review, and thus we currently have nothing to decide. So we will dismiss the complaint without prejudice to the CRA's right to bring another motion to intervene in this court after the completion of the development plan. It is so ordered.

A handwritten signature in black ink, appearing to be 'M. C.', is written below the text of the order.