

**UNITED STATES DISTRICT COURT
IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT
No. 00-3787**

DOROTHY GAUTREAUX, et al.,

Plaintiffs-Appellees,

v.

CHICAGO HOUSING AUTHORITY, et al

Defendants-Appellees.

**APPEAL OF: Concerned Residents of ABLA,
Ferrell Freeman, Carolyn Nance, Wandra
Stimage, on behalf of themselves, et al.,**

Proposed-Intervenors-Appellants.

**Appeal from the United
States District Court for the
Northern District of Illinois,
Eastern Division**

No. 66 C 1459

**Marvin E. Aspen,
Chief Judge**

MOTION TO VOLUNTARILY DISMISS THIS APPEAL

Now come the appellants, the Concerned Residents of ABLA et al, by and through their attorneys, and, pursuant to Fed.R.App.P.42(b), hereby move for voluntary dismissal of this appeal.

In support of this motion, appellants state as follows:

1. The appellants, the Concerned Residents of ABLA ("CRA"), a tenants' group made up of former, current, and potential residents of the Addams, Brooks, Loomis and Abbott ("ABLA") public housing development (the "ABLA Petitioners"), filed their initial complaint in July 1999, which was assigned to District Court Judge Robert W. Gettleman, for the purpose of challenging the plan to redevelop the ABLA public housing site into one of mixed-income housing. The complaint alleged that the ABLA redevelopment plan violated federal law, including the Civil Rights Act of 1964, the Civil Rights Act of 1968, Section 1983, the United States Housing Act, the Uniform Relocation Act and the Housing and Community Development Act.

4. In August 1999, the plaintiffs in Gautreaux v. CHA, No. 66 C 1459, (the "Gautreaux plaintiffs") and the Gautreaux Receiver, the Habitat Co., filed a joint motion before United States District Court Chief Judge Marvin E. Aspen to dismiss the ABLA Petitioners' complaint without prejudice to the ABLA Petitioners' right to seek intervention in the Gautreaux case.

5. In November, 1999, Judge Aspen granted the joint motion and dismissed the ABLA Petitioners' complaint before Judge Gettleman, without prejudice to their right to intervene in the Gautreaux case. Pursuant to that Order and Fed.R.Civ.P.24, the ABLA Petitioners simultaneously filed their motion to intervene in Gautreaux and an Intervenor's Complaint later in November 1999.

6. The Gautreaux plaintiffs and the Receiver then filed a joint motion to dismiss the intervenors' complaint on the grounds that redevelopment plan was not final and thus not ripe for adjudication. In September 2000, Judge Aspen granted the motion, adopting the ripeness argument of the Gautreaux parties.

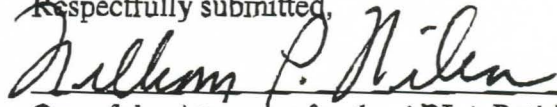
7. In October 2000, the ABLA Petitioners filed a timely appeal of that Order. The Gautreaux parties then filed a motion to dismiss the appeal, which motion was fully briefed the parties by November 2000. The Court in its April 23, 2002 Order setting a briefing schedule for this case ruled that appellees' joint motion to dismiss appeal shall be taken with the case.

8. Since the entry of the September 2000 Order denying the ABLA Petitioners' motion to intervene in the Gautreaux case due to lack of ripeness, a period of over a year and one-half has passed. During this time, the plan to revitalize ABLA has become a final development plan which meets the requirements set out by Judge Aspen in his September 25, 2000 order.

9. Because the appellees agree that ABLA development plan is now final and that the ABLA Petitioners' claims are now ripe for adjudication, the parties have negotiated a process for presenting the ABLA Petitioners' claims to the district court. In addition the parties have agreed to a process of negotiations regarding these claims in order to possibly settle the entire case or at least reducing the number of issues that need to be resolved by the district court.

10. Accordingly, the ABLA Petitioners request the Court enter an order voluntarily dismissing appellants' appeal pursuant to Fed.R.App.P.42(b) and providing that each party is responsible for payment of its own costs and fees associated with this appeal.

Respectfully submitted,



One of the Attorneys for the ABLA Petitioners

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