

file  
(book)

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

\_\_\_\_\_  
No. 71-1073  
\_\_\_\_\_

\_\_\_\_\_  
DOROTHY GAUTREAUX, et al.,

Plaintiffs-Appellants,

v.

GEORGE W. ROMNEY,

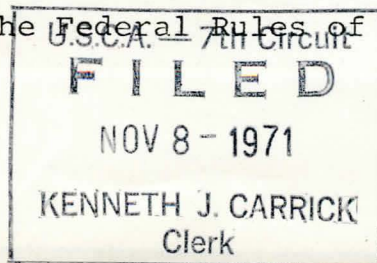
Defendant-Appellee.  
\_\_\_\_\_

On Appeal from the United States District Court  
for the Northern District of Illinois

RESPONSE TO OBJECTIONS OF CITY  
OF CHICAGO TO MOTION TO ISSUE  
MANDATE FORTHWITH  
\_\_\_\_\_

Now come plaintiffs-appellants, by their attorneys, and respond as follows to the objections filed by the City of Chicago ("City") to defendant-appellee, George W. Romney's motion to issue the mandate forthwith:

1. The City is not a party to this appeal (No. 71-1073) and is therefore not entitled to object to the issuance of the mandate. The City was permitted to intervene in a supplementary proceeding below brought pursuant to Rule 62(c) of the Federal Rules of Civil Procedure, but the City did not



seek to and was not authorized to intervene generally in this case. Since the motion to issue the mandate is not a part of such supplementary proceeding, or of the appeals (Nos. 71-1732, 33 and 34) taken from the order entered therein, the City has no standing to object to that motion.

2. The objections give no reason for a stay of the mandate other than "prudence." (p.3.) But the objections do not say why a stay would be "prudent." Moreover, the City's own logic argues against a stay. The City asserts that issuance of the mandate will not moot the appeal it has taken from the order entered in the Rule 62(c) supplementary proceeding. If this is so, the appeal can proceed notwithstanding issuance of the mandate and the stay of mandate sought by the City is not required to preserve its appeal. On the other hand the defendant's motion asserts that issuance of the mandate will moot the appeal. But the City itself suggests that in this event the District Court will "re-enter essentially the same order." (p.3.) Under such circumstances this Court would undoubtedly expedite the appeal certain to be taken by the City from the new order, and the City would not be denied the opportunity to present its substantive arguments to this Court. Thus, in neither case would the City be prejudiced by issuance of the mandate.

3. Plaintiffs, however, will be prejudiced by a further delay in issuance of the mandate. It is now more than 5 years




since the complaint was filed in this case. Plaintiffs will not be in a position to seek effective relief from the District Court until the mandate issues. Plaintiffs have a compelling need to move promptly in the District Court for the relief to which they are now and have for many years been entitled, and they should not be further delayed by another stay of the mandate, particularly at the instance of someone who is not even a party to the case in which the mandate is to be issued. It would be grossly inequitable and an ironic twist of fate if the very City whose derelictions have been so instrumental in denying desperately needed housing to the plaintiffs were now to be permitted to delay plaintiffs in their effort to obtain needed relief from the defendant.

Since the only parties to this appeal now desire the mandate to be issued forthwith, that should be done.

Respectfully submitted,

By:

  
Alexander Polikoff  
One of the Attorneys for Plaintiffs

November 8, 1971

Alexander Polikoff  
109 N. Dearborn Street  
Chicago, Illinois 60602  
641-5570

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UNITED STATES COURT OF APPEALS  
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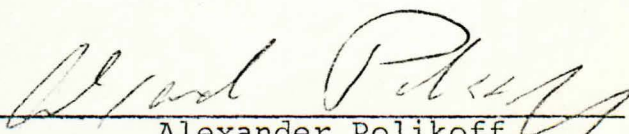
NOTICE

TO: William J. Bauer  
United States Attorney  
219 S. Dearborn Street  
Chicago, Illinois  
60604

Richard L. Curry  
Earl Neal  
William R. Quinlan  
Daniel Pascale  
c/o Corporation Counsel of City  
of Chicago  
511 City Hall  
Chicago, Illinois 60602

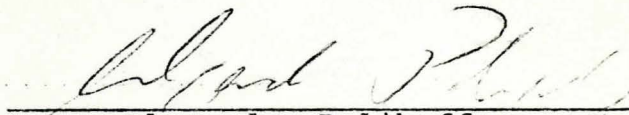
PLEASE TAKE NOTICE that we have this day filed with the  
Clerk of the Court of Appeals for the Seventh Circuit the attached  
Response to Objections of City of Chicago.

November 8, 1971

  
Alexander Polikoff  
One of the Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for the plaintiffs-appellants, hereby certifies that he served the foregoing notice and the Response to Objections referred to therein by mailing copies of the same to the persons listed in the foregoing notice at their addresses there stated, all this 8th day of November, 1971.

  
\_\_\_\_\_  
Alexander Polikoff

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