

FILED  
11/11/71

No. 66 C 1460

In support of this motion plaintiffs represent as follows:

"[W]e conclude that summary judgment should be granted in plaintiffs' favor on both Counts I and II of the complaint."

2. On September 17, 1971, plaintiffs filed herein a motion pursuant to Federal Rule 62(c) for an injunction pending

termination of such appeal.

3. On October 1, 1971, after having conducted an evidentiary hearing and heard arguments of counsel pursuant to such motion, this Court entered an injunction order effective pending termination of such appeal.

4. On October 27, 1971, the defendant herein filed a motion with the United States Court of Appeals for the Seventh Circuit for immediate issuance of the mandate pursuant to the opinion and order of the Court of Appeals hereinabove referred to. A true and correct copy of such motion is attached hereto.

5. Plaintiffs filed no objections to defendant's motion for immediate issuance of the mandate, and the mandate was in fact issued on November 11, 1971, and has now been lodged with the Clerk of this District Court. A true and correct copy of such mandate is attached hereto.

6. By the terms of this Court's order of October 1, 1971, the injunction contained therein was to remain in effect "pending termination of the appeal" hereinabove referred to. Accordingly, such order of October 1, 1971, may be deemed to lapse by its terms upon the lodging of the mandate with the Clerk of the Court. Defendant's motion for immediate issuance of the mandate recognizes that this Court's order of October 1, 1971 "will expire when the mandate issues," but abjures any prejudice to plaintiffs' right to seek an injunction "containing



provisions similar to those of the October 1st order."

7. It is appropriate under these circumstances (a) that plaintiffs' motion for summary judgment be granted as to Counts I and II of the complaint, (b) that an injunction order similar to the one contained in this Court's order of October 1, 1971, be entered, pending determination by this Court of the final relief to be afforded plaintiffs in this cause, and (c) that consideration of such final relief be initiated.

Wherefore, plaintiffs move the Court to enter an order, (a) granting plaintiffs' motion for summary judgment as to Counts I and II of the complaint, (b) enjoining the defendant, George W. Romney, from making certain payments to the City of Chicago upon conditions as provided in this Court's order of October 1, 1971, and (c) directing the defendant to prepare, serve and file within 60 days a proposed plan of metropolitan scope (that is, not confined to the geographic boundary of the City of Chicago) to eliminate the segregated housing system this Court has found to exist and to remedy the effects thereof.

Respectfully submitted,

Alexander Polikoff  
Milton I. Shadur  
Bernard Weisberg  
Cecil C. Butler  
Charles R. Markels  
Merrill A. Freed

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

By: 

Alexander Polikoff

One of the Attorneys for Plaintiffs

November 11, 1971

IN THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

DOROTHY GAUTREAUX, ET AL.,

Plaintiffs-Appellants,

v.

GEORGE W. RONNEY, Secretary of the  
Department of Housing and Urban  
Development,

Defendant-Appellee.

No. 71-1073

MOTION FOR THE MANDATE TO BE ISSUED FORTHWITH

The appellee, Secretary of the Department of Housing and Urban Development, by his undersigned attorneys, respectfully requests that, pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure, the time for issuing the mandate in the above case be shortened so that the mandate issue forthwith.

In support of this motion, the appellee states that, upon his prior motion, this Court on September 29, 1971, stayed the issuance of the mandate in the above case until November 15, 1971. On October 1, 1971, the district court entered an order enjoining the appellee from making available to the City of Chicago or any of its agencies any funds for the second period of the Model Cities

- 2 -

program of the City of Chicago except upon certain specified conditions. The City of Chicago, the Chicago Housing Authority, and the Central Advisory Council, all of whom have intervened in this action, have appealed to this Court to vacate the October 1st order. By its terms, however, that order is an injunction pending termination of the appeal and will expire when the mandate issues. Appellee considers that the time remaining before the October 1st order expires and the issues raised by the intervenors' appeals become moot is too brief to permit those issues to be developed adequately. If the mandate is issued forthwith, any injury to the intervenors and others which provides the basis for their appeals would be reduced without prejudice to the right of the plaintiffs to seek from the district court a preliminary or final injunction containing provisions similar to those of the October 1st order. If the district court then enters such an order, the appellee and the intervenors will be entitled to appeal to this Court under circumstances permitting a full development of the issues raised.

Therefore, we respectfully request that this Court order the mandate to be issued forthwith.

Respectfully submitted,

/s/ Alan S. Rosenthal  
ALAN S. ROSENTHAL

/s/ Anthony J. Steinmeyer  
ANTHONY J. STEINMEYER  
Attorneys,  
Department of Justice,  
Washington, D. C. 20530.



FILED

United States of America, ss: NOV 11 1971

THE PRESIDENT OF THE UNITED STATES OF AMERICA

H. STUART CUNNINGHAM  
At \_\_\_\_\_ o'clock \_\_\_\_\_  
CLERK

To the Honorable the Judges of the United States District Court

for the Northern  
District of Illinois, Eastern Division

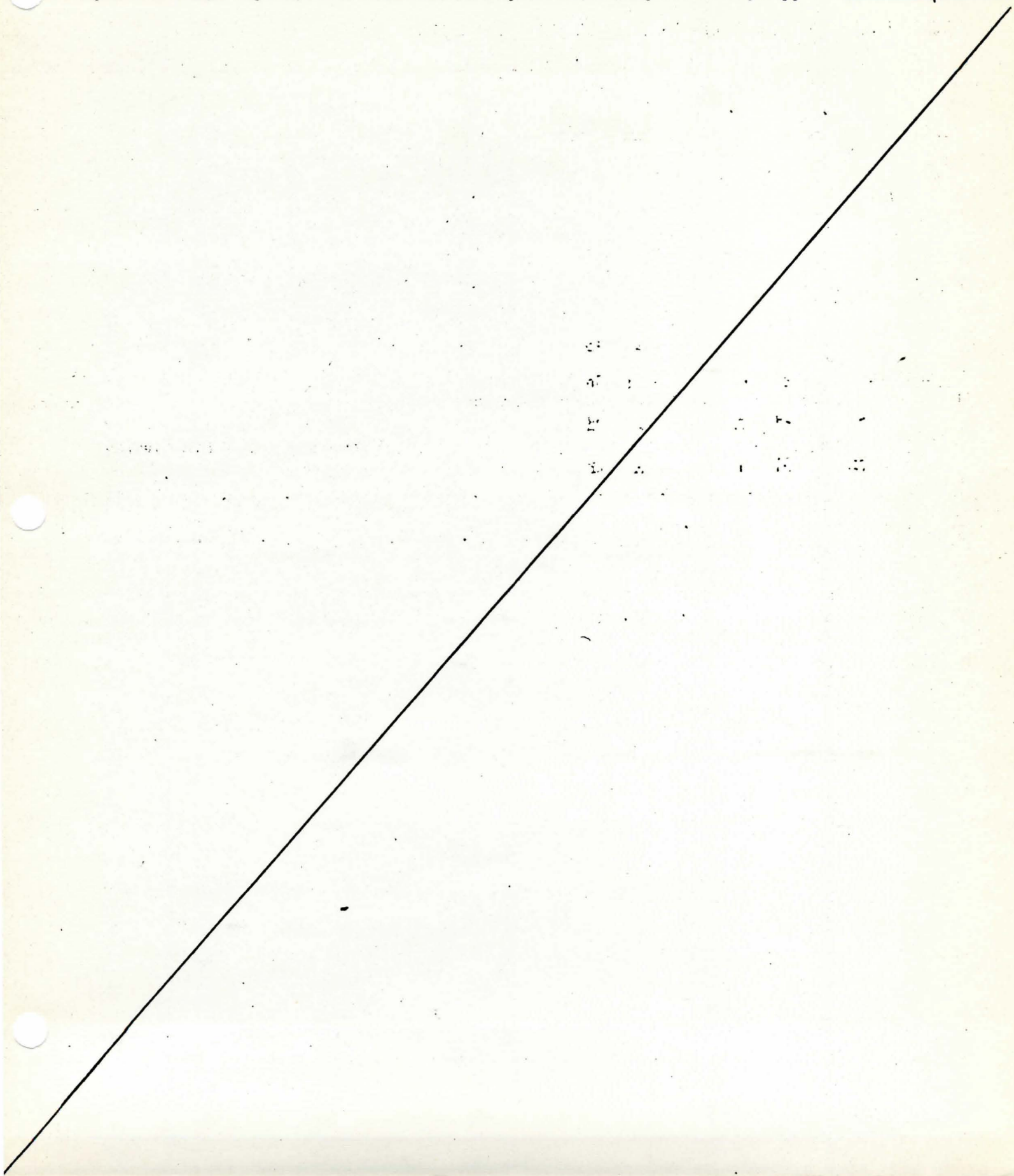
GREETING:

WHEREAS, lately in the United States District Court for the Northern District  
of Illinois, Eastern Division before you, or some of you, in a cause between

DOROTHY GAUTREAUX, et al., vs. GEORGE W. ROMNEY, et al.; No. 66 C 1460;  
an order was entered on the twenty-first day of October, 1970.

as by the inspection of the transcript of the record of the said District Court, which was brought into the United States Court of Appeals for the Seventh Circuit by virtue of an appeal by DOROTHY GAUTREAUX, et al.

reeably to the act of Congress, in such case made and provided, in fully and at large appears.





AND WHEREAS, in the term of September, in the year of our Lord one thousand nine hundred and seventy , the said cause came on to be heard before the said United States Court of Appeals for the Seventh Circuit, on the said transcript of record, and was argued by counsel

ON CONSIDERATION WHEREOF, it is ordered and adjudged by this Court that the judgment of the said District Court in this cause appealed from be, and the same is hereby, REMANDED to the said District Court in accordance with the opinion of this Court filed this day.

It is further ordered that each party to this appeal shall pay their own costs.

Friday, September 10, 1971

and AFTERWARDS TO WIT, an order was entered on November 11, 1971 directing that the mandate issue forthwith to the United States District Court for the Northern District of Illinois.

and further that

recover against the

the sum of

Dollars (\$ ) for

cost herein expended with direction

to award execution thereof.

You, therefore are hereby commanded that such further proceedings be had in said cause, as according to right and justice, and the laws of the United States, ought to be had, the said judgment notwithstanding.

WITNESS, the HONORABLE WARREN E. BURGER, Chief Justice, of the United States, the eleventh day of November, in the year of our Lord one thousand nine hundred and seventy-one.

*Thomas A. Stebbins*  
Clerk of the United States Court of Appeals for the Seventh Circuit

United States Court of Appeals

For the Seventh Circuit

No. 71-1073

September Term, 1970

DOROTHY GAUTREAU, et al.,

Plaintiffs-Appellants,

vs.

GEORGE W. ROMNEY, Secretary, etc.,  
Defendant-Appellee.

MANDATE



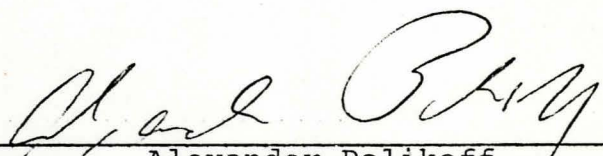
IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 66 C 1460
	)	
GEORGE ROMNEY,	)	
	)	
Defendant.	)	

NOTICE

TO: James Murray, Esq.  
Assistant U.S. Attorney  
219 S. Dearborn Street  
Chicago, Illinois 60604

PLEASE TAKE NOTICE that at 2:00 P.M. on Thursday,  
November 11, 1971, I will appear before the Honorable Richard  
B. Austin in the courtroom usually occupied by him at  
219 South Dearborn Street, Chicago, Illinois, and then and  
there present a motion for order pending final judgment, a  
copy of which is herewith served upon you.


  
\_\_\_\_\_  
Alexander Polikoff  
One of the Attorneys for Plaintiffs

November 11, 1971

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of the above and foregoing notice and the motion therein referred to by delivering a copy of the same to the person and at the address appearing in said notice.

  
Alexander Polikoff

November 11, 1971