

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

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	66 C 1459
	)	
v.	)	66 C 1460
	)	(Consolidated)
JACK KEMP, Secretary of	)	
Department of Housing and	)	
Urban Development, and	)	JUDGE ASPEN
CHICAGO HOUSING AUTHORITY,	)	
	)	
Defendants.	)	

**MOTION FOR
PRELIMINARY AND PERMANENT INJUNCTION**

NOW COMES Plaintiff-Intervenor, EDGEWATER COMMUNITY COUNCIL, INC. (hereinafter "ECC"), by and through its attorney, CAMILLO F. VOLINI, and moves this Court to enter its order of Preliminary and Permanent Injunction restraining Defendants from constructing "scatter-site" housing units at 5406 North Winthrop, Chicago, Illinois, Census Tract 0307. In support whereof, Plaintiff-Intervenor states as follows:

1. Plaintiff-Intervenor is an Illinois not-for-profit corporation that is a voluntary organization of individuals, block clubs and businesses in the Edgewater neighborhood bounded by Foster to Devon, Lake Michigan to Ravenswood, in the City of Chicago, Illinois.

2. Plaintiff-Intervenor organization is committed to the establishment and maintenance of a racially, religiously and economically integrated neighborhood.

3. Plaintiff-Intervenor also seeks in this action to act in a representative capacity for its individual members, Black and white, including persons living in assisted housing, residing in Census Tract 0307, and adjoining tracts, who have the right to live in a racially integrated area.

4. Phillip A. Hickman of the Habitat Corporation, acting as a Receiver for the Chicago Housing Authority ("CHA") in the above captioned case, announced in April 1990 that the CHA would build at 5406 North Winthrop, Chicago, Illinois, Census Tract 0307, housing units pursuant to its mandate in the above captioned case, i.e. the "scattered site" program, and that such construction was imminent.

5. Construction of such units on said site would violate the intent of the previous findings and remedial orders entered in this case in that:

A) Said area is severely impacted with subsidized housing units, with the Kenmore Avenue (just east of Winthrop Avenue portions of Census Tract 0307 having 2,824 housing units, 858 (30%) of which are assisted housing. See Exhibit "A" attached to Plaintiff-Intervenor's Motion to Intervene.

B) The area is experiencing substantial resegregation, being less than 1% Black in 1970, 17% Black in 1980 and 30% Black in 1988. It is believed that the 1990 census will show even greater racial change.

C) Swift School, the neighborhood school, is 58% Black and 8.5% white.

6. Construction of such units on said site would violate Plaintiff-Intervenor's rights to live in a racially integrated area in that it will hasten the creation of a racially segregated area.

7. That the CHA had previously determined that the Edgewater neighborhood was severely impacted by assisted housing and that no new scatter-sites should be constructed therein. (See Exhibit "B" attached to Plaintiff-Intervenor's Motion To Intervene, a true and accurate copy of a letter from Zirl S. Smith, Executive Director, Chicago Housing Authority, to Alderman Marion K. Volini, dated October 5, 1984.)

8. That of 77 community areas in the City of Chicago, approximately 39 have no "scattered-site" units.

9. That Plaintiff-Intervenor would suffer irreparable harm in that the ability to live in a integrated area is an intangible benefit the loss of which cannot be adequately compensated for.

10. That Plaintiff-Intervenor has no adequate remedy at law.

11. That Plaintiffs will prevail on the merits in that the point of the previous remedial orders entered in the above-captioned case was to provide opportunity for integrated assisted housing. Said purpose will be furthered by the granting of this Motion For Injunction and frustrated by its denial.

WHEREFORE, Plaintiff-Intervenor prays the Court to find in their favor, grant Movant leave to intervene and enjoin Defendants from the construction of the aforesaid scatter-site units.

Respectfully submitted,



CAMILLO F. VOLINI

Attorney for Movant Edgewater
Community Council, Inc.

Camillo F. Volini
77 West Washingtons Street
Suite 519
Chicago, Illinois 60602
312-641-2383

5618 North Broadway Avenue
Chicago, Illinois 60660
312-275-9100

Attorney No. 10212

STATE OF ILLINOIS)
) SS
COUNTY OF C O O K)

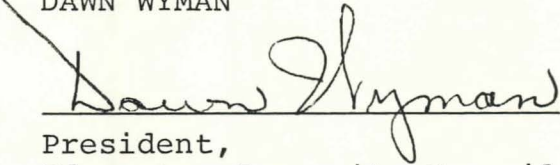
A F F I D A V I T

On oath, DAWN WYMAN, states as follows:

1. She is the President of the Plaintiff-Movant, The Edgewater Community Council, in the foregoing Motion to Intervene and Motion for Injunction.
2. The statements contained in said Motions are true and correct.

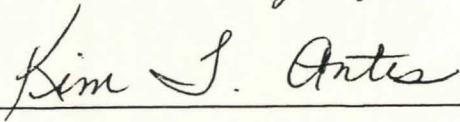
FURTHER AFFIANT SAYETH NAUGHT.

DAWN WYMAN



President,
Edgewater Community Council

Subscribed and sworn to before me
this 13th day of July, 1990



Notary Public

