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

DOROTHY GAUTREAUX, et al.	)	
	)	
Plaintiffs,	)	
	)	No. 66 C 1459
v.	)	
	)	Hon. Marvin E. Aspen
CHICAGO HOUSING AUTHORITY, et al.,	)	
	)	
Defendants.	)	

RESPONSE OF GAUTREAUX PLAINTIFFS
TO MOTION TO INTERVENE
OF FIVE CHA HOUSING CHOICE VOUCHER HOLDERS

The *Gautreaux* plaintiffs ("plaintiffs") respond to the motion to intervene as follows:

1. They do not object to the Court allowing the proposed intervenors to file objections and/or to speak at the fairness hearing scheduled for January 17, 2019, which is said to be the limited purpose of the proposed intervention. Should the Court in its discretion determine to allow such filing and speaking, the motion to intervene would be moot.

2. The motion is formally defective. The "interest" required by Rule 24(a)(2) (intervention by right) is said to stem from the Settlement Agreement's provision for "discussions" about the mobility aspect of CHA's Housing Choice Voucher Program, and plaintiffs' counsel's right to seek Court intervention in the event of an impasse in the discussions. But an agreement between plaintiffs and CHA to "discuss" mobility, even with the possibility of Court involvement, does not give rise to an "interest" under the Rule, which must be specific and represent a "significantly protectable interest" that is accorded some degree of legal protection. *Diamond v. Charles*, 476 U.S. 54, 68 (1986). The single case cited on this point by the proposed intervenors involves bank records in which the proposed intervenor "understandably has a privacy and proprietary interest." *Nissei Sangyo v. United States*, 31 F.3d 435, 439 (7th Cir. 1994). CHA can of course decide to modify its mobility program without first consulting representatives of some 46,000 voucher families. That such a decision stemmed from discussions with plaintiffs' counsel (or anyone else) would make no legal difference.

3. Nor, for a similar reason, is permissive intervention under Rule 24(b) appropriate. The Settlement Agreement's "discussions" do not give rise to the "claim" required by that Rule. Indeed, the Objection filed with the Court states no "claim" at all, other than the plainly insufficient one of opposing counsel's "discretion to make suggestions."

4. The nub of the proposed objection appears to be that the Court might "enter orders affecting HCV residents' rights without providing them notice . . . " Such an unlikely and speculative possibility plainly does not amount to an "interest" or a "claim" under Rule 24. Nor would the proposed intervenors, since they are not class-members, be bound in any event by a Court order entered in this case, and they are therefore free to separately seek redress in court for any CHA action that they believe is illegal.

5. An unstated implication of the motion is that plaintiffs' counsel is not qualified by interest or knowledge to engage in mobility discussions with CHA. The Court may take judicial notice that housing mobility was pioneered in the companion Gautreaux case against HUD, where the Gautreaux Assisted Housing Program ran for 22 years and assisted some 7,000 families.

Respectfully submitted,

/s/ Alexander Polikoff
One of the Attorneys for the Plaintiffs

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