1994 WL 159366
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United States District Court, N.D. Illinois, Eastern Division.

UNITED STATES of America, Plaintiff,
v.
BOARD OF EDUCATION OF THE CITY OF CHICAGO, Defendant.
Amari MITCHELL, By his mother and next friend Gail MITCHELL, Sheena Hodges, by her father and next friend Willie Hodges, Nikishia Hunter, by her mother and next friend Daucenia Hunter, Dede, Teteh and Kwame Atiogbe, by their father and next friend Gotlieb Atiogbe, Jaime and Edgardo Duran, by their mother and next friend Elena Duran, Ninette and Carrie Boonstra, by their mother and next friend Nina Boonstra, Jeremy Bartel, by his father and next friend John Bartel, on behalf of themselves and all others similarly situated, Plaintiffs,
v.
PUBLIC BUILDING COMMISSION OF CHICAGO, Chicago Board of Education, and the City of Chicago, Defendants.

Nos. 80 C 5124, 93 C 4328.
|
April 25, 1994.

MEMORANDUM OPINION

KOCORAS, District Judge:

***1** This matter is before the Court on a motion for reassignment based on relatedness and a motion to intervene. For the reasons that follow, both motions are denied.

BACKGROUND

In the motion for relatedness, the plaintiffs seek to have *Mitchell v. Public Building Commission,* No. 93 C 4328, the lawsuit they filed on July 29, 1993, transferred from Judge Leinenweber, to whom the case was randomly assigned, to Judge Kocoras, on the basis that their lawsuit is related to his case, *U.S. v. Board of Education of the City of Chicago,* No. 80 C 5124. The plaintiff's lawsuit is a class action brought on behalf of current and future students and applicants to the Chicago High School for Agricultural Sciences ("CHSAS"). It alleges that the Public Building Commission, the Board of Education, and the City of Chicago have violated the constitutional rights of the class members by delaying the expansion of the CHSAS facilities and by pursuing plans for expansion that would result in an enrollment cap of 600 students rather than 1200 students. At a hearing before this Court, the plaintiffs indicated that the crux of their lawsuit is that the actions of the Public Building Commission ("PBC") usurp the authority of the Board of Education. Similarly, they complain that actions taken by the City concerning zoning of the CHSAS site amount to an "end run" around the Consent Decree entered into between the Board of Education and the United States in the *Board of Education* case.

In the motion for intervention, several of the *Mitchell* plaintiffs seek to intervene in the *Board of Education* case. They claim that their allegations implicate the Consent Decree and should be litigated before this Court because we have jurisdiction over the enforcement of the Decree. We will first address the motion for reassignment and then we will turn to the motion to intervene.

DISCUSSION

I. The Motion for Reassignment
The Local Rules of the Northern District of Illinois provide that where related cases have been assigned to different judges, the related cases may be reassigned so that one judge has all of them. *See* Local Rule 2.31. Any party may bring a motion for reassignment based on relatedness. Local Rule 2.31(C). The moving party must show that at least one of the conditions in Rule 2.31(A), defining relatedness, is met and that all of the criteria in Rule 2.31(B) are met. *Id.* We will consider those conditions and criteria below.

The Local Rules define cases as related if one or more of the following conditions are met:

> (1) the cases involve the same property;
>
> (2) the cases involve the same issues of fact or law;
>
> (3) the cases grow out of the same transaction or occurrence;
>
> [or]
>
> (4) in class action suits, one or more of the classes involved in the cases is or are the same.

Local Rule 2.31(A). Condition (5) refers to criminal cases and is not relevant here. Additionally, all of the following criteria must be met:

> ***2** (1) both cases [must be] pending;
>
> (2) the handling of both cases by the same judge [must be] likely to result in a substantial saving of judicial time and effort;
>
> (3) the earlier case [must not have] progressed to the point where designating a later-filed case as related would be likely to delay the proceedings in the earlier case substantially; and
>
> (4) where a finding of relatedness is requested on the basis of common questions of law, such questions are complex or numerous; or where such finding is requested on the basis of common questions of fact, such questions are susceptible of resolution in a joint hearing.

Local Rule 2.31(B).

An analysis of the first two Rule 2.31(B) factors will show that the *Mitchell* case is not related to the *Board of Education* case. First of all, the *Board of Education* case is not pending in the sense contemplated by this Rule. It was settled by Consent Decree in 1980. Although this Court retains jurisdiction to enforce that Decree, the case is not considered "pending" for purposes of Rule 2.31(B) as all substantive issues were resolved by the Consent Decree. Thus, the 2.31(B)(1) factor is not met.

The reassignment of *Mitchell* to this Court would not result in a substantial saving of judicial time and effort, either, as *Mitchell* concerns different facts. The *Mitchell* case has been pending before Judge Leinenweber since its inception and he has acquired a familiarity with the facts that we do not have. This factor is related to the first factor. If two related cases were pending before two different judges and could be reassigned to one judge for joint disposition, concerns for judicial economy would be served by the elimination of unnecessary duplication of effort. But where, as here, there is only one case pending, the transfer of that case from one judge to another eight months after its inception does not serve judicial economy. Instead, it would require the receiving judge to duplicate the efforts of the transferring judge in learning the facts of the case. This would not be a wise investment of judicial resources. *See Mabry v. Village Management, Inc.*, 109 F.R.D. 76, 79 (N.D.Ill.1985) (denying motion to consolidate or reassign where one case had been concluded by a consent decree). As the *Mitchell* plaintiffs cannot establish two of the necessary factors for reassignment, we deny their motion.

II. The Motion to Intervene

The motion to intervene is brought by several minority students who are also plaintiffs in the *Mitchell* case. Their Petition for Supplemental Relief repeats much of the Amended Complaint from the *Mitchell* case. Our analysis above is useful to our disposition of the motion to intervene.

First, we note that the *Board of Education* case is in an inactive status. Thus, rather than intervening, the proposed plaintiff-intervenors would be initiating action in the *Board of Education* case. This situation is thus distinguishable from the proceedings this past autumn, where the School Board, a party in the *Board of Education* case, initiated renewed action in the case and various parties thereafter sought leave to intervene.

***3** The Consent Decree from the *Board of Education* case identified magnet schools as a permissible means for achieving desegregation in the schools. However, it did not compel the implementation of magnet schools, nor did it prescribe the size of any particular school. The Consent Decree focussed on means for achieving system-wide desegregation and providing remedial programs where desegregation was not achieved. The appropriate architectural design and maximum enrollment of a single school are discrete issues that do not have system-wide implications. Therefore, these issues do not necessarily implicate the Consent Decree and do not require adjudication before the Court that is charged with enforcement of the Consent Decree. The case pending before Judge Leinenweber is the vehicle by which to resolve all of the issues surrounding the proposed expansion of the CHSAS.

Finally, we note that if *Mitchell* plaintiffs were allowed to intervene here, we would be entertaining the same claims as those pending before Judge Leinenweber, which is duplicative and unnecessary. If the plaintiffs successfully intervened here and then dismissed the *Mitchell* case, they would achieve the reassignment they sought in their motion for reassignment, which we have denied.

CONCLUSION

For the reasons stated above, we deny the motion for reassignment based on relatedness and the motion to intervene. The issues raised in the *Mitchell* lawsuit can be ably resolved in proceedings before Judge Leinenweber.

All Citations

Not Reported in F.Supp., 1994 WL 159366