

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

**JOINT MOTION TO VACATE ORDER OF JULY 14, 2008**

The parties jointly move the court to vacate its Order of July 14, 2008.

## **SUGGESTIONS IN SUPPORT**

On July 14, 2008, this Court issued an order under seal (“the July 14 Order”). The July 14 Order had an attachment ( “the July 14 Attachment”). On October 10, 2008 HUD filed a notice of appeal of the July 14 Order to the United States Court of Appeals for the Eighth Circuit (“the Court of Appeals”). HUD’s appeal is styled *Doletha Tinsley, et al., v. Housing Authority of Kansas City, Missouri, et al.*, Civil Number 08-3394 (“the appeal”). Pursuant to a mediation conducted by Eighth Circuit Settlement Director John Martin, the parties reached a resolution of the controversy that gave rise to the appeal, and executed a Settlement Agreement, a copy of which is attached hereto as Exhibit A. The Settlement Agreement provides, among other things, that upon this Court’s allowance of the instant motion: (1) HUD will promptly dismiss the appeal; (2) HAKC will promptly provide HUD, through the Secretary of HUD, an accounting in the form of the July 14 Attachment, setting forth all of the information contained in the July 14 Attachment, plus all of the same categories of information as set forth in the July 14 Attachment for each year subsequent to the last year shown in the July 14 Attachment, and: (3) that HUD

will use and/or disseminate the information so provided only in a manner in compliance with the statutes and regulations governing HUD.

Thereafter, the parties filed in the Court of Appeals a Joint Motion for Limited Remand Pursuant To Settlement Agreement, which was allowed on March 6, 2009. A copy of the Court of Appeals Order is attached hereto as Exhibit B. As a result, this Court has jurisdiction to vacate the July 14 Order. Wherefore, in order to implement the Settlement Agreement, the parties respectfully request that the Court enter an order vacating the July 14 Order<sup>1</sup> in the form of the proposed order attached hereto as Exhibit C.

Respectfully Submitted,

DATED: \_\_\_\_\_, 2009

U.S. DEPARTMENT OF HOUSING  
& URBAN DEVELOPMENT  
By its Attorney,

*/s/ Charles M. Thomas*

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<sup>1</sup> The Parties acknowledge that the materials to be provided to the Secretary of HUD pursuant to the Settlement Agreement will not be under seal. The information to be provided to the Secretary will include all of the information contained in the attachment to the July 14 Order, and will be used and/or disseminated by HUD only in a manner in compliance with the statutes and regulations governing HUD. Accordingly, the parties do not deem it necessary to ask the Court, and hereby do not ask the Court to unseal the July 14 Order or its attachment.

TAG ASSOCIATES OF KANSAS CITY, INC.  
SPECIAL MASTER  
By its Attorneys,

*/s/ Richard M. Bluestein*

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