

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

CLERK
U.S. DISTRICT COURT
NORTHERN DISTRICT
TOLEDO, OHIO

FILED
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Josie Jaimes, et al.,

Plaintiffs,

Case No. C 74-68

vs.

Lucas Metropolitan Housing
Authority, et al.,

JUDGMENT ORDER

Defendants.

YOUNG, J:

Pursuant to this Court's findings of fact and conclusions of law contained in its Opinion of May 12, 1983, the Court finds that the defendants have taken actions which have had the purpose and effect of denying the plaintiffs and the members of their class equal housing opportunities on account of their race in violation of 42 U.S.C. §1401 et seq., 1981, 1982, 1983, 2000d, and 3601 et seq., and the Fifth, Thirteenth, and Fourteenth Amendments to, and the Commerce Clause of, the United States Constitution.

In accordance with the Local Civil Rules and this Court's Opinion, plaintiffs, the prevailing parties in this cause, submitted to the Clerk and served upon counsel of record a draft of the order of judgment embodying the Court's decision. Only the Federal defendants have responded to the plaintiffs' proposed order. While federal defendants' response is

88

untimely, the Court nevertheless has considered their objections.

Defendants' objection to the omission of the word "poverty" in Section VI(a) of the proposed order is well taken. This word therefore is included in said section. Defendants' objection that the specific amount of compensatory and punitive damages should be reflected in Sections XI and XII similarly is well taken. The proposed order has been amended accordingly. Defendants object to the references in the proposed order to the payment of interest on the judgment. Although this Court's Opinion does not specifically include the word "interest," that fact is the result of a clerical error. This objection therefore is not well taken. Defendants also object to the proposed order's reference to the award of "costs" to the separate plaintiffs. Omission of this word in the Court's Opinion also is the result of a clerical error. Consequently, this objection is not well taken.

THEREFORE, for good cause appearing, it is

I.

ORDERED that this Court has jurisdiction of this action pursuant to 28 U.S.C. §§1331, 1337, 1343, and 1361; 42 U.S.C. §§3612 and 3617. It is further

II.

ORDERED that this action be and hereby is certified to proceed as a class action pursuant to Rule

23(a), (b)(1)(A)(B) and (b)(2) of the Federal Rules of Civil Procedure with the class consisting of all low income minority persons residing in the Toledo metropolitan area who, by reason of their race and poverty, are unable to secure decent, safe, and sanitary housing in the Toledo metropolitan area, at rents or prices they can afford, without assistance from the Toledo [now Lucas] Metropolitan Housing Authority, and who would like to have the opportunity to live in public housing in suburban communities outside the City of Toledo. It is further

III.

ORDERED that pursuant to Rule 25 of the Federal Rules of Civil Procedure, the following substitutions of parties be made and that the following entities and individuals and their successors in office shall be subject to the terms of this judgment:

1. Lucas Metropolitan Housing Authority (LMHA) for the Toledo Metropolitan Housing Authority (TMHA);
2. John Landry for Carl Barrett, in his official capacity as the Director of the Lucas Metropolitan Housing Authority;
3. Maurine Layson, Carleton Siegel, Wayman Palmer and Donoho S. Hall for Ray J. Flory, Robert Dorrell, John Chadwell, Frank B. Daig, Jr., in their official capacities as members of the Board of Commissioners of the Lucas Metropolitan Housing Authority;

4. Samuel R. Pierce for Carla Hills in her official capacity as the Secretary of the U.S. Department of Housing and Urban Development;

5. Alfred C. Moran for Don Morrow in his official capacity as the Regional Administrator, Region V of the U.S. Department of Housing and Urban Development; and

6. Judith Y. Brachman for Paul Lydens, in his official capacity as the Director of the Columbus, Ohio Area Office of the U.S. Department of Housing and Urban Development.

7. Dorothy Dennis, in her official capacity as a member of LMHA's Board of Commissioners, and the U.S. Department of Housing and Urban Development (HUD) remain defendants in this action. It is further

IV.

ORDERED that defendants' motions for judgment in their favor, made at the end of the plaintiffs' case and renewed at the conclusion of all the evidence, are OVERRULED. It is further

V.

ORDERED that defendants' objections to plaintiffs' Exhibit 197 are overruled and that Exhibit 197 shall be received into evidence. It is further

VI.

ORDERED that the defendants, their officers, agents, employees, and any and all other persons acting in concert or

participation with any of them, be and they are hereby enjoined from:

a. Engaging, or continuing to engage, in any acts or practices which have the purpose or effect of denying equal housing opportunities because of poverty, race, color, religion, national origin, or sex.

b. Expending any monies, selling any bonds, entering into any contracts, or taking any other steps to construct or lease subsidized low income housing in any areas which are, or soon may be, racially impacted.

c. From failing or refusing to take any and all steps necessary, appropriate, or desirable to secure cooperation agreements from each and every municipal corporation in Lucas County which does not presently have such an agreement.

d. From failing or refusing to take all possible actions to ensure that subsidized low income family housing units are constructed in each and all of the municipal corporations in Lucas County outside of the City of Toledo. It is further

VII.

ORDERED that defendants shall prepare and submit to this Court within sixty (60) days after the entry of this judgment a comprehensive plan for the dispersal of subsidized low income housing throughout the territorial jurisdiction of the Lucas Metropolitan Housing Authority. It is further

VIII.

ORDERED that defendants shall prepare and submit to this Court within sixty (60) days after the entry of this judgment a comprehensive plan of affirmative action to correct the effect of past discriminatory actions and practices. It is further

IX.

ORDERED that defendants shall prepare and submit to this Court within sixty (60) days after the entry of this judgment a special plan of affirmative action to reduce the racial segregation within LMHA projects, which shall include, insofar as possible, but not be limited to, the abandonment of the three refusal rule for new applicants, a transfer policy which encourages transfers to create better racial balance, the affirmative marketing of units to applicants where acceptance of the units would create better racial balance, and the earlier housing of applicants of LMHA's waiting list if they are willing to reside in a project which would have a better racial balance if they resided in it. It is further

X.

ORDERED that following the submission of the affirmative action plans referred to in sections VII, VIII, and IX above, plaintiffs shall have thirty (30) days in which to respond to said plans and if any objections are made by plaintiffs, then the Court shall conduct a hearing to approve acceptable plans. It is further

XI.

ORDERED that plaintiffs Josie Jaimes and Thomas Gonzales each recover of the defendants the sum of \$7,200.00 in compensatory damages and \$14,400.00 in punitive damages with interest thereon at the rate provided by law, and their costs of this action. It is further

XII.

ORDERED that plaintiff Patricia Tarrie recover of the defendants the sum of \$6,000.00 in compensatory damages and \$12,000.00 in punitive damages with interest thereon at the rate provided by law, and her costs of this action. It is further

XIII.

ORDERED that the plaintiffs are entitled to recover a reasonable sum for their attorney fees and expenses in the prosecution of this action. If the parties are unable to agree upon the amount, upon application, the matter will be set for hearing to enable the Court to fix the amount. It is further

XIV.

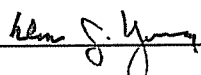
ORDERED that defendants' liability for all sums above mentioned shall be joint and several. And it is further

XV.

ORDERED that this Court shall retain jurisdiction

over this matter for the entry of such further orders as may be appropriate to effectuate the provisions of this judgment.

IT IS SO ORDERED.



Don J. Young
Sr. United States District Judge

June 8, 1983

Toledo, Ohio.