

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

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HENRY HORNER MOTHERS GUILD, )  
**MAURINE WOODSON**, BRENDA SANDERS, -- )  
OSCAR and RUBIE PLEDGER, FANNIE )  
PIPES, SHIRLEY **COPELAND**, CAROL )  
HENDERSON, DORETHA CONNER, )  
LORETTA HOLMES, and VAUGHAN MILTON, )  
Individually and On Behalf of All )  
Other Persons Similarly Situated, )  
Plaintiffs, )

v.

THE CHICAGO HOUSING AUTHORITY )  
(**CHA**), an Illinois Municipal )  
Corporation: VINCENT LANE, In His )  
Official Capacity as Chairman, )  
Board of Commissioners and )  
Managing Director of CHA; THE )  
UNITED STATES DEPARTMENT OF )  
HOUSING AND URBAN DEVELOPMENT )  
(HUD); and JACK F. KEMP, In His )  
Official Capacity as Secretary )  
of HUD, )  
Defendants. )

No. 91 C 3316  
Judge James B. Zagel

MOTION TO DISMISS OF THE CHICAGO HOUSING  
AUTHORITY AND VINCENT LANE

Defendants Chicago Housing Authority and Vincent Lane (collectively "**CHA**"), by their attorneys, hereby move pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for an order dismissing each of the claims made against them in plaintiffs' complaint. In support of the motion, CHA states:

1. Count I of the complaint fails to state a claim upon which relief can be granted because **§ 1437p** of the United States Housing Act (42 U.S.C. **§ 1437 et seq.**) does not govern the type of **de facto** demolition alleged by plaintiffs in this case.

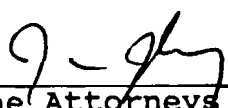
2. Plaintiffs **lack** standing to bring the claim asserted against CHA in Count IV of the complaint because tenants **of**, and applicants for, public housing are not third party beneficiaries of the Annual Contributions Contract.

3. The state law contract claim asserted against CBA in Count V of the complaint should be dismissed because plaintiffs' federal claims should be dismissed or, alternatively, the state law claims should be severed from this action. In addition, the contract claims of plaintiff Henry Horner Mothers Guild, plaintiff Holmes and plaintiff Milton must be dismissed because those plaintiffs are not parties to a lease agreement with CHA.

4. The grounds for this Motion to Dismiss are more fully set forth in the Memorandum In Support of Motion To Dismiss of the Chicago Housing Authority and Vincent Lane, which is filed contemporaneously **herewith**.

WHEREFORE, **Defendants** Chicago Housing Authority and Vincent Lane request **an order** dismissing each of the claims made against them in plaintiffs' complaint.

By: \_\_\_\_\_

  
One of **the Attorneys** for  
Defendants Chicago-housing  
Authority and Vincent Lane

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