

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

CHICAGO ACORN, et. al)	
)	
Plaintiffs,)	
)	
vs.)	No. 05 C 3049
)	The Honorable Judge
)	Blanche Manning
)	
THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ("HUD"), et. al)	
)	
Defendants.)	

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

The named Plaintiffs, by their counsel and pursuant to Fed. R. Civ. P. 23(a) and (b)(2) move for an order certifying a plaintiff class. In support of this motion, Plaintiffs state that the general class on behalf of which this action is sought to be maintained may be described as follows:

All persons who are or have been residents at the Lawndale Restoration property, as that 1240-unit property is defined and specified by the following: HUD Real Estate Management System Identification #800006035; FHA Project Number 071-35622; or Section 8 Contract Number IL06E000105.

In support of this motion, Plaintiffs attach their Memorandum of Law, and allege as follows:

1. The class that Plaintiffs seek to represent is sufficiently definite.
2. The movant meets all four requirements of Fed. R. Civ. P. 23(a), as well as the requirements of 23(b)(2).

3. The class that Plaintiffs seek to represent is so numerous that joinder of all members is impractical. Upon information and belief, approximately 1,240 families consisting of more than 3,691 individuals are or were tenants at the Lawndale Restoration with actionable claims. The vast majority of tenants are unable to bring individual claims because of indigence and the complex statistical proof necessary to successfully pursue their adverse disparate impact claims.

4. There are questions of law and fact common to the class as a whole, which are fully explained in Plaintiffs' Memorandum of Law, but which concern: whether HUD's national policy of terminating project-based Section 8 assistance on foreclosure and its decision to terminate assistance at Lawndale violate the Multifamily Housing Property Disposition Reform Act, 12 U.S.C. § 1701z-11 (2005); the Fair Housing Act, 42 U.S.C. §§ 3604(a)-(b) (2005), 3608(e)(5) (2005), Executive Orders 11063 and 12892, and the Administrative Procedure Act, 5 U.S.C. § 706 (2005).

5. The individual claims of Plaintiffs are typical of the claims of the class as a whole because their claims arise from a course of conduct common to all members of the class.

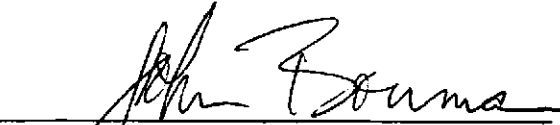
6. Proposed class representatives and counsel will adequately and fairly protect the interests of the class because their interests are not antagonistic to the interests of other members, they have a sufficient personal stake in the outcome of the case, and they have retained qualified counsel.

7. Finally, the Defendants have acted and refused to act on grounds generally applicable to the Plaintiff class, thus making appropriate final injunctive and declaratory relief with respect to the class as a whole.

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Enter the agreed briefing schedule as follows; and
- B. Certify a plaintiff class as defined above.

Dated: June 30, 2005



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