

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

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CHICAGO ACORN,)
WYVONIA PICKETT, CALLIE DAVIS,)
FLORIDA WASHINGTON, and)
JOAN BANKS,)
On Behalf of Themselves and All Others)
Similarly Situated,)

Plaintiffs-Appellants,)

v.)

THE UNITED STATES DEPARTMENT)
OF HOUSING AND URBAN)
DEVELOPMENT (“HUD”), and)
ALPHONSO JACKSON, In His)
Official Capacity as Secretary of HUD,)

Defendants-Appellees.)

No. 05 C 3049

The Honorable Judge Blanche Manning

NOTICE OF FILING

To: Clare Harrigan
Office of the General Counsel
United States Department of
Housing and Urban
Development
451 7th Street, SW
Washington, DC 20410

LaShonda A. Hunt
Assistant United States Attorney
219 South Deaborn, 5th Floor
Chicago, IL 60604

Please take notice that on October 28, 2005, Plaintiffs filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, their **Notice of Appeal and Appellants’ Docketing Statement**, copies of which are attached hereto.

DATED: October 31, 2005

BY: Plaintiffs Chicago Acorn, Wyvonia
Pickett, Callie Davis, Florida
Washington, and Joan Banks



One of their Attorneys

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Attorneys for Plaintiffs/Appellants

CERTIFICATE OF SERVICE


The undersigned attorney certifies that he served a true and correct copy of the above referenced Plaintiff-Appellants' **NOTICE OF APPEAL** and **APPELLANTS' DOCKETING STATEMENT** on each counsel of record on October 31, 2005, served in the manner specified below:

VIA FIRST CLASS MAIL:

Clare Harrigan
Office of the General Counsel
United States Department of
Housing and Urban
Development
451 7th Street, SW
Washington, DC 20410

BY HAND DELIVERY:

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Assistant United States Attorney
219 South Deaborn, 5th Floor
Chicago, IL 60604



A handwritten signature in black ink, appearing to read 'L. Hunt', is written over a horizontal line.

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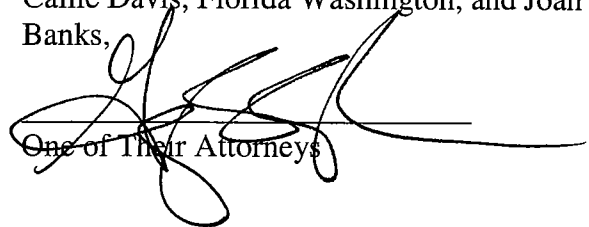
The Honorable Judge Blanche Manning

NOTICE OF APPEAL

NOTICE is hereby given that Plaintiffs, Chicago Acorn, Wyvonia Pickett, Callie Davis, Florida Washington, and Joan Banks hereby appeal to the United States Court of Appeals for the Seventh Circuit from the Judgment and the Memorandum and Order entered in the above-captioned action on October 5, 2005.

DATED: October 31, 2005

BY: Plaintiffs Chicago Acorn, Wyvonia Pickett,
Callie Davis, Florida Washington, and Joan
Banks,



One of Their Attorneys

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Attorneys for Plaintiffs/Appellants

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

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CLERK U.S. DISTRICT COURT

No. _____

CHICAGO ACORN,)
WYVONIA PICKETT, CALLIE DAVIS,)
FLORIDA WASHINGTON, and)
JOAN BANKS,)
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THE UNITED STATES DEPARTMENT)
OF HOUSING AND URBAN)
DEVELOPMENT ("HUD"), and)
ALPHONSO JACKSON, In His)
Official Capacity as Secretary of HUD,)
)
Defendants-Appellees.)

Appeal from the United States District
Court for the Northern District of Illinois,
Eastern Division

No. 05 C 3049

The Honorable Judge Blanche Manning

APPELLANTS' DOCKETING STATEMENT

Plaintiffs-Appellants Chicago Acorn, Wyvonia Pickett, Callie Davis, Florida Washington, and Joan Banks (collectively "Appellants") in the above-captioned appeal, and pursuant to Circuit Rule 3(c)(1) respectfully submit the following Docketing Statement with their Notice of Appeal.

Background

This is an appeal of a final order entered by the United States District Court for the Northern District of Illinois, Eastern Division, on October 5, 2005. Appellants filed this

Docketing Statement contemporaneously with their Notice of Appeal, pursuant to Circuit Rule 3(c)(1).

Appellants filed suit against the United States Department of Housing and Urban Development and Alphonso Jackson, in his official capacity as Secretary of HUD, (“Appellees”) on May 23, 2005. Appellants alleged that Appellees had violated and/or planned to violate several provisions of the federal housing statutes in its plan to foreclose on and dispose of Lawndale Restoration—a 1,240 unit, multi-family, project-based subsidized housing property spanning approximately 25 blocks on Chicago’s west side. Appellees moved to dismiss all claims, arguing that 12 U.S.C. § 1715z-11a(a) grants Appellees discretion to disregard all other federal statutes and applicable law in forming a plan of foreclosure and disposition. The District Court accepted Appellee’s argument in its October 5, 2005 Memorandum and Order, and entered judgment in favor of Appellees that same day.

Jurisdiction of the District Court

The district court had subject matter jurisdiction over the lawsuit filed by Appellants pursuant to 28 U.S.C. § 1331 (2005) (federal question jurisdiction); 42 U.S.C. § 3613 (2005) (fair housing); 5 U.S.C. § 704 (authorizing judicial review of final agency actions); and 28 U.S.C. § 2201 (2005) (authorizing suits for declaratory relief).

The federal statutes involved in this matter are:

- Multi-Family Housing Property Disposition Reform Act, 12 U.S.C. § 1701z-11;
- 12 U.S.C. § 1715z-11a;
- National Housing Act, 12 U.S.C. § 1701t;
- Fair Housing Act, 42 U.S.C. §§ 3604, 3608, 3613;
- Administrative Procedure Act, 5 U.S.C. §§ 701, 704, 706.

Jurisdiction of the Court of Appeals

Jurisdiction in the United States Court of Appeals for the Seventh Circuit is provided by 28 U.S.C. § 1291, which provides jurisdiction over appeals from all final decisions of the district courts. The Memorandum and Order, and accompanying Judgment in a Civil Case, were entered on October 5, 2005. The Notice of Appeal was filed concurrently with this Docketing Statement, on October 31, 2005.

Prior or Related Appellate Proceedings

There have been no prior or related appellate proceedings in this case.

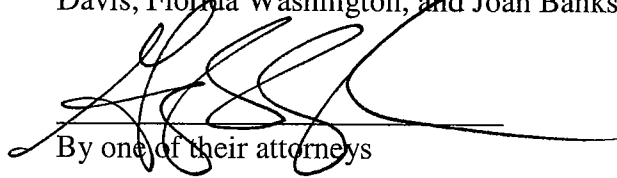
Parties Appearing in Official Capacity

Appellee Alphonso Jackson was sued and has appeared in this litigation in his official capacity as the Secretary of the United States Department of Housing and Urban Development. Alphonso Jackson is the current occupant of the office.

DATED: October 31, 2005

Respectfully submitted,

Plaintiffs Chicago Acorn, Wyvonia Pickett, Callie Davis, Florida Washington, and Joan Banks,



By one of their attorneys

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