



There are three related cases pending before the Court (05-1743, 05-6746 and 07-7214). Case number 05-1743 is a civil rights case that was previously dismissed by the Court. The Seventh Circuit reversed and remanded the case, with the instruction that the eminent domain case (05-6746) should proceed first because that case may resolve the issues of the civil rights case (05-1743). Since the case was remanded, case number 05-1743 has been informally stayed—Joliet has not been required to respond to the Complaint—but no formal stay order has been entered.

Case number 07-7214, another civil rights case brought by certain tenants, was recently filed on December 21, 2007. Joliet's response is due on January 16, 2008. Joliet seeks an order staying both civil rights cases consistent with the Seventh Circuit's instruction to avoid potentially unnecessary legal expense (assuming that the eminent domain case resolves all issues).

In support of their motion, Defendants state as follows:

1. Plaintiffs filed their complaint in case number 07-7214 on December 21, 2007. On January 10, 2008, the Court granted Defendants' motion for reassignment of case number 07-7214 for relatedness to case number 05-1743 pursuant to Local Rule 40.4. Previously, on December 12, 2005, case number 05-6746 had been reassigned to this Court based on relatedness to case number 05-1743.
2. Case numbers 05-1743, 05-6476 and 07-7214 all involve the same property, commonly known as Evergreen Terrace. Case numbers 05-1743 and 07-

7214 stem from Joliet's attempt to acquire the property through eminent domain. Case number 05-6746 is Joliet's eminent domain action relating to Evergreen Terrace.

3. In its opinion issued in case number 05-1743 on July 5, 2007, the Seventh Circuit instructed that "[t]he district court's first order of business on remand should be to resolve the condemnation action." (Slip Op. at 5). The Court reasoned, "[i]f Joliet prevails, that would knock out many of the theories on which New West relies in this suit and may put limits on the recovery available for the rest . . ." (*Id.*) The Seventh Circuit's reasoning applies equally to case number 07-7214, which, like case number 05-1743, purports to state claims under the Fair Housing Act and Section 1983.

4. Since the remand of case number 05-1743, the Court and the parties have adhered to the Seventh Circuit's instruction, focusing on the eminent domain action. Specifically, in case number 05-6746 the parties have filed and briefed partial cross-motions for summary judgment, and are currently working out a discovery schedule.

5. Joliet's response to the complaint in case number 07-7214 is due on January 16, 2008. Joliet has not responded to New West's complaint in case number 05-1743. Joliet seeks to stay both civil rights cases in the interest of judicial economy and to avoid potentially unnecessary litigation expense.<sup>1</sup>

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<sup>1</sup> In the event the Court denies this motion, Joliet requests an additional fourteen days, until January 30, 2008, to file its answer or other responsive pleading to the complaints in case numbers 07-7214 and 05-1743.

WHEREFORE, Defendants respectfully request that this Court enter an order staying case numbers 05-1743 and 07-7214 pending resolution of the eminent domain action, case number 05-6746.

Respectfully Submitted,

City of Joliet, Arthur Schultz,  
John Mezera and Jim Shapard

By: /s/ Carl A. Gigante  
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**CERTIFICATE OF SERVICE**

The undersigned attorney states that he caused a copy of the attached

**Motion to Stay Case Numbers 07-7214 and 05-1743**

To be served upon counsel listed below via the United States District Court's ECF Filing Notification System on January 16, 2008.

/s/ Carl A. Gigante

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