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United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 2.5 (Chicago)
CIVIL DOCKET FOR CASE #: 1:79-cv-01662

David, et al v. DeVito, et al
Assigned to: Hon. Marvin E. Aspen
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 04/25/1996
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

B David

represented by **Patrick Thomas Murphy**
Office of the Cook County Public
Guardian
69 West Washington
Suite 1800
Chicago, IL 60602
(312) 603-0800
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

S James

represented by **Patrick Thomas Murphy**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

B Christine

represented by **Patrick Thomas Murphy**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

M Germaine
next of friend
Patrick T Murphy

represented by **Patrick Thomas Murphy**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Irene Nelson

Plaintiff

Peggy Rodgers

Plaintiff

Carol Zientek

*Probation Officers and Advocates of the
Juvenile Court of Cook County*

V.

Defendant

Robert DeVito

*Dr., Director of the Illinois Department
of Mental Health and Developmental
Disabilities*

Defendant

Richard S Laymon

*Guardianship Administrator of the
Illinois Department of Children and
Family Services*

Defendant

Joseph Cronin

*Superintendent, Illinois Office of
Education*

Defendant

**Department of Health and Human
Services**

represented by **AUSA**
United States Attorney's Office, NDIL
219 South Dearborn Street
Suite 500
Chicago, IL 60604
(312) 353-5300
Email:
USAILN.ECFAUSA@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

Jess McDonald

*Director of the Illinois Department of
Children and Family Services*

represented by **Barbara Lynn Greenspan**
Attorney General's Office
100 West Randolph Street
Suite 4-600
Chicago, IL 60601
(312)814-7087
Email: bgreenspan@idcfs.state.il.us
ATTORNEY TO BE NOTICED

Service List

represented by **Cynthia J. Wood**
Illinois Attorney General's Office
100 West Randolph Street
12th Floor
Chicago, IL 60601
(312) 814-3000

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Alan E. Grischke
Attorney
160 North LaSalle Street
Suite 1500
Chicago, IL 60601
(312) 793-2752

Christina M. Tchen
Skadden Arps Slate Meagher & Flom,
LLP
333 West Wacker Drive
Suite 2100
Chicago, IL 60606
(312) 407-0700
Fax: (312) 407-0411
Email: ttchen@skadden.com
TERMINATED: 12/03/1996
ATTORNEY TO BE NOTICED

Christine A. Bremer
Attorney
160 North LaSalle Street
Suite 1500
Chicago, IL 60601
(312) 793-2752

Ivan Pavkovic
Attorney
160 North LaSalle Street
Suite 1500
Chicago, IL 60601
(312) 793-2752

John Michael Collins, Jr.
Miller, Tracy, Braun & Wilson, Ltd.
150 North Michigan Avenue
Suite 3115
Chicago, IL 60601
(312) 553-4401
TERMINATED: 09/17/1996
ATTORNEY TO BE NOTICED

Karen R. Goodman
Hinshaw & Culbertson
222 North LaSalle Street
Suite 300
Chicago, IL 60601-1081

(312) 704-3000

ATTORNEY TO BE NOTICED

Kathleen Kreisel Flahaven

Illinois Attorney General's Office

100 West Randolph Street

12th Floor

Chicago, IL 60601

(312) 814-3654

Email: kflahaven@atg.state.il.us

ATTORNEY TO BE NOTICED

Matthew Scott Clark

Knight, Hoppe, Fanning & Knight, Ltd.

2860 River Road

Suite 400

Des Plaines, IL 60018-6009

(708) 298-8000

Email: Mclark@khkklaw.com

ATTORNEY TO BE NOTICED

Maureen D. Mudron

Illinois Department of Mental Health &

Dvlpmnt Disabilities

160 North LaSalle Street

1500

Chicago, IL 60601

(312) 793-2752

Patrick Thomas Murphy

(See above for address)

ATTORNEY TO BE NOTICED

Roger Philip Flahaven

Illinois Attorney General's Office

100 West Randolph Street

12th Floor

Chicago, IL 60601

(312) 814-3000

Email: rflahaven@atg.state.il.us

ATTORNEY TO BE NOTICED

Ron Fritsch

Cook County Public Guardian's Office

2245 West Ogden

Chicago, IL 60612

(312) 433-4344

ATTORNEY TO BE NOTICED

Thomas J. Grippando

Cook County Public Guardian's Office
 2245 West Ogden
 Chicago, IL 60612
 (312) 433-4344
ATTORNEY TO BE NOTICED

Wenona Y. Whitfield
 Attorney
 160 North LaSalle Street
 Suite 1500
 Chicago, IL 60601
 (312) 793-2752

| Date Filed | # | Docket Text |
|-------------------|----------|---|
| 08/29/1996 | | MINUTE ORDER of 8/29/96 by Hon. Marvin E. Aspen : Status hearing reset to 10:00 9/24/96. Mailed notice (rmm) Modified on 09/03/1996 (Entered: 09/03/1996) |
| 09/17/1996 | | LETTER from John M. Collins, Jr. to Judge Aspen dated 9/10/96 (rmm) (Entered: 09/19/1996) |
| 09/17/1996 | | MINUTE ORDER of 9/17/96 by Hon. Marvin E. Aspen : John M. Collins, Jr., is hereby withdrawn as counsel in the above cause of action. Cynthia J. Wood, Assistant Attorney General, 100 W. Randolph, 13th floor, Chicago, Il. 60601, is substituted as counsel for defendants. withdrawing attorney attorney John Michael Collins Jr. for Svc List No Notice (rmm) (Entered: 09/19/1996) |
| 09/23/1996 | | SCHEDULE set on 9/23/96 by Hon. Marvin E. Aspen : Status hearing reset to 10:00 10/4/96. Telephoned notice (gl) (Entered: 09/23/1996) |
| 09/27/1996 | | MEMORANDUM, OPINION, AND ORDER (rmm) Modified on 09/15/1997 (Entered: 09/30/1996) |
| 09/27/1996 | 1 | MINUTE ORDER of 9/27/96 by Hon. Marvin E. Aspen : Enter memorandum opinion and order: Defendant's motion to vacate or modify the consent decree is denied. The status hearing set for 10/4/96 is stricken. terminating case Mailed notice (rmm) (Entered: 09/30/1996) |
| 10/12/1996 | | REFERRAL ORDER of 10/17/96: Referring to Hon. Joan H. Lefkow from Hon. marvin E. Aspen pursuant to local general rule 2.41(b) to conduct hearings and enter appropriate orders on the following pretrial motion/matter: Perform such additional duties are not not inconsistent with the constitution and laws of the United States, as specicifially set forth: Plaintiffs' motion for attorney fees pursuant to Rule 54(d) of the federal rules of civil procedure [0-1]. Mailed notice (rmm) (Entered: 10/23/1996) |
| 10/18/1996 | | MOTION by plaintiffs for attorney fees pursuant to Rule 54(d) of the federal rules of civil procedure ; Notice of motion; Notice of filing (rmm) (Entered: 10/23/1996) |

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| 10/18/1996 | | MINUTE ORDER of 10/18/96 by Hon. Marvin E. Aspen : Plaintiffs' motion for attorneys pursuant to Rule 54(d) of the federal rules of civil procedure and an order (1) deferring a ruling on the motion pending CFS's appeal to the Seventh Circuit and (12) holding in abeyance the process for exchange of information and elimination of undisputed issues under local fee rules referred to a magistrate judge of this court. Mailed notice (rmm) (Entered: 10/23/1996) |
| 10/28/1996 | | NOTICE OF APPEAL by defendant Jess McDonald from Scheduling order The status hearing set for 10/4/96 is stricken. [1-1], from Scheduling order terminating case [1-2], from motion minute order [1-3], from order [0-1] (\$105.00 Paid) (fce) (Entered: 10/29/1996) |
| 10/28/1996 | | LETTER regarding docketing statement acknowledged by defendant Jess McDonald . (fce) (Entered: 10/29/1996) |
| 10/29/1996 | | TRANSMITTED to the 7th Circuit the short record on appeal . Mailed notice to all counsel. (fce) (Entered: 10/29/1996) |
| 11/01/1996 | | ACKNOWLEDGEMENT of receipt of short record on appeal USCA 96-3729 (Attachments) (rmm) (Entered: 11/04/1996) |
| 11/18/1996 | | MINUTE ORDER of 11/18/96 by Hon. Joan H. Lefkow : Hearing and ruling on plaintiffs' motion for attorney fees pursuant to Rule 54(d) of the federal rules of civil procedure [0-1] is set for 12/2/96 at 10:00 a.m. Mailed notice (rmm) (Entered: 11/20/1996) |
| 12/02/1996 | | MOTION by defendant Jess McDonald for substitution of counsel Barbara L. Greenspan, Danielle J. Steimel and Nancy K. Hall-Walker for Christina M. Tchen, Nancy S. Eisenhower, and Cyrus Amir-Mokri ; Notice of motion (rmm) (Entered: 12/03/1996) |
| 12/02/1996 | | MINUTE ORDER of 12/2/96 by Hon. Joan H. Lefkow : Status hearing held. Stay further actions under General Rule 46 and 47 pending disposition of appeal. No notice (rmm) Modified on 12/03/1996 (Entered: 12/03/1996) |
| 12/03/1996 | | MINUTE ORDER of 12/3/96 by Hon. Marvin E. Aspen : Granting defendant Jess McDonald's motion for substitution of counsel [0-1]. The appearances of Ms. Tchen, Nancy S. Eisenhower, and Cyrus Amir-Mokri of Skadden, Arps, slate, Meagher & Flom are hereby withdrawn as counsel for defendant Jess McDonald. Barbara I. Greenspan, Danielle J. Steimel, and Nancy K. Hall-Walker, Assistant Attorney Generals, are granted leave to file their appearance on behalf of defendant. Mailed notice (rmm) (Entered: 12/03/1996) |
| 01/09/1997 | | TRANSMITTED to the 7th Circuit the long record on appeal no. 96-3729 consisting of letter, certificate and one volume of pleadings. Mailed notice to all counsel. (fce) (Entered: 01/09/1997) |
| 01/27/1997 | | LETTER from defendant Jess McDonald to appeal's section dated 1/27/97 (rmm) (Entered: 01/28/1997) |
| 01/27/1997 | | LETTER from defendant Jess McDonald to appeal's section dated |

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| | | 1/27/97 (Attachments) (rmm) (Entered: 01/28/1997) |
| 01/28/1997 | | TRANSMITTED to the 7th Circuit supplement to appeal no. 96-3729 consisting of one volume of pleadings and supplemental certificate. Mailed notice to all counsel. (fce) (Entered: 01/28/1997) |
| 08/06/1997 | | CERTIFIED COPY of order from the 7th Circuit: appeal denied [0-1] . (96-3729) (mak) (Entered: 08/08/1997) |
| 08/13/1997 | | LETTER from the 7th Circuit returning the record on appeal no. 96-3729 consisting of (mak) (Entered: 08/18/1997) |
| 08/13/1997 | | OPINION from the 7th Circuit: Argued 05/13/97; Decided 06/16/97. (96-3729) (mak) (Entered: 08/18/1997) |
| 08/13/1997 | | CERTIFIED COPY of order from the 7th Circuit: Reversing and remanding the Decision of the District Court [Appeal [0-1] . (96-3729) (mak) (Entered: 08/18/1997) |
| 08/13/1997 | | CERTIFIED copy of Order from the 7th Circuit. (96-3729) (mak) (Entered: 08/18/1997) |
| 08/20/1997 | | MINUTE ORDER of 8/20/97 by Hon. Marvin E. Aspen : Status hearing set to 10:00 a.m. 11/7/97. The parties shall brief the two issues presented in the Seventh Circuit's Opinion: 1) whether a case or controversy existed when the Decree was entered; 2) whether a substantial federal claim supports the Decree as a whole. Plaintiff's brief on these issues shall be submitted no later than 09/12/97. Defendants to respond on or before 09/26/97. Plaintiff shall reply by 10/03/97. Mailed notice (mak) (Entered: 08/21/1997) |
| 09/05/1997 | | MOTION by plaintiffs for leave to address additional issue raised in Seventh Circuit's opinion and for leave to file memorandum of law in excess of 15 pages ; Notice of motion; Notice of filing (mak) (Entered: 09/10/1997) |
| 09/09/1997 | | MINUTE ORDER of 9/9/97 by Hon. Marvin E. Aspen : Plaintiffs' motion for leave to address additional issue raised in Seventh Circuit's opinion [0-1] and motion leave to file memorandum of law in excess of 15 pages granted [0-2]. No notice (mak) (Entered: 09/10/1997) |
| 09/09/1997 | 1 | ATTORNEY APPEARANCE by Kathleen Kreisel Falhaven for Howard A. Peters III, Secretary fo the Illinois department of Human Services and Joseph A. Spagnolo, Superintendent of State Board of Education. (mak) (Entered: 09/10/1997) |
| 09/12/1997 | 2 | MEMORANDUM responding to the court's August 20, 1997 order by plaintiffs (fce) (Entered: 09/17/1997) |
| 09/26/1997 | 3 | MEMORANDUM of law by defendants Howard A Peters and Joseph Spagnolo pursuant to the court's order of 8/20/97; Notice of filing (yap) (Entered: 09/30/1997) |
| 09/26/1997 | 4 | MEMORANDUM of law by defendant Jess McDonald pursuant to the |

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| | | court's order of 8/20/97; Notice of filing (yap) (Entered: 09/30/1997) |
| 09/29/1997 | 5 | MINUTE ORDER of 9/29/97 by Hon. Joan H. Lefkow : Plaintiffs' motion for attorney fees pursuant to Rule 54(d) of the federal rules of civil procedure denied [0-1]. In light of the Seventh Circuit Opinion vacating judgment and remanding this case for further consideration plaintiffs are no longer the prevailing parties in this litigation. Mailed notice (mak) (Entered: 09/30/1997) |
| 10/03/1997 | 6 | REPLY memorandum by plaintiffs responding to the Court's 8/20/97 order; Notice of filing (meg) Modified on 10/06/1997 (Entered: 10/06/1997) |
| 10/10/1997 | 7 | RULE 72 OBJECTIONS by plaintiffs to Magistrate Judge's denial of plaintiffs' motion for attorney fees [5-1] (mak) (Entered: 10/17/1997) |
| 10/27/1997 | 8 | RESPONSE by defendant Jess McDonald to plaintiffs' Rule 72 objections to the Magistrate Judge's denial of plaintiffs' motion for attorney fees; Notice of filing. (mak) (Entered: 10/28/1997) |
| 11/04/1997 | | SCHEDULE set on 11/4/97 by Hon. Marvin E. Aspen : Status hearing set for 11/7/97 is reset to 10:00 11/21/97. Mailed notice (gl) (Entered: 11/04/1997) |
| 11/20/1997 | | SCHEDULE set on 11/20/97 by Hon. Marvin E. Aspen : Status hearing set for 11/21/97 is reset to 10:00 12/9/97. Mailed notice (gl) (Entered: 11/20/1997) |
| 12/02/1997 | 9 | MEMORANDUM, OPINION, AND ORDER (jmp) (Entered: 12/03/1997) |
| 12/02/1997 | 10 | MINUTE ORDER of 12/2/97 by Hon. Marvin E. Aspen : Enter memorandum opinion and order: Defendants' motion to vacate the consent decree is granted. The status hearing set for 12/09/97 is stricken. terminating case Mailed notice (jmp) (Entered: 12/03/1997) |
| 12/02/1997 | 11 | ENTERED JUDGMENT (jmp) (Entered: 12/03/1997) |
| 12/16/1997 | 12 | RULE 59(e) MOTION by plaintiff for reconsideration and vacation of this court's 12/02/97, order vacating the 10/02/81, consent decree and for rehearing of the defendants' motion to modify or vacate the consent decree ; Notice of filing (Temporarily unavailable for docketing.) (jmp) (Entered: 12/31/1997) |
| 12/16/1997 | 14 | NOTICE of Rule 59(e) motion by plaintiff regarding motion for reconsideration [12-1] and vacation of this court's 12/02/97, order vacating the 10/02/81, consent decree and for rehearing of the defendants' motion to modify or vacate the consent decree [12-2] (Temporarily unavailable for docketing.) (jmp) (Entered: 12/31/1997) |
| 12/23/1997 | 15 | MOTION by plaintiff to supplement their Rule 59(e) motion for reconsideration and vacation of this court's 12/02/97, order ; Notice of motion; Notice of filing (Temporarily unavailable for docketing.) (jmp) (Entered: 12/31/1997) |

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| 12/30/1997 | 13 | MINUTE ORDER of 12/30/97 by Hon. Marvin E. Aspen : Answer brief to Rule 59(e) motion for reconsideration [12-1] and vacation of this court's 12/02/97, order vacating the 10/02/81, consent decree and for rehearing of the defendants' motion to modify or vacate the consent decree [12-2] 01/07/98. Reply to answer brief due 01/12/98. Telephoned notice (jmp) (Entered: 12/31/1997) |
| 12/30/1997 | 16 | MINUTE ORDER of 12/30/97 by Hon. Marvin E. Aspen : Motion to supplement their Rule 59(e) motion for reconsideration and vacation of this court's 12/02/97, order is granted [15-1]. Telephoned notice (jmp) (Entered: 12/31/1997) |
| 01/07/1998 | 17 | MEMORANDUM OF LAW by defendant in opposition to plaintiffs' motion for reconsideration [12-1] (Exhibit); Notice of filing (jmp) Modified on 04/09/1998 (Entered: 01/08/1998) |
| 01/12/1998 | 18 | REPLY by defendants' to defendants' memorandum of law in opposition to plaintiffs' motion for reconsideration [12-1] and vacation of this court's 12/02/97, order vacating the 10/02/81, consent decree and for rehearing of the defendants' motion to modify or vacate the consent decree [12-2] ; Notice of filing (jmp) (Entered: 01/13/1998) |
| 01/30/1998 | 20 | MOTION by defendants' for leave to file surreply in opposition to plaintiffs' motion for reconsideration (Exhibits); (Temporarily unavailable for docketing.) (jmp) (Entered: 02/09/1998) |
| 01/30/1998 | 21 | NOTICE of presentment by defendant regarding motion for leave to file surreply in opposition to plaintiffs' motion for reconsideration [20-1] (jmp) (Entered: 02/09/1998) |
| 02/04/1998 | 19 | RESPONSE by plaintiffs' to defendants' motion for leave to file surreply in opposition to plaintiffs' motion for reconsideration; Notice of filing (jmp) (Entered: 02/05/1998) |
| 02/06/1998 | 22 | AMENDED NOTICE of presentment by defendants' regarding motion for leave to file surreply in opposition to plaintiffs' motion for reconsideration [20-1] (jmp) (Entered: 02/09/1998) |
| 02/06/1998 | 23 | MINUTE ORDER of 2/6/98 by Hon. Marvin E. Aspen : Defendants' motion for leave to file surreply in opposition to plaintiffs' motion for reconsideration granted [20-1]. Mailed notice (jmp) (Entered: 02/09/1998) |
| 03/10/1998 | 24 | MEMORANDUM, OPINION, AND ORDER (jmp) (Entered: 03/12/1998) |
| 03/10/1998 | 25 | MINUTE ORDER of 3/10/98 by Hon. Marvin E. Aspen : Enter memorandum opinion and order: Plaintiffs' motion for reconsideration [12-1] and vacation of this court's 12/02/97, order vacating the 10/02/81, consent decree and for rehearing of the defendants' motion to or vacate the consent decree is granted [12-2]. The Consent Decree entered into by the parties on 10/02/81, shall remain in effect, with modifications as indicated in this opinion. Mailed notice (jmp) (Entered: 03/12/1998) |

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| 03/25/1998 | 26 | NOTICE OF APPEAL by defendants from motion minute order [25-1], from order [24-1] (\$105.00 Paid) (fce) Modified on 03/27/1998 (Entered: 03/27/1998) |
| 03/25/1998 | 27 | DOCKETING STATEMENT by defendants regarding appeal [26-1] . (fce) (Entered: 03/27/1998) |
| 03/27/1998 | | TRANSMITTED to the 7th Circuit the short record on appeal . Mailed notice to all counsel. (fce) (Entered: 03/27/1998) |
| 03/30/1998 | 28 | MOTION by defendant to stay pending appeal (Exhibits); Notice of presentment (jmp) (Entered: 03/31/1998) |
| 04/02/1998 | 29 | ACKNOWLEDGEMENT of receipt of short record on appeal USCA 98-1796 (Attachment) (jmp) (Entered: 04/03/1998) |
| 04/07/1998 | 30 | DESIGNATION by defendants Jess McDonald, HHS, Joseph Cronin, Richard S Laymon, Robert DeVito of appeal record no. 98-1796; (Attachments). (fce) (Entered: 04/07/1998) |
| 04/07/1998 | 31 | SEVENTH CIRCUIT transcript information sheet by plaintiff (jmp) (Entered: 04/08/1998) |
| 04/13/1998 | 32 | RESPONSE by plaintiffs' to defendants' motion for stay pending appeal [28-1] (jmp) (Entered: 04/14/1998) |
| 04/17/1998 | 33 | REPLY MEMORANDUM by defendants' in support of their motion for stay pending appeal [28-1]; Notice of filing (jmp) (Entered: 04/20/1998) |
| 04/22/1998 | 34 | MINUTE ORDER of 4/22/98 by Hon. Marvin E. Aspen : Defendants' motion to stay pending appeal is denied [28-1]. The defendants shall continue to provide the services required by the consent decree until the Seventh Circuit indicates otherwise. (See reverse of minute order.) Mailed notice (jmp) (Entered: 04/28/1998) |
| 05/26/1998 | 35 | AGREED MOTION by defendant to supplement the record on appeal ; Notice of motion (jmp) (Entered: 05/27/1998) |
| 05/26/1998 | 36 | MINUTE ORDER of 5/26/98 by Hon. Marvin E. Aspen : Motion to supplement the record on appeal is granted [35-1]. The Clerk of the Court is directed to supplement and transmit to the U. S. Court of Appeals for the Seventh Circuit, the December 2, 1997 Meorandum Opinion and Order. Mailed notice (jmp) (Entered: 05/27/1998) |
| 10/22/1998 | 37 | LETTER from the 7th Circuit returning the record on appeal no. 98-1796 consisting of three (3) volumes of pleadingd (jmp) (Entered: 10/23/1998) |
| 10/22/1998 | 38 | OPINION from the 7th Circuit: Argued 9/10/98; Decided 9/28/98. (98-1796) (jmp) (Entered: 10/23/1998) |
| 10/22/1998 | 39 | CERTIFIED COPY of order from the 7th Circuit: The judgment of the District court is vacated, and the case is Remanded back to District Court with instructions to set aside the consent decree and dismiss the proceeding for lack of subject-matter jurisdiction. The above is in accordance with the decision of this court entered on 09/28/98. appellants |

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| | | to recover their costs. [Appeal [26-1]. (98-1796) (jmp) (Entered: 10/23/1998) |
| 10/28/1998 | 41 | MOTION by defendants' for entry of order in accordance with mandate of the United States Court of Appeals ; Notice of motion (jmp) (Entered: 11/06/1998) |
| 11/04/1998 | 40 | RESPONSE by plaintiff to defendants' motion for an order in accordance with the Seventh Circuit's mandate; Notice of filing (jmp) (Entered: 11/05/1998) |
| 11/06/1998 | 42 | MINUTE ORDER of 11/6/98 by Hon. Marvin E. Aspen : Motion for entry of order in accordance with mandate of the United States Court of Appeals is granted [41-1]. Pursuant to the Mandate issued by the U. S. Court of Appeals for the Seventh Circuit on 10/22/98, the consent decree is set aside and this action is dismissed for lack of subject matter jurisdiction. terminating case Mailed notice (jmp) (Entered: 11/06/1998) |

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