

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

NOV 1 1984

NANCY HALL DOHERTY, CLERK

Deputy

RECEIVED

DEC 1 1984

DOROTHY BROWN, FREDA GARRETT,
VERA JENKINS, DIANN SLOAN and
WANDA VAUGHN,

Plaintiffs,

vs.

DIOCESAN CHARITABLE TRUST,
DAVID FURLOW, TRUSTEE, ROMAN
CATHOLIC DIOCESE OF DALLAS, and
HOUSING MANAGEMENT SERVICES,
INC.,

Defendants.

CIVIL ACTION NO.

CA 3-84-1716-G

38,524

E

4 pp.

1006031

ORDER OF PRELIMINARY INJUNCTION

On this day came on for determination the October 9, 1984,
motion for preliminary injunction of plaintiffs Dorothy Brown,
Freda Garrett, Vera Jenkins, Diann Sloan, and Wanda Vaughn.¹
Having reviewed the affidavits, deposition evidence, and
stipulation filed by the parties and having considered their
memoranda in support of and in opposition to the motion, the court

1

Plaintiffs also moved for a temporary restraining order on
October 9, 1984. The court denied this motion in a hearing on
the motion held on October 10, 1984.

hereby makes the following findings:

1. All of the plaintiffs are black citizens of the United States residing at Colonia Tepeyac, a federally subsidized housing project located at 5880 Bernal Drive in Dallas, Texas.

2. The defendants have brought forcible entry and detainer proceedings against all of the plaintiffs in justice court in Dallas County, Texas, which proceedings have resulted in a finding that the plaintiffs are in breach of their leases and an award of possession of their apartments to the defendants.

3. There is a substantial likelihood of success on the merits in this action between plaintiffs Brown, Garrett, Jenkins, and Sloan and the defendants in that the only basis for the forcible entry action against these plaintiffs was their failure to remove their own clothes washers and dryers from their apartments, even though the leases prohibit only the installation of washers and dryers. The prohibition against owning a washer and dryer is not found anywhere in the leases.

4. There is not a substantial likelihood of success on the merits in this action between plaintiff Vaughn and the defendants, as the latter have alleged various violations of Vaughn's lease agreement in addition to her retention of her washer and dryer in her apartment, such additional allegations apparently stating breaches of the lease agreement.

5. Unless the defendants are prevented from evicting plaintiffs Brown, Garrett, Jenkins, and Sloan from their apartments, there is a substantial threat that these plaintiffs will suffer immediate and irreparable injury for which they will

have no adequate remedy at law. There is a severe shortage of low-income housing in Dallas, and these plaintiffs are all single female heads of households with children in school and have no alternative housing available.

6. The threatened injury to plaintiffs Brown, Garrett, Jenkins, and Sloan outweighs the threatened harm to the defendants from an injunction against evicting these plaintiffs. Indeed, the defendants do not contend that an injunction would injure them.

7. The granting of a preliminary injunction will not disserve the public interest and, in fact, will serve the policy of the United States, as stated in section 801 of the Fair Housing Act of 1968, 42 U.S.C. § 3601, of providing fair housing throughout the United States.

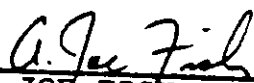
On the basis of these findings, the court is of the opinion that preliminary injunction is appropriate here to preserve the status quo until there can be a trial on the merits of this case.

It is therefore **ORDERED** that defendants, their officers, agents, employees, and all those persons in active concert or participation with them are hereby preliminarily enjoined pursuant to Rule 65 of the Federal Rules of Civil Procedure from taking any action in an effort to evict Dorothy Brown, Freda Garrett, Vera Jenkins, and Diann Sloan from their apartments located at 5880 Bernal Drive, Dallas, Texas, during the pendency of this action or until further orders of the court.

It is further **ORDERED** that the plaintiffs shall not be required to post security to obtain this order, because it is

issued pursuant to Section 812 of the Fair Housing Act of 1968, 42
U.S.C. § 3612.

November 16, 1984.



A. JOE FISH
United States District Judge