

UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK

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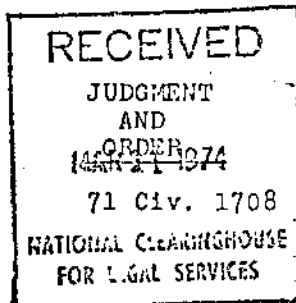
ROSEMARY PRY, on her own behalf and  
on behalf of all others similarly  
situated,

Plaintiffs,

-against-

THE PORT CHESTER HOUSING AUTHORITY,  
EDWARD J. KOWALCYK, in his capacity  
as Chairman of the Port Chester  
Housing Authority,  
ANTHONY J. CARACCILO, in his  
capacity as Executive Director of  
the Port Chester Housing Authority,

Defendants.



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This cause having come on to be heard on plaintiffs' motions that the action be maintained as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure and for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, and the Court having considered the verified complaint, the stipulation of facts dated November 24, 1971, the affidavit submitted in support of plaintiffs' motion, plaintiffs' memorandum of points and authorities in support of these motions, and defendants having failed to submit any affidavits or memoranda in opposition to plaintiffs' motions, and the court having found, on March 27, 1972, that plaintiffs are entitled to judgment by default and that there are no genuine issues as to any material fact and that plaintiffs are entitled to judgment as a matter of law, it is

ORDERED that the above entitled action is a proper class action pursuant to Rule 23 of the Federal Rules of Civil Procedure. The class consists of all persons who are residents

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of Port Chester, New York, who have been ~~or may be~~ denied or refused applications or declared ineligible for the public housing facilities operated by defendants on account of defendants' practice and policy of declaring ineligible for public housing married applicants who are not living together with their spouses and who have not entered into a separation agreement or obtained a separation or divorce decree, and it is further

ORDERED that plaintiffs' motion for summary judgment be and the same hereby is granted to the extent set forth below, and it is further

✓ ORDERED, ADJUDGED AND DECREED that the defendants, their officers, agents, servants, employees and successors and all persons in concert with them be and hereby are permanently enjoined and restrained from carrying out their practice and policy of declaring married applicants living separate and apart from their spouses ineligible for public housing because they have not entered into a separation agreement or obtained a separation or divorce decree, and it is further

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ORDERED, ADJUDGED AND DECREED that defendants be and hereby are mandated to notify all members of the plaintiff class who have been declared ineligible for public housing solely because they are married and living separate and apart from their spouse and have not entered into a separation agreement or obtained a separation or divorce decree that they may not be declared ineligible for public housing on this basis, that they may reapply for public housing, and if found eligible

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that they are entitled to public housing accommodations or, if such accommodations are not presently available, that they are entitled to be placed on the waiting list in the position the applicant would have held had the application not been wrongfully denied, and it is further

ORDERED AND DECREED that plaintiffs be and are hereby entitled to a declaratory judgment declaring that defendants' practice and policy of declaring married applicants who are living apart from their spouses ineligible for public housing solely because they have not entered into a separation agreement or obtained a separation or divorce decree violates the Fourteenth Amendment to the United States Constitution and the HUD Circular of December 17, 1968, and it is further

ORDERED that plaintiffs' claim for damages set forth in paragraph 4 of the Wherefore clause in the complaint be and the same hereby is dismissed.

/s/ Thomas P. Griesa

Hon. Thomas P. Griesa  
U.S.D.J.

Dated: February 5, 1974

at New York, N.Y.

Entered - Judgment Entered  
2-13-74

Raymond F. Breyherd  
Clerk