

THE RESIDENT NEWSLETTER OF THE  
SOCIETY HILL CIVIC ASSOCIATION

This is a special edition of the Resident Newsletter dealing with the subject of the Head House class action and the Consent Decree which was recently approved by Judge Gorbey of the United States District Court. Because time is of the essence, this Resident Newsletter is being distributed by hand to the persons who live in the class action area; it will additionally be sent by mail to all members of the Society Hill Civic Association during the coming week.

Head House Class Action

As most members are aware, the development of the Head House area has been a neighborhood concern for a number of years. The project was originally approved by the membership. Later, when it appeared, among other things, that the project was going to be more heavily commercial than anticipated, the membership reversed itself. By that time, however, the developers had secured a variety of required approvals and were in construction.

At that point, several individuals determined to institute a lawsuit against the developers. The SHCA was invited to join the lawsuit in July 1973 but declined to do so. The suit proceeded, and was settled by way of the consent decree which was signed by Judge Gorbey on October 7, 1974.

Membership Meeting

At the meeting of the SHCA membership on October 16, 1974, Mr. Raymond Denworth answered numerous questions concerning the decree. While many were satisfied with Mr. Denworth's answers, a significant number of persons expressed dissatisfaction with the way in which the suit was resolved, particularly the way in which they were notified or not notified about it. A motion was ultimately made and seconded to the effect that the SHCA consult an outside attorney and expend up to \$1,000 to learn what avenues there might be to attack the decree. This motion was defeated by a vote of 52 to 42.

Action Taken By SHCA Board

The aspect of the settlement which was of clearest area-wide concern was the draft parking permit ordinance. Mr. Denworth had earlier advised that he was going to attach a draft ordinance to the decree in order to disable certain of the defendants from opposing whatever the SHCA might ultimately agree upon; he emphasized his position that it was only a

draft, that it was not binding on the class, and that the SHCA would have to review it and favorably act upon it prior to any submission to City Council. In order to confirm their understanding, the Board on October 15, 1974, adopted the following resolution:

Whereas, a draft parking permit ordinance has been proposed in the course of the settlement of a lawsuit involving the Head House project, it is hereby resolved that no such parking permit ordinance should be submitted to, or adopted by, City Council until a committee of the Society Hill Civic Association has reported to the membership on the advisability and content of such an ordinance and the membership has voted favorably on it.

This resolution was read to the membership at its October 16th meeting. At the next membership, volunteers will be asked to help in the very extensive work of the Committee.

However, given the variety of concerns expressed at the October 16th membership meeting, the Board has again met and considered the matter. The Board believes that persons who are of the view that they should be entitled to opt out of the class because they never got the class action notice, because of late service, or because of service which under their peculiar individual circumstances gave rise to undue hardship in responding thereto, should consider taking immediate steps so to notify the court directly (at the U.S. Courthouse, 9th and Chestnut Streets) and immediately seek advice of their own counsel. In addition, the Board has determined to make an appropriate filing with the District Court as an amicus curiae (legalese for "friend of the Court") for the purpose of attempting to preserve the procedural rights of individual class members, so situated, to opt out of (i.e., not be bound by) the action if they wish. Please note that the Board will not be taking a position on the merits of the Consent Decree, either pro or con, that it will not be directly participating in any hearing, and that it cannot predict whether the Court will take favorable action or, indeed, any action prior to the time that any appeal period has run (which could possibly be November 6, 1974). No appeal has been authorized by the Board. In short, the Board's action is intended to be a constructive and helpful step to assist people in the foregoing categories to be heard concerning any desire to opt out which can be justified to the Court. At the same time, anyone who objects to the Consent Decree ought not to rely on the action taken by the Board but should consult with his or her own counsel immediately and take whatever steps counsel may advise.