

**01-1269 CUYAHOGA FALLS v. BUCKEYE COMMUNITY HOPE FOUNDATION**

Ruling below: CA 6, 263 F.3d 627

QUESTIONS PRESENTED FOR REVIEW

1. In considering a claim against a municipal corporation for intentional discrimination arising out of a facially neutral and judicially upheld referendum petition, may the court inquire into the motivations of a handful of the citizens who expressed support for the referendum and impute those motivations to the entire municipal corporation?
2. In light of the constitutional freedom of political expression, can a disparate impact claim under the Fair Housing Act be maintained against a municipal corporation for the alleged impact of the filing of a facially neutral and judicially upheld referendum petition?
3. Does the due process clause of the constitution require a municipal corporation to issue building permits when the underlying conditions for the issuance of building permits have not been met and the municipal corporation's withholding of the permits is required by the judgments of state courts of competent jurisdiction?
- ~~4. Does 28 U.S.C. 1738 require a Federal District Court to apply res judicata to dismiss a federal case arising out of the same factual transaction as an earlier case decided by Ohio state courts?~~

CERT. GRANTED: 6/24/02

Limited to questions 1, 2 and 3 presented by the petition.