

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

BellSouth Telecommunications, LLC d/b/a  
AT&T Tennessee,

Plaintiff,

v.

Metropolitan Government of Nashville and  
Davidson County, et al.,

Defendants.

**Case No. 3:16-cv-2509 (Lead Case)**

**Judge Trauger**

Comcast of Nashville I, LLC,

Plaintiff,

v.

Metropolitan Government of Nashville and  
Davidson County, et al.,

Defendants.

**Case No. 3:16-cv-2794 (Member Case)**

**Judge Trauger**

**FINAL JUDGMENT AND PERMANENT INJUNCTION**

Pursuant to Federal Rules of Civil Procedure 56 and 58, this matter having come before the Court on Plaintiffs' motions for summary judgment [Doc Nos. 44, 49], Defendants' motion for summary judgment [Doc. No. 77], Plaintiffs' motion for entry of final judgment and injunction, and Nashville Electric Service's statement in response to the amended complaints [Doc. No. 113], the Court hereby enters judgment in favor of the Plaintiffs as to Counts I and II of their Complaints,

and enters judgment in favor of Defendants as to Count III of Plaintiffs' complaints. Accordingly, it is hereby **ORDERED and ADJUDGED** as follows:

1. The Court **DECLARES** that Metro Nashville Ordinance No. BL2016-343 ("the Ordinance") is preempted by federal law as applied to utility poles owned by BellSouth Telecommunications, LLC ("AT&T") and other private parties.

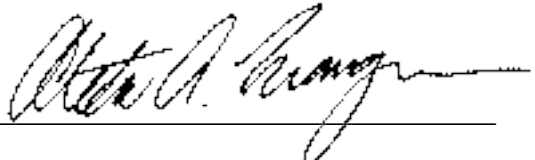
2. Defendants are **PERMANENTLY ENJOINED** from applying the Ordinance to utility poles owned by AT&T and other private parties.

3. The Court **DECLARES** that the Ordinance is *ultra vires* and void or voidable as to utility poles owned by Nashville Electric Service because adoption of the Ordinance exceeded Metro Nashville's authority and violated the Metro Charter.

4. Defendants are **PERMANENTLY ENJOINED** from applying the Ordinance to utility poles owned by Nashville Electric Service.

5. Each party shall bear its own costs, and these cases are closed.

Dated: January 5, 2018.

  
United States District Judge