

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEAST DIVISION

RECEIVED
IN CLERK'S OFFICE
APR 05 2001
U.S. DISTRICT COURT
MID DIST TENN

LINDA GAMBLE, RUBY COPELAND and
ROGER COPELAND on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

CITY OF COOKEVILLE, TENNESSEE,

Defendant

Civil Action No.

8 - 01 - 0021

JUDGE HAYNES

JUDGE KNOWLES

JURY TRIAL
DEMANDED

TEMPORARY RESTRAINING ORDER

Upon the Verified Complaint herein and upon the affidavit of the Plaintiffs sworn to on April 5, 2001, and following a hearing before the Court and it appearing that Defendant, unless restrained forthwith, will deprive its utility service customers of their rights under the Fourteenth Amendment to the United States Constitution by failing to provide adequate notice and an opportunity for a meaningful hearing before the loss of utility services.

Further, unless the Defendant is restrained forthwith, immediate and irreparable loss, damage, and injury will thereby be done to Plaintiffs and/or others similarly situated in that such acts would irreparably alter the status quo existing

This document was entered on
the docket in compliance with
Rule 58 and / or Rule 79 (a).

FRQP, on 4/16/01 By RMJ

8

between the Defendant, City of Cookeville, and its utility customers who may be classified by Defendant as having a delinquent utility account before a hearing on the merits could be held therefore, and before the Defendant has opportunity for a meaningful hearing where it can adequately be heard in opposition;

IT IS HEREBY ORDERED, pursuant to Rule 65 of the Federal Rules of Civil Procedure that the Defendant, its officers, agents, employees, and all those persons in active concert or participation with it, are hereby temporarily restrained from the following during the pendency of this action or until further order of the Court:

a. From terminating utility services of any customer of the City of Cookeville's Electric, Water, and Gas Department without providing at least seven days notice before termination by first class mail.

b. From terminating utility services of any customer of the City of Cookeville's Electric, Water, and Gas Department from using the orange hang tag as a method of notifying alleged delinquent utility account holders of discontinuance of service or the possibility of discontinuance of service.

c. From terminating utility services of any customer of the City of Cookeville's Electric, Water, and Gas Department without actual notice of procedures for disputing a bill and without providing a hearing to dispute any utility

bill.

d . From terminating utility services of any customer of the City of Cookeville's Electric, Water, and Gas Department without providing a hearing before a neutral and detached hearing officer with the opportunity for the consumer to be represented by counsel and present testimony and documents as well as confront and cross-examine adverse witnesses, and to appeal any ruling to a higher authority so as to provide a fair and impartial opportunity to be heard.

e. From charging the arbitrary fee of \$10.00 to deliver notice of the orange hang tag as referenced in the Verified Complaint.

A hearing on this matter on the question of whether the Temporary Restraining Order shall be converted to a preliminary hearing shall be held before the undersigned at the Courthouse in Nashville on the 16th day of April, 2001 at 10:00 AM in Courtroom Number A859.

Based on the Plaintiffs' resources, the likelihood that the Defendant would only suffer minimal damages should a preliminary injunction not issue, and the

~~torious nature of the Plaintiffs' claims,~~ IT IS FURTHER ORDERED that the requirement to post bond as security is herewith ~~dispensed~~ ^{required} and that the Plaintiffs shall ~~not~~ ^{be} required to post bond. ^{of \$1000 by Friday close of business, April 6, 2001/2001}

ENTERED this 5th day of April, 2001 at 2:48 pm


UNITED STATES DISTRICT JUDGE