

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Nos. 14-6285/6286/6287/6288/6401

BNSF RAILWAY COMPANY (14-6285); CSX
TRANSPORTATION, INC. (14-6286); ILLINOIS
CENTRAL RAILROAD COMPANY (14-6287);
UNION PACIFIC RAILROAD COMPANY (14-6288);
NORFOLK SOUTHERN RAILWAY COMPANY (14-6401),
Plaintiffs - Appellants,

FILED
Aug 28, 2015
DEBORAH S. HUNT, Clerk

v.

TENNESSEE DEPARTMENT OF REVENUE;
RICHARD ROBERTS, Commissioner of Revenue
of the State of Tennessee,
Defendants - Appellees.

Before: GRIFFIN and DONALD, Circuit Judges; TARNOW, District Judge.

JUDGMENT

On Appeal from the United States District Court
for the Middle District of Tennessee at Nashville.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that the district court's denial of the Railroads' motion for a preliminary injunction on its targeted or singling-out approach and the functional approach is AFFIRMED. IT IS FURTHER ORDERED that the case is REMANDED to the district court for consideration of the Railroads' argument under the competitive approach.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk