

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**THE CITY OF CLARKSDALE, MISSISSIPPI**

**PLAINTIFF**

**V.**

**CAUSE NO.: 2:04CV41-SA-DAS**

**BELLSOUTH TELECOMMUNICATIONS, INC.**

**DEFENDANT**

**ORDER GRANTING JOINT MOTION TO  
VACATE PRIOR ORDERS AND OPINIONS AND TO DISMISS  
COMPLAINT AND AMENDED COMPLAINT WITH PREJUDICE**

This cause is before the Court on the Joint Motion of Plaintiff, The City of Clarksdale, Mississippi, acting by and through the Clarksdale Public Utilities Commission (“CPUC”) and Defendant, BellSouth Telecommunications, Inc., now doing business as AT&T Mississippi (“BellSouth”), to vacate the following interlocutory Orders and Opinions of the District Court: (a) the September 28, 2007 Order Granting in Part and Denying in Part Plaintiff’s Motion for Partial Summary Judgment and Denying Defendant’s Motions to Dismiss and for Summary Judgment [67], (b) September 28, 2007 Memorandum Opinion relating thereto [68], (c) July 29, 2008 Order Denying Defendant’s Motion to Certify for Interlocutory Appeal [105], and (d) July 29, 2008 Memorandum Opinion relating thereto [106]; and to dismiss with prejudice Plaintiff’s Complaint and Amended Complaint filed July 22, 2008 [104] as a result of the compromise and settlement of the parties. The Court being fully advised of the premises, hereby finds that the Joint Motion is well taken and hereby orders as follows:

1. The September 28, 2007 Order Granting in Part and Denying in Part Plaintiff’s Motion for Partial Summary Judgment and Denying Defendant’s Motions to Dismiss and for Summary Judgment [67], September 28, 2007 Memorandum Opinion relating thereto [68], July 29, 2008 Order Denying Defendant’s Motion to Certify for Interlocutory Appeal [105], and July 29, 2008 Memorandum Opinion relating thereto [106] are vacated.
2. The Clerk of the Court is hereby instructed to strike documents [67], [68], [105], and

[106] from the official record.

3. This lawsuit is dismissed with prejudice with each party to bear its own costs.

SO ORDERED, this, the 7th day of November, 2008.

**/s/ Sharion Aycok** \_\_\_\_\_  
**UNITED STATES DISTRICT JUDGE**