

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNION PACIFIC RAILROAD COMPANY,

Plaintiff,

v.

WISCONSIN DEPARTMENT OF
REVENUE and PETER BARCA,
Secretary of Revenue,

Defendants.

ORDER

17-cv-897-wmc

At the court's direction, the parties met and conferred on the form of a permanent injunction. The court accepts their proposal, as modified below, and directs the clerk of court to enter judgment accordingly, in favor of plaintiff Union Pacific Railroad Company.

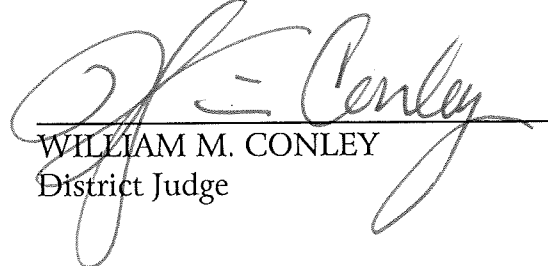
As set forth more fully in the court's opinion and order addressing the parties' cross motions for summary judgment (dkt. #53), the court finds that the Wisconsin property tax on the value of Union Pacific's custom computer software is discriminatory as to Union Pacific in violation of the Railroad Revitalization and Regulatory Reform Act of 1976, 49 U.S.C. § 11501(b)(4). Therefore, defendants Wisconsin Department of Revenue and Peter Barca in his official capacity as Secretary of Revenue,¹ their officers, agents, servants, employees, attorneys, successors, and all those acting in concert or participating with them are ENJOINED from assessing, levying, or collecting property taxes on the value of Union Pacific's custom computer software, and from instituting any proceedings to assess, levy, or collect any amount of property taxes, interest, or penalties that the defendants might

¹ Peter Barca is the successor to Richard Chandler as Secretary of Revenue and has been automatically substituted as a party pursuant to Federal Rule of Civil Procedure 25(d).

assert to be due and owing from Union Pacific on the value of Union Pacific's custom computer software.

Entered this 21st day of March, 2019.

BY THE COURT:


WILLIAM M. CONLEY
District Judge