

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

WILL MCLEMORE, et al.,)
)
Plaintiffs,)
) No. 3:19-cv-00530
v.)
) JUDGE RICHARDSON
ROXANA GUMUCIO, et al.,)
)
Defendants.)

ORDER AND PERMANENT INJUNCTION

For the reasons discussed both in the Court’s previous memorandum opinion (Doc. No. 116) ruling on the summary judgment motions and in the memorandum opinion accompanying this Order, Plaintiffs’ request for permanent injunctive relief is GRANTED. Defendants and their officers, agents, employees, servants, attorneys, and all persons in active concert or participation with them are hereby ENJOINED and RESTRAINED:

from applying Tennessee’s auctioneering laws, licenses, and regulations to “sales transaction[s] conducted by . . . *electronic exchange* between an auctioneer and members of the audience, consisting of a series of invitations by the auctioneer for offers to members of the audience to purchase goods or real estate, culminating in the acceptance by the auctioneer of the highest or most favorable offer made by a member of the participating audience.”¹

This permanent injunction is effective upon its issuance on May 3, 2022 at 12:00 p.m.

Defendants are FURTHER ORDERED to provide notice of this Order to their officers, directors, agents, servants, representatives, attorneys, employees, subsidiaries and affiliates, and

¹ The quoted language, to which the Court has added emphasis via italics, is from 2019 Tenn. Pub. Acts, Ch. 471, § 4.

those persons in active concert or participation with them. Defendants shall take whatever means are necessary or appropriate to ensure proper compliance with this Order.

In its Order on the motions for summary judgment (Doc. No. 117), the Court resolved all other pending claims. There are no further pending matters before this Court in this case. Accordingly, the Clerk is directed to close the file. This Order shall constitute final judgment for purposes of Fed. R. Civ. P. 58.

IT IS SO ORDERED.



ELI RICHARDSON
UNITED STATES DISTRICT JUDGE