

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

STERIGENICS U.S., LLC,)	
)	
Plaintiff,)	
v.)	Civil Action
)	No. 1:20-cv-01382-WMR
COBB COUNTY, GEORGIA;)	
NICHOLAS DAWE, Fire Marshal of)	
Cobb County, Georgia, in his Individual)	
Capacity; and KEVIN GOBBLE,)	
Development and Inspections Division)	
Manager and Chief Building Official of)	
Cobb County, Georgia, in his Individual)	
Capacity,)	
)	
Defendants.)	
)	

CONSENT ORDER

WHEREAS, on March 30, 2020, Plaintiff Sterigenics U.S., LLC (“Sterigenics”) filed a Complaint for Declaratory Judgment and Injunctive Relief against Defendants Cobb County, Georgia, Nicholas Dawe and Kevin Gobble, seeking (a) a judgment declaring its rights to continue its normal operations at its medical product sterilization facility in Cobb County, Georgia, and (b) a temporary restraining order and preliminary injunction against Defendants Dawe and Gobble to enjoin them from precluding its operations at the facility on the grounds asserted in the Complaint [Dkt. 1]; and

WHEREAS, on March 30, 2020, Sterigenics also filed an Emergency Motion

for Temporary Restraining Order and Preliminary Injunction, together with a supporting brief and evidence, (the “Motion”) asking the Court to enjoin Defendants Dawe and Gobble from precluding its operations at its Cobb County facility during this action [Dkt. 4]; and

WHEREAS, after notice to Defendants and consideration of the Parties’ respective briefs for and against the Motion, the Court entered a Temporary Restraining Order on April 1, 2020 temporarily restraining Defendants Nicholas Dawe and Kevin Gobble from precluding Sterigenics’ operations at its facility in Cobb County, Georgia, and providing that Sterigenics shall be free to conduct its normal operations at the facility to sterilize medical products without interference of Defendants Dawe and Gobble for the duration of 14 days (the “Temporary Restraining Order”) [Dkt. 13]; and

WHEREAS, the Temporary Restraining Order is binding also on Defendant Gobble’s and Defendant Dawe’s “agents, servants, employees, and attorneys; and . . . other persons who are in active concert or participation with them and who “receive notice of [the order] by personal service or otherwise,” pursuant to Federal Rule of Civil Procedure 65(d)(2); and

WHEREAS, the Court set a hearing on Sterigenics’ pending Motion for Preliminary Injunction for 9:00 a.m. on April 14, 2020 (the “April 14 Hearing”) [Dkt. 6]; and

WHEREAS, all Parties to this action have agreed (a) to the continued enjoinder of Defendants Dawe and Gobble as provided in the Temporary Restraining Order through the time of the Court's entry of a final judgment on Sterigenics' claims in this action and (b) to thereby eliminate the need for the April 14 Hearing; and

WHEREAS, all Parties to this action consent to and have requested that the Court enter this Consent Order to reflect that agreement of the Parties.

NOW, THEREFORE, PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 65(b)(2) AND THE PARTIES' CONSENT, THE COURT HEREBY ORDERS THE FOLLOWING:

1. Defendants Nicholas Dawe and Kevin Gobble shall remain restrained and be enjoined from precluding Sterigenics' operations at its facility in Cobb County, Georgia, while this action remains pending, through the time of the Court's entry of a final judgment on Sterigenics' claims in this case. During that time, Sterigenics shall be free to conduct its normal operations at the facility to sterilize medical products without interference of Defendant Dawe or Defendant Gobble.

2. Pursuant to Federal Rule of Civil Procedure 65(d)(2), this Consent Order shall be binding also on Defendant Gobble's and Defendant Dawe's agents, servants, employees, attorneys, and other persons who are in active concert or participation with them and who receive notice of the Consent Order or the

underlying Temporary Restraining Order by personal service or otherwise.

3. Based on the foregoing, the April 14th hearing is hereby canceled. SO ORDERED this 8th day of April, 2020.

Consented to by:

/s/ W. Clay Massey

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