

NEWS RELEASES

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Husch Blackwell Secures Two Federal Court Wins for Wireless Tower Developers in a Single Day

Husch Blackwell's telecommunications litigation team secured favorable rulings in two separate federal cases on the same day, delivering wins for tower developer clients TowerNorth Development, LLC and The Towers, LLC—a joint venture between Verizon and Vertical Bridge—as well as for Verizon, the carrier for both sites.

In the first matter, *TowerNorth Development, LLC v. Bayfield County*, Husch Blackwell secured summary judgment on behalf of TowerNorth after Bayfield County failed to act on a wireless siting application within either the 150-day federal shot clock or Wisconsin's 90-day statutory deadline. The county had argued that its zoning committee's timely initial approval satisfied the deadline, even though a later administrative appeal overturned that approval. The court disagreed, ruling that the shot clock runs against the government's final, conclusive decision, meaning every level of local review, including appeals, must be completed within the deadline. As a result, the permit was deemed automatically approved. The Husch Blackwell team included partners Rodney Cartner and Joe Diedrich

In the second matter, *The Towers, LLC v. Village of Curtiss*, Husch Blackwell won a favorable judgment on behalf of The Towers after the court found that the Village of Curtiss lacked substantial evidentiary support for denying a conditional-use permit under the Federal Telecommunications Act and Wisconsin's mobile-tower-siting statute, rejecting both the health-related objections and the property-value concerns raised by the village as too speculative. The court also declined the village's request to remand the matter for a new hearing, holding that a municipality cannot use a remand to shore up an insufficient record after the fact, so the permit was likewise deemed

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automatically granted. The Husch Blackwell team included partners Jake Remington, Joe Diedrich, and Mike Long.