

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION No. 1:11-cv-11332-JLT

NEW CINGULAR WIRELESS PCS, LLC,)
)
Plaintiff,)
v.)
)
THE CITY OF WALTHAM, THE CITY OF)
WALTHAM CITY COUNCIL, Edmund P.)
Tarallo, Sarafina Collura, Kenneth Doucette,)
Diane P. LeBlanc, Paul J. Brasco, Kathleen B.)
McMenimen, Thomas M. Stanley, Daniel P. Romard,)
George A. Darcy, III, Stephen F. Rourke,)
Thomas J. Curtin, Gary J. Marchese, Robert J. Waddick,)
Robert G. Logan, and Joseph M. Giordano, Jr., in their)
capacities as Members of the Waltham City Council,)
)
Defendants.)

AGREEMENT AND ORDER FOR JUDGMENT

The Parties hereby stipulate and agree and it is hereby ordered that:

1. Without admitting any of the allegations of the complaint, the Defendants acknowledge that the intent of the Telecommunications Act is to encourage rapid deployment of telecommunications technology and, with this in mind, the Defendants and Plaintiff agree that judgment shall enter as provided herein in favor of Plaintiff solely on Count IV of the First Amended Verified Complaint (the "Complaint") and solely with respect to the applications for special permits for 37 River Street, 15/39 Sachem Street, and 101 Clematis Avenue.
2. Each of the remaining counts of Plaintiff's Complaint are hereby dismissed without prejudice.
3. Within ten (10) business days after entry of this Agreement and Order for Judgment, time being of the essence, the Defendants shall issue all necessary approvals and permits to Plaintiff for the installation, operation and maintenance of the 15/39 Sachem Street, 37 River Street and 101 Clematis Avenue facilities (the "Facilities") all as located, described and conditioned in the decisions granting the special permits for each of the Facilities (the "Decisions") attached herewith as Exhibit A, and incorporated herein by reference.

4. The Parties further stipulate and agree that, based upon the supplementation of the record provided by the Plaintiff during litigation, there is no just cause for delay in the issuance of the special permit for each Facility approval pursuant to this Agreement and Order for Judgment, and that the zoning relief necessary to permit the installation and operation of the Facilities shall be ordered by the Court consistent with Plaintiff's applications, the Plans and specifications presented to the Waltham City Council (the "Council"), as conditioned by the special permit decisions attached hereto. The Parties hereby agree that the Council has held a duly called meeting and voted to affirm this Agreement and Order for Judgment. In accordance with said decision of the Council, the Parties stipulate and agree that this Agreement and Order for Judgment be entered in this action and pursuant thereto shall operate as a grant of the requested special permits without the necessity of further action on the part of any of the Parties.

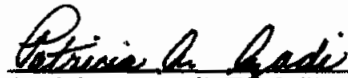
5. Each Party shall bear his, her and/or its own costs and fees. The Parties expressly waive any and all claims for costs and/or attorney's fees and all rights of appeal.

CITY OF WALTHAM, et al.

NEW CINGULAR WIRELESS PCS, LLC

By its Assistant City Solicitor,

By its Attorneys,

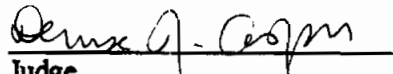


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ORDERED:


Judge,
United States District Court
for the District of Massachusetts

October 28, 2011