

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CUMULUS MEDIA NEW HOLDINGS INC.,

Plaintiff,

-V-

THE NIELSEN COMPANY (US) LLC,

Defendant.

25-CV-08581 (JAV)

ORDER

JEANNETTE A. VARGAS, United States District Judge:

Before the Court is a motion for preliminary injunction by Plaintiff Cumulus Media New Holdings Inc. (“Cumulus”) against Defendant The Nielsen Company (US) LLC (“Nielsen”). Cumulus alleges that Nielsen has enacted an anticompetitive “tying policy” to illegally maintain its monopoly power over both local and national radio ratings data markets in violation of Section 2 of the Sherman Antitrust Act, 15 U.S.C. § 2, and seeks to preliminarily enjoin Nielsen from enforcing that policy in pending contract negotiations. ECF No. 1 (“Complaint” or “Compl.”) ¶¶ 3, 9, 23, 166-180. After conducting an evidentiary hearing and considering the extensive record in this case, the Court finds that Cumulus has satisfied its burden of demonstrating that a preliminary injunction is necessary to prevent irreparable harm, that Cumulus has a strong likelihood of succeeding on the merits in this case, that the balance of hardships weighs toward Cumulus, and that the public interest weighs in favor of a preliminary injunction. Accordingly, Plaintiff’s motion for a preliminary injunction is GRANTED. The Court’s reasoning is set forth in an accompanying Opinion.<sup>1</sup>

<sup>1</sup> A copy of that Opinion has been docketed under seal. Because the opinion likely contains competitively sensitive information of parties and nonparties, however, the Court will delay public

It is hereby ORDERED, ADJUDGED, AND DECREED that, pursuant to the Court's authority under Section 16 of the Clayton Act, 15 U.S.C. § 26, and Rule 65 of the Federal Rules of Civil Procedure that:

1. Nielsen (including Nielsen's officers, employees, and agents) is hereby ENJOINED AND RESTRAINED from enforcing its Network Policy; and
2. Nielsen is ENJOINED AND RESTRAINED from charging a commercially unreasonable rate for its Nationwide Report as a complete, standalone product. For purposes of this Order, a rate that is equal to or lower than the highest annual 2026 rate Nielsen charges any broadcaster (whether network or local) for Nationwide is presumptively reasonable.

This Order shall remain in effect during the pendency of this litigation, or until further Order of the Court. Plaintiff shall post a \$100,000.00 bond, which shall remain with the Court until a final disposition of this case or until this Order is terminated.

The Clerk of Court is directed to terminate ECF No. 7.

SO ORDERED.

Dated: December 30, 2025  
New York, New York

  
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JEANNETTE A. VARGAS  
United States District Judge

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filing of the opinion to allow the parties to propose redactions.