

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
OMAHA LLC and VULCAN CARS LLC,

Petitioners,

: Index No. 650574/2019

v.

: AFFIDAVIT OF SERVICE

NEW YORK CITY TAXI AND LIMOUSINE
COMMISSION and MEERA JOSHI, in her official :
capacity as Chair, Commissioner and Chief :
Executive Officer of the New York City Taxi and :
Limousine Commission,

Respondents.

-----X
STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

Rafael Valdez, being duly sworn, deposes and says:

1. I am not a party to the action, am over 18 years of age and employed by
Skadden, Arps, Slate, Meagher & Flom LLP, Four Times Square, New York, NY 10007.

2. On February 1, 2019 at approximately 10:59 a.m., I served a true copy
of the

- *Order to Show Cause signed by Honorable Andrea Masley on the 30th day of January 2019,*
- *{Proposed} Order to Show Cause,*
- *Affidavit of Ronen Ben David in Support of Preliminary Injunction and Temporary Restraining Order,*
- *Expert Affidavit of Dr. Ray Mundy,*
- *Expert Affidavit of Steven Tenn, PH.D.,*
- *Memorandum of Law in Support of Petitioners' Article 78 Petition and Application for Preliminary Injunction and Temporary Restraining Order,*
- *Affirmation of Alexander Drylewski with the exhibits annexed thereto,*
- *Verified Article 78 Petition,*

- *Request for Judicial Intervention,*
- *Commercial Division Addendum,*
- *Notice of Electronic Filing to New York City Taxi and Limousine Commission and*
- *Notice of Electronic Filing to Meera Joshi*

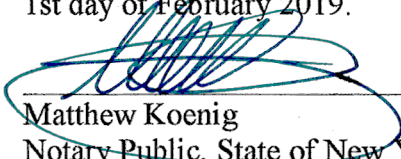
by hand delivery upon:

Pamela A. Koplik
Senior Counsel
New York City Law Department
Administrative Law Division
100 Church Street, Room 5-157
New York, NY 10007



Rafael Valdez

Sworn to before me this
1st day of February 2019.



Matthew Koenig
Notary Public, State of New York
Reg. No. 01KO6211943
Qualified in New York County
Commission Expires Sept. 23, 2021

At the IAS Part 48 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse, 60 Centre Street, New York, New York, on the 30th day of January, 2019.

PRESENT: Hon. **HON. ANDREA MASLEY**

----- X
OMAHA LLC and VULCAN CARS LLC, :
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 Petitioners, :
 :
 v. :
 :
 NEW YORK CITY TAXI AND LIMOUSINE :
 COMMISSION and MEERA JOSHI, in her :
 official capacity as Chair, Commissioner, and :
 Chief Executive Officer of the New York City :
 Taxi and Limousine Commission, :
 :
 Respondents. :
 :
 ----- X

Index No. 650574/2019
Motion Seq. No. 001

ORDER TO SHOW CAUSE
ORAL ARGUMENT REQUESTED

dated Jan. 28, 2019
dated Jan. 29, 2019

Upon the accompanying Verified Article 78 Petition, Memorandum of Law in Support of Petitioners' Article 78 Petition and Application for Preliminary Injunction and Temporary Restraining Order, Affirmation of Alexander C. Drylewski and the Exhibits annexed thereto, Affidavit of Ronen Ben David in Support of Preliminary Injunction and Temporary Restraining Order, Expert Affidavit of Dr. Ray Mundy, and Expert Affidavit of Steven Tenn, Ph. D., and good cause being alleged therefor, it is hereby:

ORDERED, that the respondents New York City Taxi and Limousine Commission and Meera Joshi, as Chair, Commissioner and Chief Executive Officer of the New York City Taxi and Limousine Commission (collectively, "Respondents"), appear at a

2019 FEB - 1 A 10:59

CITY OF NEW YORK DEPT. OF LAW OFFICE OF CORP. COUNSEL COMMUNICATIONS UNIT

IAS Part 48, Room 242 of the Courthouse at 60 Centre Street, New York, New York, on ~~January~~ March 18, 2019, at 9:30 a.m./p.m., or as soon thereafter as the parties or counsel can be heard, and show cause for why an order should not be made and entered:

(i) Pursuant to Article 78 of the Civil Practice Law and Rules, vacating and annulling the rule passed by the New York City Taxi and Limousine Commission on December 4, 2018, codified at Rule § 59B-24 (the "Utilization-Based Rule"), in its entirety, and entering a judgment declaring the same;

(ii) Pursuant to Article 63 of the Civil Practice Law and Rules, granting Petitioners a preliminary injunction against Respondents enjoining Respondents, pending a determination by this Court on the Article 78 Petition, from enforcement of the Utilization-Based Rule, and

(iii) granting such other and further relief as the Court may deem just and proper.

And sufficient cause being alleged, it is hereby

~~FURTHER ORDERED THAT pending the hearing and determination on Petitioners' Application for a Preliminary Injunction, Respondents are temporarily enjoined from enforcement of the Utilization-Based Rule, and it is~~

[Handwritten signature]
JSC
[Handwritten signature]

FURTHER ORDERED THAT answering papers, if any, shall be served by ~~person~~ person upon counsel for Petitioners on or before ~~February 26~~ February 26, 2019, and it is aw counsel known

FURTHER ORDERED THAT reply papers, if any, shall be served by NYSCEF upon counsel for Respondents on or before ~~February 26~~ March 12, 2019, and it is

FURTHER ORDERED THAT service by hand or by NYSCEF of a copy of this Order to Show Cause, together with the papers upon which it is based, shall be made

upon ~~completion~~ ^{the Corporate Course for} the Respondents at the New York City Law Department, 100 Church Street, New York, New York 10007 on or before February 1, 2019, and such service shall be deemed good and sufficient.
 12:00N

Consisted with 317(a)(2)

ENTER:

[Signature]
J.S.C.

HON. ANDREA MASLEY

ORAL ARGUMENT
[Signature]
J.S.C.

HON. ANDREA MASLEY

^{beginning 2/1/19}
Pending August ^{on} the motion/JSC, Petitioner ~~shall~~ pay into an escrow account the amount calculated by the NYCTLC formula less the amount paid to the driver based on the formula currently used by the petitioner. Petitioner shall submit the funds into the escrow account ~~starting~~ on a weekly basis beginning 2/8/19 until the court hears August.