

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 30<sup>th</sup> day of January, 2019.

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

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OMAHA LLC and VULCAN CARS LLC, :  
 :  
 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. :  
 :  
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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

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~~

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

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

*Handwritten initials and signatures:*  
JSC  
NYSCEF  
[Signature]

upon ~~the~~ <sup>the Corporate Counsel for</sup> 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.

Consisted with CCLC 317(a)(2)

ENTER:

*[Signature]*  
J.S.C.

HON. ANDREA MASLEY

ORAL ARGUMENT  
*[Signature]*  
JSC

HON. ANDREA MASLEY

<sup>beginning 2/1/19</sup>  
Pending request on the motion/JSC, Petitioner ~~shall~~ shall pay into an escrow account the amount calculated by the NYCTLC formula less the amount fees 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 argument.