

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

UBER TECHNOLOGIES, INC.,

Petitioner,

v.

NEW YORK CITY DEPARTMENT OF  
CONSUMER AND WORKER PROTECTION;  
VILDA VERA MAYUGA, in her official  
capacity as Commissioner of the New York City  
Department of Consumer and Worker Protection;  
THE CITY OF NEW YORK,

Respondents.

Index. No. \_\_\_\_\_

**AFFIRMATION OF URGENCY IN  
SUPPORT OF ORDER TO SHOW  
CAUSE FOR A TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

I, Karen L. Dunn, affirm under penalty of perjury as follows:

1. I am a member of the bar of this Court and a partner at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, counsel for Petitioner Uber Technologies, Inc. (“Petitioner”) in the above-captioned proceeding. I submit this affirmation in support of Uber’s Application for a Temporary Restraining Order and Preliminary Injunction to enjoin Respondents New York City Department of Consumer and Worker Protection (the “Department”); Vilda Vera Mayuga, in her official capacity as Commissioner of New York City Department of Consumer and Worker Protection; and the City of New York (collectively, “Respondents”). Specifically, Petitioner seeks an Order (i) enjoining Respondents from enforcing the amendments to Subchapter H of Chapter 7 of Title 6 of the Rules of the City of New York, 6 R.C.N.Y. §§ 7-801, 7-804, 7-805, 7-806, 7-807, and 7-810, which are otherwise scheduled to go into effect July 12, 2023, pending this Court’s ruling on the Verified Article 78 Petition; and (ii) declaring that Petitioner has no obligation to comply with the amendments to 6 R.C.N.Y. §§ 7-801, 7-804, 7-805, 7-806, 7-807, and 7-810,

pending this Court's ruling on the Verified Article 78 Petition.

2. The accompanying Order to Show Cause requires urgent review by the Court. As demonstrated in the accompanying Verified Article 78 Petition and the exhibits annexed thereto, the Affidavit of Laura Hahn dated July 5, 2023 and the Affidavit of Harry Elworthy dated July 5, 2023, the Affirmation of Karen L. Dunn dated July 6, 2023, and the accompanying Memorandum of Law, Petitioner will suffer irreparable harm absent urgent resolution by this Court.

3. Specifically, absent this Court's intervention, the amendments to 6 R.C.N.Y. §§ 7-801, 7-804, 7-805, 7-806, 7-807, 7-810 will go into effect in approximately one week, on July 12, 2023. If they do, Uber will be forced to either absorb between \$100 and \$200 million in unrecoverable increased minimum earnings payments to couriers in the second half of 2023 (*i.e.*, July-December 2023), or to pass those substantial amounts to eaters in the form of increased fees, and as predicted by the Department leading to lost demand, causing Uber to lose out on revenue it would otherwise obtain, and risks both short and long-term loss of growth, revenues, ridership, reputation, and goodwill. Petitioner's Verified Petition, Memorandum of Law, and Affidavits of Laura Hahn and Harry Elworthy further elaborate on these irreparable harms.

4. Uber has acted expeditiously, consuming only such time as was necessary to prepare this application and supporting papers, including the Verified Petition in this proceeding and has commenced this proceeding six days before the amendments would take effect.

5. Pursuant to Rule 202.7 of the Uniform Civil Rules for the Supreme Court and County Court, on July 5, 2023, my firm notified Respondents of this application, and will advise Respondents of the time, date, and place that the application for a Temporary Restraining Order will be heard in a manner sufficient to permit Respondents an opportunity to appear in response to the application.

6. No prior application for the relief sought herein has been made to this or any other court.

Dated: New York, New York  
July 6, 2023

*/s/ Karen L. Dunn*

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Karen L. Dunn

**Certification of Compliance with Word Count**

Pursuant to Section 202.8-b of the New York Codes, Rules and Regulations, I certify that this affirmation complies with that rule because it contains 527 words. In making this certification, I relied on Microsoft Word's "Word Count" tool.

Dated: New York, New  
York July 6, 2022

By: /s/ Karen L. Dunn  
Karen L. Dunn

*Attorney for Petitioner*