

At IAS/Special Term Part 52 Of The Supreme Court Of The State Of New York, held in and for the County Of New York, at the Courthouse thereof, located at 80 Centre Street, New York, New York on the 7th Day of July 6, 2023

PRESENT: Hon. Nicholas W. Mayne

<p>UBER TECHNOLOGIES, INC.,</p> <p style="text-align: right;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>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,</p> <p style="text-align: right;">Respondents.</p>
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Index. No. 155943/2023

ORDER TO SHOW CAUSE

MS #1 - article 78

Upon the accompanying Verified Article 78 Petition, verified on July 5, 2023, Memorandum of Law in Support of Uber Technologies, Inc.'s Verified Article 78 Petition and Application for a Temporary Restraining Order and Preliminary Injunction, and the accompanying Affidavit of Laura Hahn dated July 5, 2023, Affidavit of Harry Elworthy dated July 5, 2023, Affirmation of Karen L. Dunn dated July 6, 2023, and Affirmation of Urgency of Karen L. Dunn dated July 6, 2023, and good cause being alleged, it is hereby:

~~ORDERED~~, ^{LET} that Respondents herein, or their attorneys, show cause at IAS Part 52 of this Court, to be held at the Courthouse at 80 Centre Street, New York, New York on the 31st day of July, 2023 in Room 307, at 10 a.m./p.m. of that day, or as soon thereafter as counsel can be heard, why an order should not be made and entered:

(i) Pursuant to New York Civil Procedure Law and Rules 7806, vacating and annulling in part the rule enacted by the New York City Department of Consumer and Worker Protection on June 12, 2023, insofar as it amends 6 R.C.N.Y. §§ 7-801, 7-804, 7-805, 7-806, 7-807, 7-810;

(ii) Pursuant to New York Civil Procedure Law and Rules 6301, granting Petitioner a Temporary Restraining Order and Preliminary Injunction:

(a) enjoining Respondents, pending a determination by this Court on the Verified Article 78 Petition, from enforcing the amendments to 6 R.C.N.Y. §§ 7-801, 7-804, 7-805, 7-806, 7-807, 7-810, which are otherwise scheduled to go into effect on July 12, 2023; and

(b) 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, 7-810 prior to a determination by this Court on the Verified Article 78 Petition.

and for such other and further relief this court deems just and proper.
And sufficient cause being alleged, it is hereby:

FURTHER ORDERED that Respondents are enjoined, pending a ^{hearing} ~~determination~~ by this Court on the ^{application for a preliminary injunction} ~~Verified Article 78 Petition~~, from enforcing the amendments to 6 R.C.N.Y. §§ 7-801, 7-804, 7-805, 7-806, 7-807, 7-810, which are otherwise scheduled to go into effect on July 12, 2023;

FURTHER ORDERED that Respondents' answering papers, if any, shall be served upon Petitioner's counsel on or before July 18, 2023, ~~no later than~~ _____ a.m./p.m.; and it is

FURTHER ORDERED that Petitioner's reply papers, if any, shall be served upon Respondents' counsel on or before July 24, 2023, ~~no later than~~ _____ a.m./p.m.; and

it is *Further ordered that oral argument on the preliminary injunction be heard on July 31, 2023 at 10:00 AM*

FURTHER ORDERED that service of a copy of this Order To Show Cause, together with

W. Nicholas W. Moynihan

HON. NICHOLAS W. MOYNE
J.S.C.

In opposition to petitioner's application for a preliminary Injunction

the supporting papers, upon Respondents 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; and the City of New York, by email to ServiceECF@law.nyc.gov, on or before the 11th day of July, 2023, ~~no later than~~ a.m./p.m., shall be deemed good and sufficient service thereof.

ENTER:

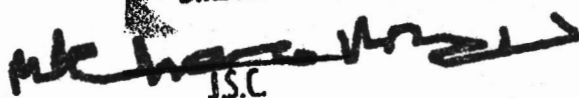


J.S.C.

HON. NICHOLAS W. MOYNE

J.S.C.

ORAL ARGUMENT
DIRECTED


J.S.C.

HON. NICHOLAS W. MOYNE
J.S.C.