

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

DISTRICT OF COLUMBIA PROFESSIONAL
TAXICAB DRIVERS ASSOCIATION, INC, *et al.*,

Plaintiffs,

v.

LEON J. SWAIN, JR., *et al.*,

Defendants.

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Superior Court of the
District of Columbia
Washington, D.C.

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0001993-08

APPLICATION FOR A TEMPORARY RESTRAINING ORDER

Pursuant to Superior Court Civil Rules 12-I and 65, plaintiffs hereby move for the entry of a Temporary Restraining Order prohibiting the defendants, for a period of ten days, from implementing or enforcing the new rates and rules for taxicabs licensed in the District of Columbia that defendant Swain purported to adopt on March 5, 2008, under authority purportedly delegated to him by defendant Fenty.

As more fully set out in the accompanying memorandum of points and authorities, the grounds for this motion are:

1. The defendants had no lawful authority to adopt these new rates and rules, because the District of Columbia Taxicab Commission has "exclusive authority for intrastate regulation of the taxicab industry," D.C. Code § 50-304, specifically including the "original jurisdiction, power, and duty to . . . Establish methodologies for the determination of reasonable fares for taxicab service," and to "Establish reasonable rates for taxicab service . . . within the District." D.C. Code § 50-307(b)(1). "No rule or rate

[relating to taxicab service] shall be effective unless a majority of the full Commission has voted affirmatively for the adoption of the rule or rate.” D.C. Code § 50-308(c).

2. If the rates and rules unlawfully adopted by the defendants are allowed to take effect, the plaintiffs, along with thousands of other D.C. taxi drivers and thousands of other D.C. taxi riders, will suffer irreparable injury without adequate remedy at law, including the loss of income, the unnecessary purchase and installation of time and distance meters, and the diminished availability and increased and unpredictable cost of taxi rides.

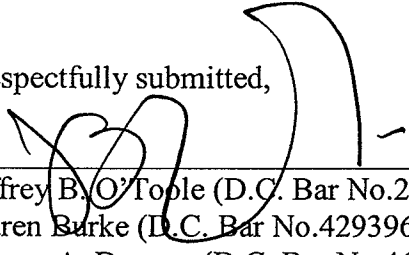
3. The defendants and the District of Columbia will suffer no harm by delaying action for the brief additional period of time needed for plaintiffs’ motion for a preliminary injunction to be briefed, argued and decided. The April 6, 2008 deadline for implementation is simply an arbitrary date chosen by the defendants, who had no lawful authority to make such a decision.

4. The public interest will not be disserved by the issuance of an injunction pending final judgment in this case; to the contrary, the public interest will affirmatively be served by having new rates and rules established through the system mandated by law, which provides opportunities for public input and specifies criteria for decision that the defendants ignored. The public interest is also served by having public officials obey the law. The public interest would be disserved by allowing the defendants to usurp the authority of the duly constituted Taxicab Commission, as they have attempted to do.

Counsel for the defendants have declined to consent to the relief sought in this motion.

AN ORAL HEARING IS REQUESTED

Respectfully submitted,



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Counsel for plaintiffs

March 7, 2008

CERTIFICATE OF SERVICE

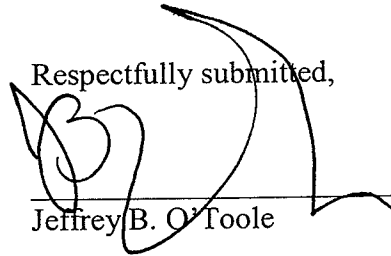
I hereby certify that a copy of the foregoing Application and the accompanying Memorandum of Points and Authorities and Proposed Order and the Complaint in this case has been delivered, via hand delivery to:

Leon J. Swain, Jr.
Chairman
2041 Martin Luther King Jr. Ave., SE Suite 204
Washington, DC 20020

The Honorable Adrian M. Fenty
Mayor, District of Columbia
John H. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

on the 7th day of March, 2008.

Respectfully submitted,



Jeffrey B. O'Toole