Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: Honorable, <u>ALLAN B. WEISS</u> IAS PART 2

Justice

MELROSE CREDIT UNION MONTAUK CREDIT UNION, PROGRESSIVE CREDIT UNION and LOMTO FEDERAL CREDIT UNION,

Index No: 6443/15

Motion Date:11/12/15

Motion Seq. No.: 3

DNDFDC

Plaintiff,

-against-

THE CITY OF NEW YORK, BILL DE BLASIO, in his Official Capacity as the Mayor of the City of New York, THE NEW YORK CITY TAXI & LIMOUSINE COMMISSION, MEERA JOSHI, in her Official Capacity as the Chair of the New York Taxi and Limo Commission and ERIC T. SCHNEIDERMAN, in his Official Capacity as the Attorney General of the State of New York,

Defendants.

The following papers numbered 1 to 15 read on this motion by petitioners for leave to renew the respondents' prior separate cross-motions to dismiss the instant proceeding, and upon renewal denying the motions.

	NUMBERED
Order to Show Cause-Affidavits-Exhibits Memorandum of Law in Support	1 - 4 5
Memorandum Of Law in Opposition-Exhibits	6 - 8
Affirmation in Opposition-Exhibits	9 - 11 12 - 13 14 - 15

Upon the foregoing papers it is ordered that this motion for leave to renew is denied.

CPLR 2221(e)(2) provides in pertinent part that a motion to renew "shall be based upon new facts not offered on the prior

motion that would change the prior determination or shall demonstrate that there has been a change in the law that would change the prior determination..."

The Court disagrees with the petitioner's assertion that had Illinois Transp. Trade Ass'n v. City of Chicago, Case No. 14-CV-827 (N.D. Ill. Sept. 22, 2015) been decided prior to the September 8, 2015 decision of this Court in the instant proceeding, this Court's decision would have been different. The Illinois Federal Court's decision does not constitute new evidence or, in anyway, change or undermine the law upon which this Court's decision was based (CPLR See 2221[e]).

As to the District Court's view that there is "...no material difference between raising your arm to hail a cab on a street corner and putting your location in an app...", this court respectfully disagrees. Street hails serve to benefit passengers in locations where cabs are available. Electronic dispatches via app. allow passengers, who have not prearranged for transportation, to secure immediate livery assistance at any location.

The management of this and other transportation issues is well within the discretion and judgment of the New York City Taxis and Limousine Commission.

Dated: November 17, 2015

D#52

J.S.C.