

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

**PRESENT: HON. DEBORAH A. KAPLAN**

***Administrative Judge***

ZEHN-NY LLC, ZWEI-NY LLC, ABATAR LLC, UNTER LLC,  
UBER TECHNOLOGIES INC.,

INDEX NO. 151730/2019

Plaintiff,

- v -

THE CITY OF NEW YORK,

Defendant.

**ADMINISTRATIVE  
ORDER**

Briefly, this action challenges Local Law 147, which among other things, imposes a one-year cap on for hire vehicles (FHV) licenses, which are required for vehicles used in conjunction with ridesharing apps, including Uber, one of the plaintiffs herein.

This action was commenced on February 15, 2019. On April 15, 2019, various individuals moved to intervene as party defendants in this action. The proposed intervenors filed an RJL without a Commercial Division addendum. Consequently, the action was assigned to a general part, Judge Lyle E. Frank.

By letter dated April 24, 2019, Karen L. Dunn, Esq., counsel for plaintiffs, requests that this action be assigned to the Commercial Division pursuant to 22 NYCRR § 202.70. She contends that this action should be tried in the Commercial Division insofar as it impacts business dealings and points to two recent cases brought against the City by other ridesharing entities also challenging various Local Law provisions, that were heard by a Commercial Division judge.

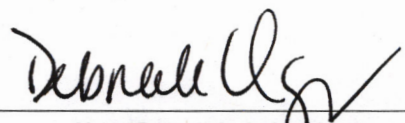
Counsel for defendant, City of New York, Michelle Goldberg-Cahn, Esq., by letter dated April 25, 2019, opposes plaintiffs' application. She argues that assignment of this action to the Commercial Division is not warranted because it does not fit into any of the categories for cases to be assigned to the Commercial Division under 22 NYCRR § 202.70 (b). She also differentiates this case from the two recent Article 78 proceedings heard in the Commercial Division, noting that that assignment stood on its own, and does not stand for the general proposition that facial challenges to legislation belong in the Commercial Division simply because the laws may impact commercial enterprises.

By letter, dated April 26, 2019, James Reif, Esq., counsel for the proposed intervenors, concurs with counsel for the City that transfer to the Commercial Division is not appropriate or warranted here stating that the allegations do not squarely fall within any of the subsections of 22 NYCRR § 202.70 (b).

Upon review of the relevant submissions, the court concludes that this action does not fall within the standards for assignment to the Commercial Division. Accordingly, the request for assignment to the Commercial Division is denied.

DATE:

May 8, 2018



Hon. Deborah A. Kaplan  
Administrative Judge  
Supreme Court, New York County  
Civil Branch