

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.

No. 0001993-08

**TEMPORARY RESTRAINING ORDER**

Upon consideration of plaintiffs' application for a Temporary Restraining Order and defendants' opposition thereto, the Court hereby finds as follows.

In order to obtain a Temporary Restraining Order, a moving party must show (1) that there is a substantial likelihood he or she will prevail on the merits; (2) that he or she is in danger of suffering irreparable harm during the time necessary for a motion for a preliminary injunction to be briefed, argued and decided; (3) that more harm will result to him or her from the denial of the injunction than will result to the defendant from its grant; and, in appropriate cases, (4) that the public interest will not be disserved by the issuance of the requested order. *See In re Estate of Reilly*, 933 A.2d 830, 834 (D.C. 2007).

Plaintiffs have satisfied these standards here:

1. Plaintiffs have demonstrated an overwhelming likelihood of prevailing on the merits, because the law of the District of Columbia unequivocally vests the regulation of the taxicab business in the D.C. Taxicab Commission and its Panel on Rates and Rules.

D.C. Code §§ 50-307; 50-308(c). While section 105 of the 2005 District of Columbia Omnibus Authorization Act, 120 Stat. 2023, gave the Mayor the authority to override the congressional decision to mandate taxi meters in D.C. taxicabs – a power he elected not to exercise – nothing in that statute gives the Mayor any authority to regulate the taxi business by choosing the type of meter to be used to by establishing taxi rules or rates. He therefore had no power to “delegate” such authority to defendant Swain.

2. Plaintiffs have shown that if the rates and rules unlawfully adopted by the defendants are allowed to take effect, they 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 District of Columbia will suffer no harm from a temporary delay in the adoption of new taxi rates. Taxicabs in the District of Columbia have operated under a zone system for many decades. They are operating under that zone system today. They can continue operating under the zone system for the brief additional period of time needed for plaintiffs’ motion for a preliminary injunction to be briefed, argued and decided.

4. The public interest will not be disserved by the issuance of a Temporary Restraining Order in this case; to the contrary, the public interest will affirmatively be served by having new rates established through the due process system that is mandated by law. 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 duty constituted Taxicab Commission and its Panel on Rates and Rules, as they have attempted to do. The public interest will also be served by maintaining the status quo for the brief additional period of time needed for plaintiffs' motion for a preliminary injunction to be briefed, argued and decided.

Based upon these findings of fact and conclusions of law, the Court exercises its discretion to grant temporary injunctive relief. Accordingly, it is hereby

**ORDERED** that the defendants, their employees and agents, and all persons acting under their direction or in concert with them, are hereby RESTRAINED, pending further order of the Court, from taking final action to adopt the new rules and rates for taxicabs licensed in the District of Columbia published at 55 D.C. Register 777 (January 25, 2008). It is further

**ORDERED** that the defendants, their employees and agents, and all persons acting under their direction or in concert with them, are hereby RESTRAINED, pending further order of the Court, from establishing, adopting or implementing any new taxicab rules or rates except in compliance with the procedures established by law in D.C. Code § 50-301 *et seq.* It is further

**ORDERED** that this Temporary Restraining Order shall take effect upon the posting of a cash bond in the amount of \$10 with the Clerk of Court, and shall dissolve ten days from that time unless extended by the Court.

Dated: March \_\_\_\_, 2008

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Associate Judge  
Superior Court of the District of Columbia

Copies of this Order shall be served upon:

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