

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT—CHANCERY DIVISION

WOLFGANG WEISS, SAMUEL KANJAMA,)
FRED DAVIS, SAAED SIDDIQUI, STANLEY)
SHEN, QIANG CHEN and CHAO TAN)
Plaintiffs,) **08 CH 15273**
v.)
CITY OF CHICAGO, A Municipal Corporation,)
Defendant..)

PETITION FOR INJUNCTIVE RELIEF

NOW COME plaintiffs, WOLFGANG WEISS, SAMUEL KANJAMA, FRED DAVIS, SAAED SIDDIQUI, STANLEY SHEN, QIANG CHEN and CHAO TAN (hereafter collectively referred to as “CABDRIVERS”) by and through their attorneys, DONALD S. NATHAN, P.C., and moves this Honorable Court to grant them injunctive relief against the defendant, CITY OF CHICAGO, A Municipal Corporation (hereafter “CITY”), and in connection therewith, they state as follows:

1. That the plaintiffs, CABDRIVERS, are all licensed public passenger vehicle chauffeurs subject to regulation by defendant, CITY, through one of its agencies, the Department of Consumer [Services] (“DCS”), and, as such, are subject to the ordinances promulgated by the City Council of CITY.

2. That over the course of the past several months, the price of gasoline has spiraled upward causing significant economic privation to CABDRIVERS and all those similarly situated, typical prices at gasoline stations throughout CITY now approaching the range of FOUR (\$4.00) DOLLARS per gallon for regular gasoline.

COPY

3. In addition to the spiraling cost of gasoline, the plaintiffs, CABDRIVERS, have faced a general increase in the cost of living that is largely a result of ever rising costs of energy, food and a general slowing of the American economy.

4. Over the course of the past several months, CABDRIVERS, have been seeking to have a revision of taxicab rates of fare so as to assuage these ever rising costs, several of them having appeared before the City Council of CITY to testify before its Transportation Committee at hearings that have been conducted at various times prior to the promulgation of any ordinance to address what CABDRIVERS had perceived as an economic crisis..

5. Moreover, CABDRIVERS, individually, and through various organizations of which they were members, had been seeking a general taxicab fare revision designed to address the perceived economic crisis they faced of approximately TWENTY-FIVE (25%)PERCENT.

6. Instead of opting for a general adjustment of the taxicab rates of fare, the City Council of CITY has promulgated an ordinance that, in effect, provided for a “surcharge” based on the price of gasoline that was both outmoded before having been promulgated and insignificant in meeting the increased costs of gasoline and the cost of living faced by CABDRIVERS and those similarly situated.

7. That a copy of the aforesaid ordinance, amending the Municipal Code of Chicago, Sections 9-104-030, 9-104-040, 9-104-140, 9-112-2609, 112-460 and 9-112-510 has been appended to this Petition For Injunctive Relief and is incorporated herein by way of reference as “Exhibit A”.

8. On information and belief, the aforesaid ordinance and taxicab fare

revision would yield an increase in the income of CABDRIVERS of approximately TWO (2%) PERCENT through the so-called “gas surcharge” being enacted in Section 9-112-510, and given the effect of the surcharge particularly on short fares may actually cause a dramatic decrease in the net income of CABDRIVERS by reason of an anticipated decrease in short trips being taken by Chicagoans based on surveys conducted by UTCC.

9. In addition, the ordinance which is primed to take effect on April 28, 2008, forbids consideration of any further taxicab fare revision (“Provided, however, that no hearings or general ordinance authorizing a surcharge on the rates of fare shall be required if a fuel surcharge on such rates of fare is permitted under subsection ((e)) of this section.”), thereby preventing CABDRIVERS from any further relief for the anticipated continued spiking of gasoline prices that reasonably can be anticipated to continue over the course of the next year and causing them irreparable harm.

10 That the enactment of the said revision of taxicab rates through a gas surcharge is primed to be concurrent with a prohibition of consideration of any other rate increase for a period of 12 months causing yet further irreparable harm to CABDRIVERS in light of the fact that the gas surcharge provided for in the ordinance is scheduled to end in just 60 days.

11. That yet other sections of the ordinance are going to cause CABDRIVERS irreparable harm; namely, Section 9-112-460 which actually *decreases fares by THIRTY-THREE and 33/100 (-33.3%) PERCENT* from Midway Field to Burbank and O’Hare Field to Skokie.

12. Further, that the ordinance primed to take effect on April 28, 2008 provides for trebling of fines for the most petty of infractions of Rules and Regulations of

DCS in Section 9-104-140 thereof at “Administrative Hearings” at which rank hearsay evidence is routinely admitted and due process is flouted.

13. Further, the ordinance in Section 9-104-040(c)(iii) permits the DCS Commissioner to suspend or even to *revoke* the Public Passenger Vehicle Chauffeur license of CABDRIVERS who might be charged with a felony *before even a finding of guilt has been made* thereby ignoring the presumption of innocence fundamental to the system of justice in every jurisdiction of these United States of America and, thereby, abridging the rights of CABDRIVERS without any procedural due process.

14. That there is no legal remedy available to the plaintiffs, CABDRIVERS, that would assure the possibility of a taxicab rate increase that would offset the cost of gasoline and offset the general increase in the cost of living that reasonably can be anticipated to continue, nor is there any legal remedy for the other onerous parts of the ordinance that abridge their rights and have the certain affect of even causing the decrease of their income.

15. That it would cause no hardship upon defendant, CITY, to have an injunction imposed upon it to prevent the said ordinance from taking effect so as to consider the plight of CABDRIVERS facing continuing economic hardship with the currently planned taxicab fare revisions and so as to consider alternative revisions that would relieve their long-term difficulties..

16. That it would cause no hardship to the defendant, CITY, pending the time of a full hearing on the merits of this Petition for Injunctive Relief to have the aforesaid ordinance enjoined from taking effect.

COPY

17. That the parties to this action all do business in Cook County,
and

any injunctive relief that this Honorable Court might grant would be easily capable of enforcement.

WHEREFORE, plaintiffs, CABDRIVERS, pray as follows:

- a. That pending a full hearing of the facts and issues relative to the relief sought in this petition for injunctive relief that the effect of the ordinance marked "Exhibit A" be stayed;
- b. That this Honorable Court restrain defendant, CITY, from enforcing the ordinance marked "Exhibit A";
- c. In the alternative, that this Honorable Court restrain defendant CITY and the DCS from failing to consider further and additional taxicab rate of fare revisions *in futuro*.
- d. For such other and further relief as fairness and equity require;
- e. For costs of this action.

DONALD S. NATHAN

COPY

DONALD S. NATHAN, P.C.
FOUR ELM CREEK DRIVE, #417
ELMHURST, IL 60126
630-758-1500

#35031