

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

CITY OF PHILADELPHIA and
JOHN F. STREET, individually as a taxpayer and
in his official capacity as Mayor of Philadelphia,

Petitioners,

vs.

COMMONWEALTH OF PENNSYLVANIA, et al., :

Respondents.

MOTION FOR EXPEDITED CONSIDERATION OF PETITIONERS'
MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Rule 1531(a) of the Pennsylvania Rules of Civil Procedure, Petitioners move for an order to set an expedited hearing as soon as practicable on Petitioners' Motion for Preliminary Injunction, at which time Respondents shall be required to show cause why the Preliminary Injunction should not be granted. In support of this motion, Petitioners aver as follows:

1. As set forth fully in Petitioner's Motion for Preliminary Injunction, supporting Memorandum and Petition for Review in the Nature of a Complaint Seeking a Declaratory Judgment and Injunctive Relief, Petitioners are entitled to immediate injunctive relief because their right to relief is clear and immediate, and such relief is necessary because the catastrophic

economic consequences flowing from the unconstitutional legislation being challenged will be irreparable if the injunction is not granted.

2. The chaos at the Convention Center caused by the Act itself and the further cloud of invalidity will, unless the named Respondents are precluded from appointing Board members under the Act and further meeting of the Board stayed, have catastrophic consequences on the region's economy which is so dependent upon the hospitality industry.

3. Immediate relief is necessary because, unless further implementation of the Act is stayed and Respondents are immediately enjoined from taking actions in accordance with Act 2002-203, the many other disparate affected individuals and entities will have already taken the required actions, causing grave harm to the welfare of the citizens of the City of Philadelphia and the Commonwealth. Undoing such actions will be profoundly disruptive, particularly given the many areas in which Act 2002-203 purports to legislate. For example, the Pennsylvania Public Utility Commission is charged with transferring taxi and limousine regulation to the Philadelphia Parking Authority pursuant to this Act, and the Parking Authority is charged with implementing numerous provisions of this new Act.

WHEREFORE, in order to preserve the status quo and the possibility of meaningful relief should Petitioners prevail, Petitioners respectfully request expedited disposition of its Motion for Preliminary Injunction at a hearing by either telephone conference or in person at the soonest time available.

Respectfully submitted,

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Dated: January 22, 2003

CERTIFICATE OF SERVICE

I, Edward T. Fisher, hereby certify that on the 23rd day of January 2003, a true and correct copy of the foregoing MOTION FOR EXPEDITED CONSIDERATION OF PETITIONERS' MOTION FOR PRELIMINARY INJUNCTION was hand-delivered to:

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