



**MOTION TO VACATE FILED WITHIN 120 DAYS**

Use this form if you are filing a motion to vacate within 120 days of your hearing date.

Summons(es):

Respondent's Name and Address:

Respondent's TLC License Number:

**FOR TRIBUNAL USE ONLY**

<b>MOTION NUMBER:</b>	_____
<b>DATE FILED:</b>	_____
<b>DATE OF HEARING:</b>	_____
<b>APPROVED:</b>	_____ <b>DENIED:</b> _____
<b>BY:</b>	_____ <b>DATE:</b> _____

Did the TLC take your vehicle ?  Yes  No  
 If yes, does TLC still have possession of your vehicle?  Yes  No

1. I understand that I must submit a separate Motion to Vacate form for each hearing date missed.
2. I understand that in order to have the default removed and get a new hearing, I must:
  - Fill out the above section as well as Side 2 (the Declaration), completely and legibly.
  - Date and sign Side 2
  - Submit any other required paper work such as a valid Power of Attorney if the summons was issued to a corporation or if it was not issued to me personally.
  - Provide proof of compliance or a Condition Corrected Receipt, if necessary.
  - Provide a self-addressed stamped envelope so that the decision(s) can be mailed to me.
3. I understand that this written motion will be reviewed by an Administrative Law Judge ("ALJ") who will make a determination on the motion based on the Declaration on Side 2 of this form, and any documents I have attached to this motion, and TLC records.
4. I understand that the ALJ's decision will only apply to the summons(es) listed above.
5. I understand that in order to have my motion granted I must complete the Declaration on Side 2 of this form to show:
  - (1) excusable neglect (a good reason for not showing up at my hearing); and
  - (2) a meritorious defense to the violation charged in the summons(es) (a reason why I am not guilty of the underlying charges). I understand that if I do not show a meritorious defense, my motion will be denied and I will not be able to argue why I am not guilty in the future.

If this is the second or subsequent time I am requesting a motion to vacate in connection with this summons(es), I must show an extraordinary and compelling reason why I could not attend my hearing.
6. I understand that the ALJ's decision is final. If I disagree with the ALJ's decision, I can file an appeal. I must file an appeal within thirty (30) days of the date of the ALJ's decision on this Motion to Vacate. I understand that if my motion is denied, I will have to pay any fines I owe and may be subject to any other penalty that is provided for by TLC rules and regulations.

NYC - Taxi and Limousine Tribunal  
DECLARATION IN SUPPORT OF MOTION TO VACATE INQUEST DETERMINATION

I \_\_\_\_\_, declare under penalty of perjury, that  
Type or print your name

the following is true and correct.

1. I was unable to appear on \_\_\_\_\_ at \_\_\_\_\_ for my  
Hearing Date Hearing Time

scheduled hearing because (state your reason for missing the hearing): \_\_\_\_\_

---

---

---

---

---

---

---

---

---

---

2. My defense to the underlying charge(s) is/are as follows (state why you are not guilty of the underlying charge(s)): \_\_\_\_\_

---

---

---

---

---

---

---

---

---

---

3. All documents submitted with motion are true and accurate copies of the original, and I understand that these documents will not be returned to me.

Executed on  
this date: \_\_\_\_\_  Please check here if you have additional sheets/documents

\_\_\_\_\_  
Respondent:(Print or type name here)

\_\_\_\_\_  
(Sign here )