

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

METROPOLITAN TRANSPORTATION AUTHORITY  
and TRIBOROUGH BRIDGE AND TUNNEL  
AUTHORITY,

*Plaintiffs,*

and

NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION, RIDERS ALLIANCE, SIERRA  
CLUB, and NEW YORK CITY DEPARTMENT OF  
TRANSPORTATION,

*Intervenor-Plaintiffs,*

v.

SEAN DUFFY, in his official capacity as Secretary of  
the United States Department of Transportation,  
GLORIA M. SHEPHERD, in her official capacity as  
Executive Director of the Federal Highway  
Administration, UNITED STATES DEPARTMENT  
OF TRANSPORTATION, and FEDERAL HIGHWAY  
ADMINISTRATION,

*Defendants.*

Case No. 25 Civ. 1413 (LJL)

**NOTICE OF MOTION FOR A  
PRELIMINARY INJUNCTION  
BY THE METROPOLITAN  
TRANSPORTATION  
AUTHORITY, THE  
TRIBOROUGH BRIDGE AND  
TUNNEL AUTHORITY, AND  
NEW YORK CITY  
DEPARTMENT OF  
TRANSPORTATION**

**ORAL ARGUMENT  
REQUESTED**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law in Support of Plaintiffs the Metropolitan Transportation Authority (“MTA”) and Triborough Bridge and Tunnel Authority (“TBTA”) and Intervenor-Plaintiff New York City Department of Transportation’s (“NYCDOT”) Motion for a Preliminary Injunction, the Declaration of D. Brandon Trice dated May 5, 2025, the Declaration of Kevin Willens dated May 5, 2025, the Declaration of Allison C. de Cerreño dated May 4, 2025, the Declaration of William Carry dated May 5, 2025, and all other papers, pleadings, and proceedings herein, Plaintiffs MTA and TBTA

and Intervenor-Plaintiff NYCDOT will move this court on May 28, 2025 before the Honorable Lewis J. Liman, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse for the Southern District of New York, 500 Pearl Street, New York New York 10007, at a date and time to be determined by the Court, for an order pursuant to 5 U.S.C. § 705 and Rule 65 of the Federal Rules of Civil Procedure staying and preliminarily enjoining Defendants from:

1. Taking any actions to enforce compliance with or implement the February 19, 2025 letter from Defendant Duffy to Governor Hochul purporting to terminate the VPPP Agreement and rescind federal approval for the Central Business District (the “February 19 Letter”), including but not limited to enjoining Defendants from implementing the “compliance measures” detailed in Defendant Duffy’s April 21, 2025 letter to Governor Hochul (the “April 21 Letter”);
2. Taking any further agency action founded on the February 19 Letter or the April 21 Letter;
3. Withdrawing, cancelling, delaying, rescinding, or withholding any appropriated, authorized, obligated, committed, and/or otherwise due federal funding from Plaintiffs or Intervenor-Plaintiff NYCDOT in retaliation for commencing this action or for continuing to operate the Central Business District Tolling Program;
4. Withdrawing, cancelling, delaying, rescinding, or withholding any appropriated, authorized, obligated, committed, and/or otherwise due federal funding from Plaintiffs or Intervenor-Plaintiff NYCDOT in the absence of constitutional and statutory authority and in compliance with applicable law and procedure.

**PLEASE TAKE FURTHER NOTICE** that, per the Order entered by the Court on May 4, 2025, ECF No. 77, Defendants' opposition to the motion, if any, is due no later than May 16, 2025.

Dated: May 5, 2025  
New York, New York

Respectfully submitted,

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