

MOTION TO VACATE DEFAULT JUDGMENT

Summons(es):

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Respondent's Name and Address:

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Respondent's TLC License Number:

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FOR TLC USE ONLY

MOTION NUMBER: _____

DATE FILED: _____

DATE OF INQUEST: _____

APPROVED: _____ **DENIED:** _____

BY: _____ **DATE:** _____

Motions on inquests decided on or After September 3, 2008, will not be accepted more than two (2) years after the Hearing date.

Did the TLC take your vehicle ? Yes No

If so, 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 judgement entered against me vacated, 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 paperwork 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, 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 provide excusable neglect (a compelling and justifiable reason for my non-appearance) and I must show that I have a meritorious defense to the violation charged in the summons(es). I understand that if I don't show a meritorious defense, my motion will be denied and I will not be able to use this defense in the future.
6. If this motion is denied, and I am a TLC licensed driver, I may receive points on my TLC license. See persistent violator rules at 35 RCNY 2-70, 35 RCNY §6-23.
7. I understand that if my motion is denied, I will have to pay a fine and may be subject to any other penalty that is provided for by TLC rules and regulations.
8. I understand that the ALJ's decision is final. If I disagree with the ALJ's decision, I can submit an appeal. I must file an appeal within thirty (30) days of the date of the ALJ's decision on this Motion to Vacate.

NYC - TLC ADJUDICATIONS DIVISION
DECLARATION IN SUPPORT OF MOTION TO VACATE DEFAULT JUDGEMENT

I _____,
(Type or print your name), declare under penalty of perjury, that the
forgoing is true and correct.

1. I was unable to appear on _____ Date at _____ Time for my
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.

Please check here if you have additional sheets/documents

Executed on
this date: _____

Respondent: (Print or type name here)

(Sign here)