

2. Transportation services are a gateway to entrepreneurship in cities across the United States. This is especially true in Nashville where, until recently, an absence of regulation in the limousine and sedan market gave rise to three markets for transportation services—affordable limousine and sedan services, taxicabs, and expensive limousines.

3. Plaintiffs Syed A. Bokhari, Metro Livery, Inc., Richard J. Simpkins, and Allen VanPliet are in the affordable limousine and sedan business.

4. Defendants worked closely with expensive limousine services in order to eliminate the robust competition in Nashville's transportation market.

5. Defendants now require all limousine and sedan businesses to charge a minimum of \$45 per trip, inflating consumers' cost by about 80%; businesses must hold title to their vehicles, making leasing impossible; they must dispatch only from their place of business, pointlessly complicating passenger pickup; and, as of January 2012, they will be required to take all sedans and sport utility vehicles out of service if they are more than seven model years old, and to take limousines out of service if they are more than ten model years old.

6. These restrictions address no legitimate health or safety concerns; rather they exist only to protect taxicabs and expensive limousine companies from competition by affordable limousines and sedans.

7. Defendants' actions threaten to put Plaintiffs out of business and threaten to deprive Nashville's consumers of affordable limousines and sedans altogether.

8. Defendants' actions deprive Plaintiffs of their economic liberty—the right to pursue their chosen occupation free from unreasonable government restrictions—in violation of the Fourteenth Amendment to the United States Constitution.

JURISDICTION AND VENUE

9. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343, 2201, 2202 and 42 U.S.C. § 1983.

10. Venue lies in this Court pursuant to 28 U.S.C. § 1391(b).

PARTIES

11. Plaintiff Syed Ali Bokhari is the president and sole-shareholder of Metro Livery, Inc.—a limousine and sedan service—and he regularly works as one of its drivers. Mr. Bokhari is suing only in his capacity as a driver for Metro Livery. He is a United States citizen and a resident of the State of Tennessee.

12. Plaintiff Metro Livery, Inc. is a limousine and sedan service headquartered in Nashville, Tennessee and incorporated under the laws of the State of Tennessee.

13. Plaintiff Richard Jonathan Simpkins is the sole proprietor of A Limo For You, a limousine service. Mr. Simpkins is a United States citizen and a resident of the State of Tennessee.

14. Plaintiff Allen VanPliet is the sole proprietor of Southern Hospitality Limousine, a limousine service. Mr. VanPliet is a United States citizen and a resident of the State of Tennessee.

15. Defendant Metropolitan Government of Nashville and Davidson County (hereinafter “Metro Nashville”) is a political subdivision of the State of Tennessee. Metro Nashville has been served with process and has appeared through counsel.

16. Defendant Metropolitan Transportation Licensing Commission (hereinafter “MTLC”) is an agency of Metro Nashville. The MTLC can be served with process at its headquarters at 1417 Murfreesboro Road, Nashville, Tennessee 37217.

FACTUAL ALLEGATIONS

Plaintiffs Bokhari and Metro Livery, Inc.

17. Metro Livery, Inc. operates limousine, sedan, and sport utility vehicles-for-hire in Nashville and Davidson County and holds a certificate of public convenience and necessity to do so.

18. The company endeavors to compete with taxicabs on price—charging approximately \$25 per trip—while providing luxury service on par with the most expensive limousine companies in Nashville.

19. In just six years of operation, Metro Livery has grown into the largest such service in town. The company currently has 35 vehicles in service—20 of which it owns and 15 of which are owned by independent contractors.

20. Metro Livery employs more than 20 drivers and has eight additional employees working in dispatch and administrative roles.

21. In addition to running Metro Livery, Mr. Bokhari is a regular driver. He used to operate a taxicab in Nashville, but found that government and company-imposed restrictions in the taxicab industry inhibited his ability to earn a living.

22. Metro Livery believes it cannot charge \$45 per trip and maintain its current customer base. As a result, Metro Livery would lose much of its customer base if it attempted to charge a minimum of \$45 for its services.

23. In order to provide prompt service to its customers and operate at maximum efficiency, Metro Livery often dispatches vehicles that are already on the road. Drivers often take cell phone calls directly from customers.

24. Fifteen of the vehicles that Metro Livery owns are sedans or sport utility vehicles currently seven model years old or older.

25. By January 1, 2012, 19 of the company's 20 vehicles will be over seven model years old and Metro Livery will not be able to use these 19 vehicles.

26. Metro Livery's vehicles have been inspected and approved for service by Defendant MTLC.

27. Metro Livery needs the flexibility to lease vehicles in order to provide customers with the best vehicles available and in order to comply with Defendants' vehicle-age requirement, in the event it is upheld.

28. Metro Livery's independent contractors will likewise need the flexibility to lease vehicles in order to provide customers with the best vehicles available and in order to comply with Defendants' vehicle-age requirement, in the event it is upheld.

Plaintiff Simpkins's Business

29. From May 1999 until June 2010, Plaintiff Richard Simpkins operated a vehicle-for-hire service, A Limo For You, in Nashville and Davidson County.

30. As a direct result of Defendants' new regulations, Mr. Simpkins has effectively shut down his business. He now provides limited service only outside of Nashville and Davidson County. He has taken a full-time job at a local car manufacturing plant to make up for his lost income.

31. Mr. Simpkins's average fare was \$20 for service in Nashville and approximately \$50 one way in greater Davidson County. Most of his customer base would not pay \$45 and up for his services.

32. As a result, Mr. Simpkins would lose most of his customer base if he attempted to charge a minimum of \$45 for his services.

33. Mr. Simpkins operated his limousines on a “hub and spoke” system, meaning he either waited downtown for fares, transported his passengers to their destinations, and then tried to pick up another passenger to take downtown or, alternatively, he picked up passengers in greater Davidson County, brought them downtown, and returned them to their points of origin. Mr. Simpkins dispatched himself using a cellular telephone and by arranging pickups on the street. He does not have employees.

34. Mr. Simpkins owns two limousines—one 1992 model and one 1995 model Lincoln Town Car—both of which are safe, roadworthy, and acceptable to his customers. He will not be able to use these vehicles as of January 1, 2012, when Defendants’ vehicle-age requirement goes into effect.

35. In order to comply with Defendants’ vehicle-age requirement, Mr. Simpkins would have to lease vehicles because he cannot afford to purchase them outright.

Plaintiff VanPliet’s Business

36. Plaintiff Allen VanPliet operates Southern Hospitality Limousine from his home in Murfreesboro, Tennessee.

37. Southern Hospitality holds a certificate of public convenience and necessity to operate vehicles-for-hire in Nashville and Davidson County.

38. Nearly all of Mr. VanPliet’s vehicle-for-hire business is conducted in Nashville and Davidson County. He charges an average of \$20 per trip in downtown Nashville.

39. Few, if any, of Mr. VanPliet’s existing customers would pay \$45 or more for his services downtown.

40. As a result, Mr. VanPliet is in danger of losing the patronage of people needing only short downtown runs, which is a large part of his customer base.

41. Mr. VanPliet dispatches himself using a cellular telephone. He does not have employees.

42. Mr. VanPliet owns two limousines—a 1997 model Lincoln Town Car and a 1998 model Mercury Grand Marquis—both of which have been inspected and approved for service by Defendant MTLC.

43. Mr. VanPliet will not be able to use these vehicles as of January 1, 2012, when Defendants' vehicle-age requirement goes into effect.

44. In order to comply with Defendants' vehicle-age requirement, Mr. VanPliet may have to lease vehicles because he cannot afford to purchase them outright.

Nashville's New Restrictions on Limousines and Sedans

45. Before June 2010, Defendant Metro Nashville imposed no regulations on limousine or sedan businesses.

46. Defendants recently adopted the regulations challenged in this lawsuit at the behest of the Tennessee Livery Association—a trade group comprised of high-end limousine companies.

47. The challenged provisions of these new regulations require all limousine and sedan services to:

- A. charge a minimum of \$45 per trip under Nashville Code of Ordinances Sec. 6.74.025(D)(1)(c) (“the \$45 minimum fare”);
- B. hold title to their vehicles, making leasing impossible, under Nashville Code of Ordinances Sec. 6.74.205 (“the prohibition on leasing”);

- C. dispatch vehicles only from their place of business under Nashville Code of Ordinances Sec. 6.74.370 (“the dispatch restriction”); and
- D. take all sedans and sport utility vehicles out of service if they are more than seven model years old, take limousines out of service if they are more than ten model years old, and refrain from placing any vehicle in service if it is more than five model years old under Nashville Code of Ordinances Sec. 6.74.230 (“the vehicle-age requirement”).

48. The \$45 minimum fare, prohibition on leasing, and dispatch restriction became effective June 18, 2010.

49. The vehicle-age requirement will become effective January 1, 2012.

50. Defendants have concurrent jurisdiction to enforce these restrictions.

51. Each of these restrictions acts to protect expensive limousine companies and taxicab companies from competition.

52. On information and belief, Defendant MTLC worked closely with the Tennessee Livery Association, a group of high-end limousine companies, to draft each of these provisions.

53. On information and belief, the president of the Tennessee Livery Association claims the MTLC allowed it to “steer the actual content and wording” of these provisions.

54. Defendant Metro Nashville then passed these provisions into law over Plaintiffs’ objections.

55. These provisions are a means of protecting taxicab and expensive limousine companies from competition by limousine and sedan services like those operated by Plaintiffs.

56. Indeed, these restrictions have no function at all beyond protecting existing transportation companies from competition.

The \$45 Minimum Fare

57. Defendants' \$45 minimum fare serves to artificially inflate the cost of limousine and sedan service in Nashville and Davidson County while doing nothing to increase the safety of that service and doing nothing to protect consumers.

58. The \$45 minimum fare is approximately twice the price Plaintiffs charged their typical customers before the minimum fare was imposed.

59. On information and belief, the \$45 minimum fare is significantly less than the average fare charged by the Tennessee Livery Association's principal members before the minimum fare was imposed.

60. The MTLC specifically recognized the \$45 minimum was written into the regulations at the urging of the Tennessee Livery Association, and removed it from its draft regulations.

61. Defendant Metro Nashville's Metropolitan County Council, however, added the minimum fare back in, again at the urging of expensive limousine companies.

62. On information and belief, Defendants possess no evidence that the \$45 minimum fare addresses any legitimate health, safety, or consumer-protection concerns.

63. Indeed, the \$45 minimum fare does nothing to protect consumers or public health and safety.

The Prohibition on Leasing

64. Defendants now require limousine and sedan businesses to hold title to their vehicles, prohibiting the leasing of vehicles.

65. Legal ownership of a vehicle (as distinct from long-term lease of a vehicle) does nothing to increase vehicle safety and does nothing to protect consumers.

66. Leasing arrangements are common in the limousine and sedan industry.
67. Plaintiffs would like to have the option of leasing new vehicles.
68. On information and belief, Defendants possess no evidence that the prohibition on leasing addresses any legitimate health, safety, or consumer-protection concerns.
69. Indeed, the prohibition on leasing serves no legitimate health, safety, or consumer-protection purpose.

The Dispatch Restriction

70. Defendants' dispatch restriction makes one-man car service practically impossible because it requires vehicles to be dispatched from an approved place of business and prohibits vehicles from being dispatched remotely with, for example, a cellular telephone.

71. The dispatch restriction complicates passenger pre-arrangement, increases the amount of time customers must wait for service, and therefore destroys consumers' goodwill for Plaintiffs' services.

72. On information and belief, Defendants possess no evidence that the dispatch restriction addresses any legitimate health, safety, or consumer-protection concerns.

73. Indeed, the dispatch restriction does nothing to protect consumers or public health and safety.

The Vehicle-Age Requirement

74. Defendants' vehicle-age requirement prohibits the operation of completely safe and road-worthy vehicles if, after January 1, 2012, they are more than five years old at the time they are placed into service as vehicles-for-hire.

75. The vehicle-age requirement also prohibits the operation of a sedan or sport utility vehicle if, after January 1, 2012, the vehicle is more than seven years old and likewise prohibits the operation of a limousine if it is more than ten years old.

76. The vehicle-age requirement contains an exemption for so-called “classic or vintage” limousines and sedans.

77. Plaintiffs’ vehicles are not so-called “classic or vintage” vehicles under Defendants’ definition.

78. On information and belief, some of the vehicles Defendants have exempted are included in the fleet of at least one of the high-end limousine companies, Matchless Limousine, that helped Defendants craft the vehicle-age restrictions.

79. Plaintiffs’ vehicles are newer and likely include many more safety features than the exempted “classic or vintage” vehicles.

80. Any legitimate vehicle-safety rationale for the vehicle-age requirement is rendered irrational by virtue of this exemption.

81. On information and belief, Defendants possess no evidence that the vehicle-age requirement addresses any legitimate health, safety, or consumer-protection concerns.

82. Defendants’ new restrictions, independently and as a whole, threaten to put Plaintiffs out of business and, therefore, these restrictions threaten to deprive Nashville’s consumers of affordable limousine and sedan service altogether.

INJURY TO PLAINTIFFS

83. All preceding allegations are incorporated herein as if set forth in full.

84. Defendants’ new limousine and sedan regulations prevent Plaintiffs from offering the same prompt, efficient, and affordable services they have offered for years.

85. As a direct result of these unconstitutional restrictions on their economic liberty, Plaintiffs have and are continuing to lose business income and consumer goodwill.

86. Defendants' \$45 minimum fare prohibits Plaintiffs from charging the fair and customary amount for affordable limousine and sedan service in Nashville and Davidson County. The minimum fare increases consumers' cost for exactly the same services.

87. Plaintiffs have long-standing relationships with customers who are unwilling to pay \$45 or more for their services.

88. Plaintiffs have lost substantial income as a result of the \$45 minimum fare.

89. Defendants' prohibition on leasing prevents Plaintiffs from leasing vehicles and placing them in service as vehicles-for-hire. As a result of this unconstitutional restriction on their economic liberty, Plaintiffs do not have the option of leasing newer vehicles if this should become necessary before January 1, 2012, when the vehicle-age requirement goes into effect.

90. Defendants' dispatch restriction prohibits Plaintiffs from dispatching themselves or other drivers from anywhere other than a place of business approved by Defendant MTLC in a certificate of public convenience and necessity. This unconstitutional restriction prohibits Plaintiffs from engaging in customary car service operations, such as taking a cellular telephone call from the road and promptly responding to a passenger's request for service.

91. Beginning on January 1, 2012, Defendants' vehicle-age requirement will deprive Metro Livery of the use of 19 of 20 of its vehicles. As a result, Metro Livery is forced to seek out and purchase newer vehicles before January 1, 2012, despite the fact that the vehicles it currently has in service have all been approved as safe and roadworthy by Defendant MTLC.

92. Replacing 19 vehicles before January 1, 2012 will cost Metro Livery a substantial amount of money.

93. Beginning January 1, 2012, Defendants' vehicle-age requirement will deprive Plaintiff Simpkins of any further use of his limousines as vehicles-for-hire. As a result, Mr. Simpkins will be forced to stay out of the Nashville and Davidson County market because he cannot afford to purchase new vehicles. The limousines he owns are safe and roadworthy.

94. Beginning January 1, 2012, Defendants' vehicle-age requirement will deprive Plaintiff VanPliet of the use of both of his limousines as vehicles-for-hire, despite the fact that both vehicles have been approved as safe and roadworthy by Defendant MTLC. As a result, Mr. VanPliet will be forced to stay out of the Nashville and Davidson County market and will lose substantial income. He cannot afford to purchase new vehicles.

95. Defendants' regulations threaten Plaintiffs with monetary penalties for violating the unconstitutional vehicle-age requirement listed above.

96. Plaintiff Simpkins has discontinued limousine service in Nashville and Davidson County altogether, after more than a decade of operations, because he cannot comply with the challenged restrictions while generating enough revenue to sustain his business. As a result, he has lost substantial income and has been forced to take less-appealing work at a manufacturing plant to make up for his lost income.

97. Defendant MTLC may revoke, restrict, or refuse to renew Plaintiffs Metro Livery and VanPliet's certificates of public convenience and necessity for failing or refusing to comply with Defendants' unconstitutional regulations.

98. If Plaintiff Simpkins were to apply for a certificate of public convenience and necessity, Defendant MTLC may deny his application for failing or refusing to comply with Defendants' unconstitutional regulations.

99. Defendant MTLC may revoke, restrict, or refuse to renew Plaintiffs Bokhari and VanPliet's driver's permits for failing or refusing to comply with Defendants' unconstitutional regulations.

100. If Plaintiff Simpkins were to apply for a driver's permit, Defendant MTLC may deny his application for failing or refusing to comply with Defendants' unconstitutional regulations.

101. Defendants' unconstitutional regulations listed above do not address any health, safety, or consumer protection concerns; rather, they exist only to shield taxicab and expensive limousine companies from competition.

102. But for Defendants' unconstitutional regulations listed above, Plaintiffs could legally charge their customers less than \$45 per trip, could legally use leased vehicles, could legally dispatch from anywhere, and could legally operate safe sedans and sport utility vehicles more than seven model years old and limousines more than ten model years old.

103. Because of Defendants' unconstitutional regulations listed above, Plaintiffs are injured irreparably by the deprivation of their substantive due process right to earn an honest living free from unreasonable government interference, deprivation of their right to the privileges or immunities of citizenship, and deprivation of their right to equal protection of the laws.

104. If Plaintiffs are forced to comply with Defendants' regulations, they will permanently lose the goodwill of their long-standing customers.

CAUSES OF ACTION

105. Plaintiffs bring this civil rights lawsuit pursuant to the Fourteenth Amendment to the United States Constitution; the Civil Rights Act of 1871, 42 U.S.C. § 1983; and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 & 2202.

**FIRST CAUSE OF ACTION
(SUBSTANTIVE DUE PROCESS)**

106. All preceding allegations are incorporated herein as if set forth in full.

107. The Due Process Clause of the Fourteenth Amendment to the U.S. Constitution protects every American's right to pursue legitimate occupations, subject only to regulations that are rationally related to a legitimate government purpose.

108. The \$45 minimum fare violates Plaintiffs' right to due process of law under the Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983 on its face and as-applied to the extent Defendants prohibit Plaintiffs from charging their customers less than \$45 for their services.

109. The prohibition on leasing violates Plaintiffs' right to due process of law under the Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983 on its face and as-applied to the extent Defendants prohibit Plaintiffs from leasing otherwise safe vehicles that they may wish to put into service as vehicles-for-hire.

110. The dispatch restriction violates Plaintiffs' right to due process of law under the Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983 on its face and as-applied to the extent Defendants prohibit Plaintiffs from dispatching themselves from anywhere other than their place of business.

111. The vehicle-age requirement violates Plaintiffs' right to due process of law under the Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983 on its face and as-applied to the extent Defendants prohibit Plaintiffs from placing an otherwise safe vehicle into service as a vehicle-for-hire solely because the vehicle is, at the time it is first put into service, older than five model years old, and thereafter prohibit Plaintiffs from keeping a vehicle in

service solely because the vehicle is older than seven model years old in the case of a sedan or sport utility vehicle and older than ten model years old in the case of a limousine.

112. Protecting transportation businesses from competition at the expense of Plaintiffs' businesses and consumers is not a valid exercise of Defendants' police power to protect consumers and the public health and safety.

113. Unless Defendants are enjoined from committing the above-described violations of the Fourteenth Amendment, Plaintiffs will continue to suffer great and irreparable harm.

**SECOND CAUSE OF ACTION
(PRIVILEGES OR IMMUNITIES)**

114. All preceding allegations are incorporated herein as if set forth in full.

115. The \$45 minimum fare violates Plaintiffs' privileges or immunities of citizenship under the Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983 on its face and as-applied to the extent Defendants prohibit Plaintiffs from charging their customers less than \$45 for their services.

116. The prohibition on leasing violates Plaintiffs' privileges or immunities of citizenship under the Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983 on its face and as-applied to the extent Defendants prohibit Plaintiffs from leasing otherwise safe vehicles that they wish to put into service as vehicles-for-hire.

117. The dispatch restriction violates Plaintiffs' privileges or immunities of citizenship under the Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983 on its face and as-applied to the extent Defendants prohibit Plaintiffs from dispatching themselves from anywhere other than their place of business.

118. The vehicle-age requirement violates Plaintiffs' privileges or immunities of citizenship under the Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983 on its face and as-applied to the extent Defendants prohibit Plaintiffs from placing an otherwise safe vehicle into service as a vehicle-for-hire solely because the vehicle is, at the time it is first put into service, older than five model years old, and thereafter prohibit Plaintiffs from keeping a vehicle in service solely because the vehicle is older than seven model years old in the case of a sedan or sport utility vehicle and older than ten model years old in the case of a limousine.

119. Protecting transportation businesses from competition at the expense of Plaintiffs' businesses and consumers is not a valid exercise of Defendants' police power to protect consumers and the public health and safety.

120. Unless Defendants are enjoined from committing the above-described violations of the Fourteenth Amendment, Plaintiffs will continue to suffer great and irreparable harm.

**THIRD CAUSE OF ACTION
(EQUAL PROTECTION OF LAW)**

121. All preceding allegations are incorporated herein as if set forth in full.

122. The Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution protects every American's right to equal protection of the law.

123. Under the Equal Protection Clause, when government restricts a person's economic liberty, its exemptions for other persons and businesses must be rationally related to a legitimate government purpose.

124. The vehicle-age requirement violates Plaintiffs' right to equal protection of law under the Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983 on its face and as-applied to the extent Defendants prohibit Plaintiffs from placing an otherwise safe vehicle into

service as a vehicle-for-hire solely because the vehicle is, at the time it is first put into service, older than five model years old, while at the same time exempting so-called “classic or vintage” limousines and sedans.

125. The vehicle-age requirement violates Plaintiffs’ right to equal protection of law under the Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983 on its face and as-applied to the extent Defendants prohibit Plaintiffs from keeping a vehicle in service solely because the vehicle is older than seven model years old in the case of a sedan or sport utility vehicle and older than ten model years old in the case of a limousine, while at the same time exempting so-called “classic or vintage” limousines, sedans, and sport utility vehicles.

126. Some of the vehicles exempted because they are “classic or vintage” are included in the fleet of at least one of the high-end limousine companies, Matchless Limousine, that helped Defendants craft the vehicle-age requirement.

127. Any legitimate vehicle-safety rationale for the vehicle-age requirement is rendered irrational by virtue of this exemption.

128. Moreover, taxicabs are not required to be taken out of service until they are ten years old or older. This gives taxicabs at least two years longer in service than Metro Livery’s sedans and sport utility vehicles.

129. Defendants’ classification of Plaintiffs’ vehicles as distinct from so-called “classic or vintage” limousines and sedans is irrational because it fails to take account of vehicle condition, mileage, and safety features.

130. Defendants’ classification of Metro Livery’s sedans and sport utility vehicles as distinct from taxicabs is irrational because it fails to take account of vehicle condition, mileage, and safety features.

131. Protecting transportation businesses from competition at the expense of Plaintiffs' businesses and consumers is not a valid exercise of Defendants' police power to protect consumers and the public health and safety.

132. Unless Defendants are enjoined from committing the above-described violations of the Fourteenth Amendment, Plaintiffs will continue to suffer great and irreparable harm.

PRAYER FOR RELIEF

Therefore, Plaintiffs respectfully request the following relief:

A. A declaratory judgment that Nashville Code of Ordinances Section 6.74.025(D)(1)(c) is unconstitutional facially and as applied to Plaintiffs to the extent it requires a \$45 minimum fare for the provision of limousine and sedan services in Nashville and Davidson County;

B. A declaratory judgment that Nashville Code of Ordinances Section 6.74.205 is unconstitutional facially and as applied to Plaintiffs to the extent it prohibits leasing of any vehicles they put into service in Nashville and Davidson County;

C. A declaratory judgment that Nashville Code of Ordinances Section 6.74.370 is unconstitutional facially and as applied to Plaintiffs to the extent it prohibits car services from dispatching or operating from anywhere other than their place of business;

D. A declaratory judgment that Nashville Code of Ordinances Section 6.74.230 is unconstitutional facially and as applied to Plaintiffs to the extent it prohibits car services from placing any limousine, sedan, or sport utility vehicle more than five years old into service for the first time after January 1, 2012;

E. A declaratory judgment that Nashville Code of Ordinances Section 6.74.230 is unconstitutional facially and as applied to Plaintiffs to the extent it prohibits car services from

operating any limousine more than ten model years old and from operating any sedan or sport utility vehicle older than seven model years old after January 1, 2012;

F. A preliminary injunction prohibiting Defendants and their agents from enforcing the \$45 minimum fare under Nashville Code of Ordinances Section 6.74.025(D)(1)(c) and any regulations promulgated thereunder;

G. A permanent injunction prohibiting Defendants and their agents from enforcing the prohibition on leasing, dispatch restriction, and vehicle-age requirement under Nashville Code of Ordinances Sections 6.74.025(D)(1)(c), .205, .230, and.370 and any regulations promulgated thereunder;

H. An award of nominal damages in the amount of \$1;

I. An award of attorneys' fees, costs, and expenses; and

J. Any other legal or equitable relief to which Plaintiffs may show themselves entitled.

RESPECTFULLY SUBMITTED this 20th day of April, 2011.

INSTITUTE FOR JUSTICE

By: /s/ Wesley Hottot

Wesley Hottot (TX Bar No. 24063851)*
Institute for Justice Texas Chapter
816 Congress Avenue, Suite 960
Austin, TX 78701
(512) 480-5936
(512) 480-5937 (fax)
whottot@ij.org

William H. Mellor (DC Bar No. 462072)**
Steven M. Simpson (DC Bar No. 462553)*
Robert J. McNamara (VA Bar No. 73208)*
Institute for Justice
901 N. Glebe Road, Suite 900
Arlington, VA 22203
(703) 682-9320
(703) 682-9321 (fax)
wmellor@ij.org
ssimpson@ij.org
rmcnamara@ij.org

G. Kerry Haymaker (TN Bar No. 018695)
Haymaker & Heroux, P.C.
943 Main Street
Nashville, TN 37206
(615) 250-0050
(615) 250-0051 (fax)
haymaker@tennesseedefense.com

ATTORNEYS FOR PLAINTIFFS

* Admitted *pro hac vice*

** Motion for admission *pro hac vice* filed
concurrently with this document

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of this Plaintiffs' First Amended Complaint for Declaratory and Injunctive Relief on each attorney of record on this 20th day of April, 2011, as follows:

Keli J. Oliver
Elizabeth Sanders Burke
Metropolitan Legal Department
P.O. Box 196300
Nashville, TN 37219
keli.oliver@nashville.gov
libby.sanders@nashville.gov

ATTORNEYS FOR DEFENDANT METRO NASHVILLE

By way of the Court's Electronic Filing System

/s/ Wesley Hottot
Wesley Hottot