

STATE OF NEW YORK  
SUPREME COURT                      COUNTY OF ALBANY

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OWNER-OPERATOR INDEPENDENT DRIVERS  
ASSOCIATION, *et al.*,

Plaintiffs,

-against-

NEW YORK STATE DEPARTMENT OF  
TAXATION AND FINANCE, *et al.*,

Defendants.

**ORDER**  
Index No.: 5551-13  
RJI No.: 01-13-111950

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(Supreme Court, Albany County, Motion Term)

APPEARANCES:

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The Cullen Law Firm, PLLC  
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Daniel E. Cohen, Esq.  
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Attorney General of the State of New York  
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HON. JAMES H. FERREIRA, Acting Justice:

Plaintiffs' Counsel in this matter has advised the Court that the carrier class members in this case appear to be making diligent efforts to ensure that refunds are passed through to the owner-operators or other entities who were actually responsible for paying the registration and decal fees underlying this case, as required by Court Order. Plaintiffs' Counsel has further advised the Court that some of the carrier class members require additional time to complete the process of passing through refunds. Accordingly, Plaintiffs' Counsel has requested that the Court amend the distribution schedule as stated in the Court's April 19, 2017 Order & Final Judgment to allow additional time for the pass-through of these refunds. Counsel for Defendants has advised that Defendants do not oppose the relief requested by Plaintiffs.

Having considered the request submitted by Plaintiffs, the Court determines as follows:

(1) WHEREAS Plaintiffs' Counsel has advised the Court that the carrier class members have been diligently attempting to ensure that refunds are passed through to the drivers; and

(2) WHEREAS Plaintiffs' Counsel has further advised the Court that some of the carrier class members require additional time to complete the process of passing through refunds; and

(3) WHEREAS the granting of additional time to complete the process of passing through refunds would necessitate a modification of the Court's distribution schedule specified in the Court's April 19, 2017 Order & Final Judgment; and

(4) WHEREAS the relief requested by Plaintiffs would not serve to delay the final disposition of this case; and

(5) WHEREAS Defendants do not oppose the relief requested; and

(6) WHEREAS the Court finds good cause to grant the relief requested;

ACCORDINGLY, it is hereby

ORDERED that the distribution schedule specified in the Court's April 19, 2017 Order & Final Judgment, attached hereto as Exhibit A, is amended as follows:

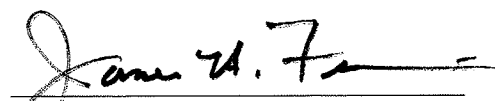
Event	Old Deadline	New Deadline
Deadline for class members who received checks dated July 7, 2017 to pass through refunds to owner-operators or other entities	January 7, 2018	February 15, 2018
Deadline for mediation and receipt of verification forms & excess funds	January 7, 2018	June 1, 2018

SO ORDERED.

ENTER.

DATED: Albany, New York

December 27, 2017

  
Hon. James H. Ferreira  
Acting Justice of the Supreme Court