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A PROFESSIONAL CORPORATION

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Reply to: Stowe Office

November 30, 2016

Vermont Superior Court
Ms. Christine Brock, Clerk
Chittenden Unit – Criminal Division
32 Cherry Street – Suite 300
Burlington, Vermont 05401

Re: *City of Burlington v. Schieldrop*
Docket 36-7-16

Dear Christine:

In connection with the above referenced matter, enclosed please find Defendant's Memorandum in Opposition to Plaintiff's Post-Hearing Memorandum, and this Certificate of Service, for filing with the court.

I am also including a copy of the motion to enlarge filed yesterday. The wrong caption and docket number was used on that filing, and I am including a copy with the correct docket number marked to ensure that it is properly filed.

Should you have any questions concerning the enclosed, please do not hesitate to contact me. Thank you.

Sincerely,

Jacob O. Durell, Esq.

Enclosures (as stated)

Cc with copy of enclosures:
Gregg Meyer, Esquire
Client

STATE OF VERMONT

SUPERIOR COURT
CHITTENDEN UNIT
CITY OF BURLINGTON
Plaintiff

CRIMINAL DIVISION
Docket No.: 36-7-16 Cnta

v.

NICHOLAS SCHIELDROP
Defendant

**CONSOLIDATED MEMORANDUM IN OPPOSITION TO
CITY OF BURLINGTON'S POST-HEARING MEMORANDUM IN SUPPORT OF APPEAL OF THE
JUDICIAL BUREAU'S FINDINGS OF FACT AND CONCLUSIONS OF LAW**

NOW COMES Defendant, Nicholas Schieldrop, by and through his attorney Jacob O. Durell, Esq. of Stevens Law Office, and hereby submits this Memorandum in Opposition to Plaintiff's Post-Hearing Memorandum in Support of Appeal.

The City continues to fight against the need for a referendum rather than taking on the trivial cost of complying. The only real cost the City is perhaps the inability to propose ordinances that both its councilors and the public would like to see enacted. While there may be some administrative work in correcting the mistakes of the past, this is not a reason to affirm the City's activities and create precedent that might erroneously empower other municipalities to circumvent their voters' rights. The Defendant asserts that the right of licensing by individual municipalities is unconstitutional as it burdens commerce and impairs travel. If the Court will not recognize these burdens, it must at least ensure that voters get the input on these ordinances that they are entitled to.

I. A referendum is required for “any” and all municipalities.

Much of the City’s argument is based on the existence of a charter provision, 24 V.S.A. App. § 3-48(27), which has been on the books in its current form for over a century and purports to provide the City with the right to regulate vehicles for hire. City’s Post-Hearing Memo., at 3 (providing full text of statute). The City further argues that a charter provision providing a general grant of authority to the City to enact all ordinances by publication overcomes the specific requirement for a referendum in the Vehicle for Hire context. *Id.*, at 4 (quoting § 3-49). *See also* 24 V.S.A. § 2031-32. These arguments have been tried at length, considered and reconsidered, and have consistently failed at the trial level. *Nsibienakou v. City of Burlington*, Docket No. S007-12 CnC (2011). A deeper look at the relevant legislative history and case law does nothing to change Judge Crawford’s conclusion, and only provides further support that a referendum is required to implement a vehicle for hire licensing program.

A. History of Charter provisions (i) jitney regulation and (ii) ordinance procedure.

Both charter provisions that the City deems controlling were enacted prior to the enactment of sections 2031 and 2032. As the City advises, the city charter included a charter provision relating to transporting persons in 1896, prior to the advent of the automobile. Charter & Revised General Ordinances of the City of Burlington, VT § 48 (1897) and this provision specifically covered licensing. The provision provides as follows:

XXVII. To license porters, cartmen and the owners or drivers of hackney coaches, cabs or carriages, and to regulate their fees and prescribe their duties ; and to rescind any license granted hereunder.

Id. The current text of this provision as quoted in the City’s motion, City’s Post-Hearing Memo., at 3-4, was put in place in 1949. Vt. Acts and Resolves, Act 298 (1949). But the licensing right that the City seeks to uphold is effectively the same as that granted to it in 1897. *State v. Jarvis*, 89 Vt. 239, 95 A. 541 (1915) (upholding Burlington’s right to require a license prior to enactment of § 2031) (“The fact that the ordinances are older than the automobile is without force.”).

The general grant of the right of the City to enact ordinances by publication was enacted in 1897, and hasn’t changed since, other than as noted by the City. City’s Post-Hearing Memo., at 4 (noting a minor addition of provision allowing for publication of summaries of proposed ordinances rather than the full text). There was no “readopt[ion]” of the statute as a whole as the City suggests, but simply the addition of a sentence to ease the City’s burden where it can enact by publication. *Id.* at 12.¹ While the City suggests that at some point in the past, voter approval was sought on the charter provisions according to 17 V.S.A. § 2645, the City cites to no record on any such vote occurring. City’s Motion, at 10-11. From Defendant’s research, it does not appear that voters ever directly approved the City’s right to create licensing ordinances. If voters did participate in the 1897 charter, women were certainly not included, and such a legislative process should not be given weight here.

B. History of the Referendum Requirement.

The referendum statutes that Defendant seeks to uphold, 24 V.S.A. §§ 2031-32, were enacted just several years after the last relevant substantive change to the Charter provisions

¹ The language added in 1994 is as follows: “In the event the city council shall pass a comprehensive revision to any chapter or chapters of its code of ordinances it shall be sufficient if a concise summary of the principal provisions of such revision is published as aforesaid rather than the entire text thereof. Copies of the entire text of such revisions shall be made available upon request at the office of the city clerk.” Laws of Vermont 1994, No. M-24.

discussed above. It was intended to cover *any* municipality, including incorporated municipalities like Burlington. It was introduced by the municipal corporations committee, and was approved by both the house and senate without much apparent debate. It appears from committee documents that Representative Billado, of Rutland, worked off of a copy of a provision of a proposed Hartford referendum requirement, and through some scribbled notes, made it applicable to all municipalities. Committee Drafting Request, H. 328 (1953) **Exhibit 1**.² Billado's changes were accepted by the committee, and the bill was brought to the house and senate as "An Act relating to the regulation of jitneys by any municipality." *Id.* (emphasis added). The senate suggested only minor changes which were accepted by the house. House Journal, 507 (April 13, 1953). The bill was then approved by the governor and became law by the end of the 1953 session. Senate Journal, 904 (1953) (summarizing the legislative history of H.328). The only change that has been made to the law since was to remove the reference in § 2031 to municipal courts, which were abolished in 1965. § 2031 (current statute omitting municipal court reference).³ Neither statute has not been modified since.

C. Section 2032 is a specific law which provides a specific procedure and repeals any right the state previously had to enact or modify ordinances in a specific industry.

As the City states, the creation of ordinances is broadly governed by 24 V.S.A. § 1972, which provides a generally applicable procedure, but notes that a charter provision or statute should control. § 1927(c) ("The procedure herein provided shall apply to the adoption of any

² Exhibit 1 includes the contents of the response from the state from a legislative records request made by Defendant in 2012. A cover page from the records officer is provided, along with five pages containing various versions of the statute drafted during the legislative process.

³ The statutes also referenced an amendment in 1973. This amendment appears to just specifically address the removal of municipal courts in § 2031, whereas the 1965 amendment broadly addressed the removal of municipal courts, but without specific drafting directives for § 2013. Laws of Vermont, No. 194 (1965); Laws of Vermont, No. 249 (1973).

ordinance or rule by a municipality unless another procedure is provided by charter, special law, or particular statute.”). This general statute does nothing to resolve the issues here, and leaves us to the general rules of legislative construction to decide whether the charter or statutes control here. It does not take any great level of analysis here to conclude that a specific statute applying to “any municipality” controls the outcome here.

“Whether the charter or a generally applicable state statute controls is a matter of statutory construction.” *City of Burlington v. Fairpoint Commc'ns, Inc.*, 2009 VT 59, ¶ 11 (2009). The City cites to *Fairpoint* as an analogous case. That case dealt with a utility which was provided a right to lay phone lines under highways by statute, but the statute did not specifically address the right of a town to limit or impose restrictions on that right if otherwise in compliance with the Charter. In the *Fairpoint* case, the City had properly enacted an ordinance which provided a right to set terms and costs around undergrounding activity. The trial and appellate Court found that the ordinance controlled. There was no conflict between the charter in the statute in that case, and both could be given life. It may here that both statutes can be given life as well. The City has the right to publish once twenty one days in advance of the effective date as provided in § 49 of the Charter, rather than publish twice in two consecutive weeks as provided in § 2032. But the § 2032 is clearly an addition to the publication requirement, and since its 1953 enactment, no legislative action has been taken on taxicab ordinance procedures in the charter. To harmonize the statutes, the referendum must be followed. The appropriate procedure for publication need not be reviewed until the referendum has been followed.

Despite the specificity of the referendum procedure in § 2032 and the industry it relates to, the City asserts that it is the specificity of the charter’s application to Burlington that controls. City’s Motion, at 9 (citing *Town of Brattleboro v. Garfield*, 2006 VT 56, ¶ 10). The *Garfield*

case related to the right of a selectboard to fill a vacancy notwithstanding the existence of a statute allowing a special meeting for the purpose. But in that case, the charter provision had come into being following the enactment of the statute allowing for voter participation. *Id.*; 17 V.S.A. § 2643 (noting 1977 enactment); Acts of Vermont, No. M-6, § 4.4 (2004) (providing amendments to form of the substantive text at issue in *Garfield*). In *Garfield*, the town also had the benefit of a specific statute, 17 V.S.A. § 2631, which specifically states that in the context of local elections (not referendums), the charter “shall prevail.” *Garfield*, ¶ 12. No such statute is present for ordinance referendums. Here, the relevant portions of the Burlington charter at issue were not changed or ever revisited by the legislature in any way. Only minor a minor addition to § 49 of the ordinance, and nothing was changed in the charter or elsewhere indicating that charters prevail over specific referendum requirements. In fact, the 1962 ordinances specifically referred to the requirements of § 2032, suggesting that it applied and had been complied with. *See* Judicial Bureau Opinion, Exhibit E (May 16, 2016). We know directly from the town, that this was not the case, and that no referendum has been conducted since the enactment of § 2032. **Exhibit 2** (providing records request responses from the City confirming that no referendum has been conducted during or since 1953).

While the City holds out the historic nature of its charter provisions in support of its case, the case law requires a contrary inference. “[N]ewer statutes [shall] be enforced over older statutes, if there is a conflict.” *Our Lady of Ephesus House of Prayer, Inc. v. Town of Jamaica*, 2005 VT 16, ¶ 16 (cited in *Garfield*). The fact that the charter provisions were not expressly removed or changed does nothing to help the City. There are sometimes statutes that sit on the books long after they have become ineffective. But these Charter provisions continue to have

effect—just not as the City would like. The City simply never put up any proposal to amend them to address specific concerns around § 2032, and perhaps because they didn't want to draw attention to their noncompliance. We can only hope that the City has not forgone opportunities to seek Charter amendments that would benefit citizens simply because the risk of embarrassment. These circumstances cannot persist.

II. The town ordinances requiring licensing of taxi drivers violate both the dormant commerce clause, and the right to travel provided to the states by the fourteenth amendment.

Defendant raised questions regarding the dormant commerce clause and the right to travel in his initial memorandum in this matter. These arguments were made out of prudence to preserve issues if necessary, but the lower court made no ruling on these issues, and there was no opportunity to present evidence on them. The matter was decided on the procedural validity of the ordinance and there was no need to address these other issues. The Defendant maintains that the licensing requirement can be constitutionally invalidated without further evidence, but with simply the clear inferences that can be made regarding the economic effects of the relevant ordinances, and the statutes enabling them. These arguments are further supported below. Should the Court require that further evidence be taken on this claim, Defendant requests such an opportunity at the trial or judicial bureau level.

A. The licensing requirement is discriminatory, and otherwise burdens without sufficient justification of local benefits.

The City seeks to inhibit the free movement of people and asserts that it is justified in doing so. If one wants to offer a ride for compensation in Vermont, even in the context of a carpool, that driver has to worry about what jurisdictions they are going through and what is

required in each. A heavy amount of legal research likely needs to precede each trip. If they find that a license is required, they would likely forgo the opportunity unless they confirm with some certainty that they can regularly serve that area and justify the added expense. This circumstance benefits some local groups, such as car dealers, gas stations, and local cab companies with an established area of service. But the passengers looking for an affordable ride delivered through a competitive market lose out. The drivers seeking to serve them without the overhead of a large company to manage ordinances simply can't participate in this economic activity. Drivers from outside of the state or country, face an even greater burden in addressing the varied and numerous regulations delivering or dropping off in a foreign jurisdiction.

“A state statute or regulation may violate the dormant Commerce Clause only if it (1) ‘clearly discriminates against interstate commerce in favor of intrastate commerce,’ (2) ‘imposes a burden on interstate commerce incommensurate with the local benefits secured,’ or (3) ‘has the practical effect of ‘extraterritorial’ control of commerce occurring entirely outside the boundaries of the state in question.’” *Selevan v. N.Y. Thruway Auth.*, 584 F.3d 82, 90 (2d Cir. 2009) (quoting *Freedom Holdings Inc. v. Spitzer*, 357 F.3d 205, 216 (2d Cir.2004)).

There is nothing facially discriminatory in the licensing ordinance or its enabling laws, but the City's history of legislating with the purpose of favoring local providers would indicate that the retention of the licensing ordinance is no different. Shortly before the dormant commerce clause gained greater force in *Pike*, an ordinance was enacted which gave only licensed Burlington Voters the right to use certain taxi stands. Burlington Ordinance, § 1530(m) (1965); *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142 (invalidating discriminatory protectionist law and

setting the stage for greater judicial emphasis on the dormant commerce clause). The ordinance was likely quickly repealed in light of its blatant constitutional flaws.⁴

After Uber began its presence in Vermont, ordinances were enacted which uniquely facilitated “Transportation network companies.” Now any TNC business with more than 15 drivers pays half the registration cost for each additional car. *Burlington Vehicle for Hire Admin. Fees* (2016).⁵ This favors the retention of large pools fly by night drivers with high turnover that ultimately weed out the established quality drivers and leave passengers unfulfilled. Smaller community run TNC or car sharing operations can’t justify the cost of adapting every local regulation to its operations or ensuring compliance in every municipality it may travel through. The City’s accommodation of the short lived careers of TNC drivers undermines any claim the City makes of regulating for the purpose of safety.

Even if the City is not intentionally discriminating, the licensing requirement is discriminatory in effect, burdens interstate commerce, and does so without adequate justification. Granted, the City may prevent a few instances of something tragic occurring by vetting a driver. But we can never know with certainty what harm has resulted from the reduced competition arising from municipal specific licensing. Safety concerns can be properly addressed in a statewide regulation that reasonably imposes additional requirements for a driver wanting to “engage in the practice” of driving a taxi—much like a CDL license. We already have greater insurance requirements for such drivers which require greater insurance and bonding, and help to weed out more casual or high risk drivers for hire. 23 V.S.A. § 841.

⁴ This regulation is not found in the 1993 ordinance. Counsel could not find the exact date of repeal before filing, but can make that information available upon request.

⁵ Available at <https://www.burlingtonvt.gov/sites/default/files/CT/Taxi/Administrative%20Fees.pdf> (last visited Nov. 30, 2016).

The City's comparison to state bar licensing requirements is perhaps absurd. The burden of complying the bar rules in a few surrounding states pales in comparison to that imposed by having to navigate ordinances in the hundreds of Vermont municipalities that one may travel through. The burden for a lawyer is reduced by professional rules that facilitate a multijurisdictional practice. The risk imposed by not ensuring that lawyers have some minimum level of familiarity with the unique laws and procedures of a foreign jurisdiction is substantial. But even in that regulatory context, there continues to be ongoing discussion of uniform admissions because of the economic burden imposed.

The licensing in this border state also has an extraterritorial effect of an international magnitude. "Forcing a merchant to seek regulatory approval in one State before undertaking a transaction in another directly regulates interstate commerce." *Brown-Forman Distillers Corp. v. New York State Liquor Auth.*, 476 U.S. 573, 582 (1986) (invalidating law regulation setting alcohol prices based on prices in other states). "Generally speaking, the Commerce Clause protects against inconsistent legislation arising from the projection of one state regulatory regime into the jurisdiction of another State." *Healy v. Beer Inst., Inc.*, 491 U.S. 324, 336-37 (1989). Here, the right of every municipality to create its own licensing scheme creates an unpredictable and continually evolving inconsistency that cannot possibly be addressed by other states. No other state could possibly come up with a statewide licensing regulation which would produce a license that would enable their drivers to drive through, or otherwise operate in Vermont.

B. Municipal licensing requirements unjustly impair the freedom to travel.

In his initial memorandum, the Defendant here has asserted the right to travel on behalf all prospective vehicle for hire passengers *jus tertii* standing, and of behalf himself as his ability

to travel is inhibited by being unable to share the cost with others. “It is unquestioned that citizens of the United States have a constitutional right to interstate travel [and] [i]t may be that that right extends to intrastate travel[.]” *In re Barcomb*, 132 Vt. 225, 234 (1974) (citing *Shapiro v. Thomson*, 394 U.S. 618, 633 (1969); *King v. New Rochelle Mun. Hous. Auth.*, 442 F.2d 646, 648 (2d Cir.1971) (“It would be meaningless to describe the right to travel between states as a fundamental precept of personal liberty and not to acknowledge a correlative constitutional right to travel within a state.”). While a toll for a public road might not constitute sufficient impingement of these rights to trigger strict scrutiny, the infringement created here and as outlined above, has indeed operated to substantially increase the cost of travel which effectively bars many from going to the places they’d like to go. *Selevan*, 82. Raising the costs is sufficient to trigger strict scrutiny, and the premise of creating an objective test for safe drivers is without merit. *Shapiro*, 634 (rejecting state’s assertion that the yearlong residency requirement for welfare is an objective test for residency). The state can work to ensure safety through a statewide system, or perhaps the City could bar drivers for hire with certain number of points on their license. But § 2032 and related statutes creating the ability for a municipality to enact a licensing scheme, as the City here has, is by no means necessary to serve any compelling interest.

III. Conclusion.

The Defendant here is the cab driver that everyone hopes for. He knows just about every Vermont road like the back of his hand, and has a bit of history to offer his passengers as he passes through each locale. He’s a safe driver who maintains a safe car. He develops longstanding relationships with individuals he sometimes refers to as his clients, and they have

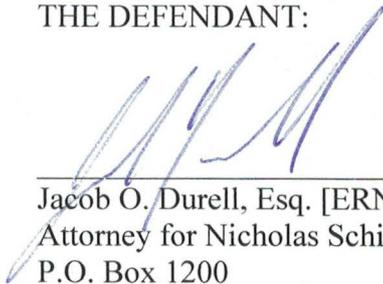
grown very comfortable riding with him. As much as possible, he likes to tailor his business around their needs, and not those of arbitrary regulations. He has persevered in a continually evolving, and at times corrupted, vehicle for hire industry. He has been able to make somewhat of a living—albeit inhibited by the thousands of hours he has spent advocating for the rights of drivers over the years. But other potential quality drivers have not survived the industry, and things have not been as competitive as they could be. We could be benefitting from more drivers like the Defendant. But instead we are opening the floodgates to a few large scale corporations to fill our streets with undercompensated hobbyist drivers that drive out quality drivers before the market has a chance to realize their flaws. At a minimum, Defendant is seeking to operate under ordinances that voters truly want. Ideally, the Defendant is looking for his passengers to have an uninhibited freedom to travel unburdened by inconsistent regulations.

WHEREFORE, for the reasons set forth above, Defendant requests that the Court deny the City's motion and dismiss this matter with prejudice.

Dated at ^{Burlington} ~~Stowe~~, Vermont this 30th day of November, 2016.

THE DEFENDANT:

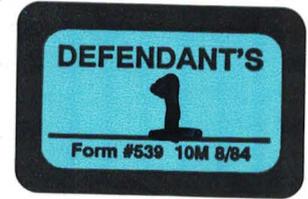
By:



Jacob O. Durell, Esq. [ERN#: 5820]
Attorney for Nicholas Schieldrop
P.O. Box 1200
Stowe, Vermont 05672
(802) 253.8547

Macauley, Ed

From: debbie@leg.state.vt.us
Sent: Monday, November 26, 2012 4:14 PM
To: Records Center
Subject: Record Request From Online Form



Below is the result of your feedback form. It was submitted on Monday, November 26, 2012 at 16:14:27

REQUEST ID: 20121126-160813
name: Deb Curits
AgencyName: LEG 5
billingcode: LEG 5
series: 64
box: PRA 381
description: Bill File for H. 328 of 1953
removed: NO
Submit: Request Records

Dept Code: *LE*
Customer#: *22456*
Computer Box#: *45-32-5*
Location:
Filled By (Initials): *Ed*
Date Filled: *11.27.12*

1453

House No. 328

In Accordance to the regulation of
Agency by any municipality.

(CHECK
(HOLD
(REFER
(PRINT

Approved by Mr. _____

Reported by the Committee on Municipal
Corporations, read the first time,
and under the rule placed on the
calendar for notice tomorrow.

APPROVED *[Signature]*

1913

LEGISLATIVE DRAFTSMEN

[Signature]

DRAFTING REQUEST

Date Received 3-10-53

Date Desired _____

Request for Committee bill
(Bill, Amdt., Jt. Res. or Res.)

Our No. 328
(Filled in by Chief Clerk)

Subject Regulation of jitneys by any municipality

No. of Copies _____

Sponsor or source Billado

Instructions submitted by: same

In printed form, by _____
(Draft, Typewritten, Written, Oral) (Telephone) (Personally)

For Municipal Corporations Committee
(Member or Committee)

INSTRUCTIONS

Received by Hunt

Signature J. B. [Signature]

Town _____

Seat No. _____

APPROVED AND RELEASED FOR PRINTING.

Member or Chairman of Committee

Legislative Draftsman

Date released

Strike out all after the Enacting Clause and Substitute in lieu thereof the following:

Section 1. Jitneys; ^{Regulations} Ordinances; Powers; The ^{Legislative branch} ~~selection~~ of the ^{the municipality} ~~Town of Hartford~~ shall have the power to make, establish, alter,

amend or repeal regulations for the operation, parking, soliciting, ~~and~~ delivery, fares, ~~and the~~ jitney, and taxi business in general within

~~the municipality~~ and to establish penalties for the breach thereof, not to exceed \$100 for each violation of ^{these} ~~such rules and regulations~~. Justices ~~and~~

~~of peace of said town of Hartford and the Hartford Municipal~~

Courts shall have concurrent jurisdiction of violations of ~~said~~ ~~SUCH~~ ^{made} ~~rules and regulations~~ hereunder.

Sec. 3: ^{REFERENDUM} ~~Said rules and regulations~~ ^{shall} ~~will~~ not take effect until ~~such rules and regulations~~ ^{they} have been approved and accepted by a ~~the~~ majority of ^{municipality} ~~the~~ voters of the ~~Town of Hartford~~ ^{ATTENDING} at a duly warned regular or special ~~town~~ meeting, ^{called for that purpose, now}

^{ENFORCEMENT} Sec. 2. Violations of said ~~rules and regulations~~ shall be presented upon complaint of grand jurors of the town of Hartford or the State's Attorney of Windsor County.

Sec. 4. This act shall take effect from its passage.

4 weeks prior to election

Withdrawn 188

unless such proposed regulations are published once a week for two consecutive weeks before such meeting in a newspaper published in such municipality or in the same territory with newspapers published in such municipality

Introduced by Mr.
~~XXXXXXXXXXXX~~
 Reported by
 Referred to Committee on
~~XXXXXXXXXX~~ Municipal Corporations

of
 XX

AN ACT RELATING TO THE REGULATION OF JITNEYS BY ANY MUNICIPALITY.

Subject: Jitney regulations, Municipal.

It is hereby enacted by the General Assembly of the State of Vermont:

Section 1.

Jitneys; regulations; powers. The legislative branch of a municipality shall have the power to make, establish, alter, amend or repeal regulations for the operation, parking, soliciting, delivery, fares, jitney and taxi business in general within the municipality and to establish penalties for the breach thereof, not to exceed \$100.00 for each violation thereof. Justices and municipal courts shall have concurrent jurisdiction of violations of regulations made hereunder.

Sec. 2. Referendum. Such regulations shall not take effect until they have been approved and accepted by a majority of the voters of the municipality attending a duly warned regular or special meeting called for that purpose, nor unless such proposed regulations are published once a week for two consecutive weeks before such meeting in a newspaper published in such municipality or, in the absence thereof, in a newspaper circulating within the county.

Sec. 3. This act shall take effect from its passage.



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

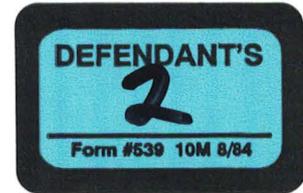
Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

November 26, 2012

Nicholas Schieldrop
151 Stokes Lane
Shelburne, Vermont 05482



Re: Freedom of Information Request

Dear Mr. Schieldrop:

This e-mail responds to your letter dated October 26, 2012 to Lori Olberg wherein you request a copy of the referendum for the October 1993 Vehicle for Hire Ordinance. Please be advised that no such referendum was held for the adoption of the Ordinance; thus no records are in existence that are defined within your request.

If you have any questions, please feel free to contact me.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Schrader".

Scott Schrader
Assistant Chief Administrative Officer



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

February 11, 2013

Nicholas Schieldrop
151 Stokes Lane
Shelburne, Vermont 05482

Re: Freedom of Information Request

Dear Mr. Schieldrop:

This letter responds to your letter dated February 7, 2013 wherein you request a copy of the notice of referendum for the 1953 and 1962 Vehicles for Hire Ordinances. Please be advised that no such referendum was held for the adoption of these Ordinances; thus no records are in existence that are defined within your request.

If you have any questions, please feel free to contact me.

Thank you.

Sincerely,

Scott Schrader
Assistant Chief Administrative Officer

STATE OF VERMONT

SUPERIOR COURT
CHITTENDEN UNIT
CITY OF BURLINGTON
Plaintiff

CRIMINAL DIVISION
Docket No.: 36-7-16 Cnta

v.

NICHOLAS SCHIELDROP
Defendant

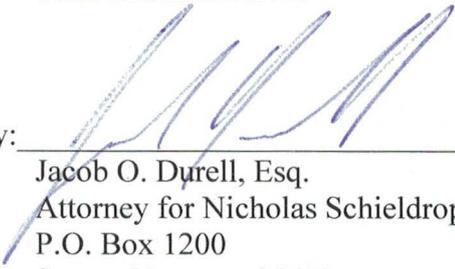
CERTIFICATE OF SERVICE

I, Jacob O. Durell, Esquire of Stevens Law Office, hereby certify that on the 30th day of November, 2016, I served a copy of Motion to Enlarge filed November 29th, Defendant's Memorandum in Opposition to Plaintiff's Post-Hearing Memorandum, and this Certificate of Service, by e-mail to the attorney of record as follows:

Gregg Meyer, Esq.
Office of City Attorney
gmeyer@burlingtonvt.gov

Dated at Burlington, Vermont this 30th day of November, 2016.

THE DEFENDANT:

By: 

Jacob O. Durell, Esq.
Attorney for Nicholas Schieldrop
P.O. Box 1200
Stowe, Vermont 05672
(802) 253.8547

Superior Court
VERMONT JUDICIAL BUREAU
Chittenden Unit

STATE OF VERMONT

Crim. Division
CIVIL VIOLATIONS CASE
Docket No.: 106042
36-7-16 C-14

CITY OF BURLINGTON
Plaintiff

v.

NICHOLAS SCHIELDROP
Defendant

**MOTION TO ENLARGE CONSOLIDATED MEMORANDUM IN OPPOSITION TO
CITY OF BURLINGTON'S POST-HEARING MEMORANDUM**

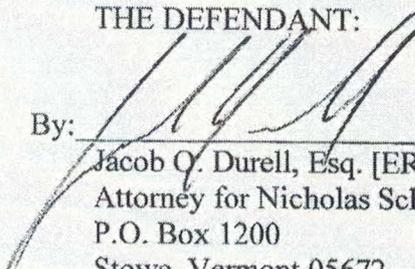
NOW COMES Defendant, Nicholas Schieldrop, by and through his attorney Jacob O. Durell, Esq. of Stevens Law Office, and hereby motions the Court to enlarge the time to file a Memorandum in Opposition to Plaintiff's Motion to Alter or Amend the Judicial Bureau's Findings of Fact, Conclusions of Law, and Judgment.

Counsel here reserved and has spent a substantial amount of low bono time on preparing a memorandum on the pending issues. Over the weekend, Counsel determined it would be prudent to double check UVM's special collections for legislative history beyond what the state has provided to Defendant, but was not able to get to the relevant materials until Tuesday. Counsel needs just a few more days to incorporate the materials and complete the memorandum.

WHEREFORE, for the reasons set forth above, Defendant requests that the Court grant an enlargement of time of two (2) days to file the appropriate memorandum.

Dated at *Burlington* Stowe, Vermont this *24th* day of November, 2016.

THE DEFENDANT:

By: 

Jacob O. Durell, Esq. [ERN#: 5820]
Attorney for Nicholas Schieldrop
P.O. Box 1200
Stowe, Vermont 05672
(802) 253.8547