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16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,  
 20 Plaintiff,  
 21 v.  
 22 UBER TECHNOLOGIES, INC.  
 23 Defendant.  
 24

CASE NO. 21-8735

**COMPLAINT**

DEMAND FOR JURY TRIAL

25 Plaintiff United States of America brings this action to enforce Title III of the Americans with  
 26 Disabilities Act (“ADA”), 42 U.S.C. §§ 12181-89, as amended, and its implementing regulation, 49  
 27 C.F.R. Part 37, against Defendant Uber Technologies, Inc. (“Defendant” or “Uber”). The ADA  
 28

1 prohibits discrimination based on disability by a private entity that is primarily engaged in the business  
2 of transporting people and whose operations affect commerce. 42 U.S.C. § 12184(a). The United States  
3 alleges as follows:

4 **BACKGROUND**

5 1. Uber discriminates against passengers with disabilities and potential passengers with  
6 disabilities in violation of the ADA, 42 U.S.C. §§ 12181-89, and its implementing regulation, 49 C.F.R.  
7 Part 37, through its policies and practices of imposing “wait time” fees on passengers with disabilities  
8 who, because of disability, require more time than that allotted by Uber to board the vehicle.

9 2. In violation of the ADA, Uber has failed to (1) ensure adequate vehicle boarding time for  
10 passengers with disabilities; (2) ensure equitable fares for passengers with disabilities; and (3) make  
11 reasonable modifications to its policies and practices of imposing wait time fees as applied to passengers  
12 who, because of disability, require more time to board the vehicle. *See* 49 C.F.R. §§ 37.167(i), 37.29(c),  
13 and 37.5(d), (f); 42 U.S.C. § 12184(a), (b)(2)(A); *see also* 28 C.F.R. § 36.302 (incorporated by reference  
14 in 49 C.F.R. § 37.5(f)).

15 3. The Attorney General has commenced this action based on a determination that Uber has  
16 engaged in a pattern or practice of discrimination and a determination that a person or group of persons  
17 has been discriminated against, and that such discrimination raises an issue of general public  
18 importance. 42 U.S.C. § 12188(b)(1)(B). The United States seeks declaratory and injunctive relief,  
19 monetary damages, including compensatory and emotional distress damages, and a civil penalty against  
20 Uber.

21 4. Congress enacted the ADA in 1990 “to provide a clear and comprehensive national  
22 mandate for the elimination of discrimination against individuals with disabilities.” 42 U.S.C.  
23 § 12101(b)(1). In enacting the ADA, Congress found that discrimination against individuals with  
24 disabilities persists in transportation. *See* 42 U.S.C. § 12101(a)(3).

25 5. The ADA’s prohibition against discrimination in specified public transportation services  
26 provided by private entities, such as Uber, is essential to furthering the ADA’s purpose “to invoke the  
27

1 sweep of congressional authority . . . to address the major areas of discrimination faced day-to-day by  
2 people with disabilities.” 42 U.S.C. § 12101(b)(4).

3 **PARTIES**

4 6. Plaintiff is the United States of America.

5 7. Defendant Uber is a Delaware corporation with its principal place of business at 1515 3rd  
6 Street, San Francisco, California 94158. In this complaint, “Uber” refers to Uber Technologies, Inc. and  
7 any of its subsidiary companies or operationally distinct segments that are responsible for Uber’s  
8 provision of transportation services. *See* 49 C.F.R. § 37.37(f) (nondiscrimination requirements apply to  
9 any subsidiary company or operationally distinct segment of a parent company that is primarily engaged  
10 in the provision of transportation services).

11 8. Uber is a for-profit company that provides transportation services to individuals  
12 throughout the United States. Passengers request transportation through Uber’s mobile software  
13 application, and Uber arranges rides between passengers and a fleet of drivers.

14 9. While Uber does not own all the vehicles in this fleet, Uber maintains control over  
15 vehicle specifications, driver qualifications, the amount each passenger must pay, and the general ride  
16 experience for each trip.

17 10. As Uber and other similar providers have gained popularity over traditional taxi services  
18 as the primary option for on-demand transportation, Uber plays an important role in ensuring  
19 independence for countless people with disabilities who choose to – or simply must – rely on its services  
20 to travel.

21 11. Uber provides “specified public transportation services,” which the ADA defines as  
22 “transportation by . . . any [] conveyance (other than by aircraft) that provides the general public with  
23 general or special service (including charter service) on a regular and continuing basis.” 42 U.S.C.  
24 § 12181(10); *see also* 49 C.F.R. § 37.3.

25 12. Uber is a private entity primarily engaged in the business of transporting people, and its  
26 operations affect commerce. *See* 42 U.S.C. §§ 12181(1), (6), 12184(a) and 49 C.F.R. § 37.3.

1 13. Uber is a private entity that provides taxi and other transportation services that involve  
2 calling for a vehicle and a driver to take an individual to a place or places. *See* 49 C.F.R. § 37.29; *see*  
3 *also* 49 pt. 37, app. D § 37.29.

4 14. Uber provided 2.3 billion trips in the United States from 2017-2018, including more than  
5 3.1 million individual trips per day.

6 **JURISDICTION AND VENUE**

7 15. This Court has jurisdiction over this action under the ADA, 42 U.S.C. § 12188(b)(1)(B),  
8 and 28 U.S.C. §§ 1331 and 1345, because it involves claims arising under federal law and is commenced  
9 by the United States.

10 16. The Court may grant declaratory relief and other necessary or proper relief pursuant to 28  
11 U.S.C. §§ 2201 and 2202, and may grant equitable relief, monetary damages, and a civil penalty  
12 pursuant to 42 U.S.C. § 12188(b)(2).

13 17. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because Uber operates,  
14 resides and has its principal place of business in this district, and a substantial part of the events or  
15 omissions giving rise to the claims occurred in this district.

16 18. Divisional Assignment. Assignment to the San Francisco or Oakland Division is proper  
17 under Civil L.R. 3-2(c) because Uber is headquartered in San Francisco and a substantial part of the  
18 events or omissions that give rise to the claims occurred therein.

19 **FACTS**

20 **Uber's Policies and Practices of Imposing Wait Time Fees on Passengers Who, Because of**  
21 **Disability, Require More Time to Board the Uber Vehicle**

22 19. In April 2016, Uber launched a new policy of charging passengers wait time fees in  
23 limited locations throughout the United States.

24 20. Under this policy, Uber charges wait time fees starting two minutes after the Uber vehicle  
25 arrives at the pickup location, and the fees are charged until the vehicle begins its trip.  
26  
27  
28

1 21. Uber later expanded its policy to apply to all cities in the United States where Uber  
2 operates.

3 22. Uber has publicly stated that the amount of the wait time fee charged depends on the  
4 passenger's city and the category of Uber service the passenger is taking.

5 23. The two-minute window before which wait time fees are charged begins when Uber  
6 determines via the global positioning system, or GPS, that the driver has arrived at the pickup location.

7 24. Uber drivers do not have discretion related to wait time fees to indicate when they have  
8 arrived at the pick-up location.

9 25. Uber drivers do not have discretion to waive a wait time fee.

10 26. Many passengers with disabilities require more than two minutes to board or load into a  
11 vehicle for various reasons, including because they may use mobility aids and devices such as  
12 wheelchairs and walkers that need to be broken down and stored in the vehicle or because they simply  
13 need additional time to board the vehicle.

14 27. Passengers with disabilities who take longer than two minutes to board or load into the  
15 vehicle are charged a wait time fee regardless of the reason that it takes them longer than two minutes to  
16 begin the trip.

17 28. Upon request, Uber has issued wait time fee refunds to some passengers with disabilities.

18 29. Uber, however, has also denied wait time fee refunds to some passengers with disabilities  
19 even after being informed that the fees were charged because of their disabilities.

20 **Uber Discriminates Against Passengers and Potential Passengers Who, Because of Disability, Are**  
21 **Charged or Are Aware That They Would Be Charged Wait Time Fees**

22 30. Uber's policies and practices of charging wait time fees based on disability have  
23 impacted many passengers and potential passengers with disabilities throughout the country, including:

24 Passenger A

25 31. Passenger A is a 52-year-old woman who lives in Miami, Florida.

26 32. In 2012, Passenger A sustained spinal cord injuries that resulted in quadriplegia.  
27  
28

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