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ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

07/13/2022
Clerk of the Court
BY: JACKIE LAPREVOTTE
Deputy Clerk

CGC-22-600697

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN FRANCISCO**

10 JOHN DOE SSS 19, an individual;
11 JANE DOE SSS 20, an individual;
12 JANE DOE SSS 21, an individual;
13 JANE DOE SSS 22, an individual; and
14 JOHN DOE SSS 23, an individual,

15 Plaintiffs,

16 v.

17 UBER TECHNOLOGIES, INC., a
18 Delaware Corporation; RASIER, LLC, a
19 Delaware Limited Liability Company; and
20 DOES 1 through 50, Inclusive,

21 Defendants.

22 Case No. _____

23 **COMPLAINT FOR DAMAGES AND
DEMAND FOR JURY TRIAL**

- 24 1. **GENERAL NEGLIGENCE**
- 25 2. **NEGLIGENT HIRING, RETENTION,
AND SUPERVISION**
- 26 3. **COMMON CARRIER NEGLIGENCE**
- 27 4. **NEGLIGENT FAILURE TO WARN**
- 28 5. **VICARIOUS LIABILITY/LIABILITY
FOR THE TORTS OF UBER'S DRIVERS**
1. **VICARIOUS LIABILITY FOR SEXUAL
ASSAULT**
2. **VICARIOUS LIABILITY FOR SEXUAL
BATTERY**
3. **VICARIOUS LIABILITY FOR FALSE
IMPRISONMENT**
4. **INTENTIONAL MISREPRESENTATION**
5. **NEGLIGENT MISREPRESENTATION**
6. **NEGLIGENT INFILCTION OF
EMOTIONAL DISTRESS**
7. **BREACH OF CONTRACT**
8. **STRICT PRODUCT LIABILITY –
DESIGN DEFECT**
9. **STRICT PRODUCT LIABILITY-
FAILURE TO WARN**

John Doe SSS 19, Jane Doe SSS 20, Jane Doe SSS 21, Jane Doe SSS 22, and John Doe SSS 23 (collectively, “Plaintiffs”), by and through their attorneys of record, for causes of action against Uber Technologies, Inc. (“Uber”), a corporation with its principal place of business in San Francisco, California, Rasier, LLC (“Rasier”), a corporation with its principal place of business in San Francisco, California, and Does 1 through 50, inclusive, and each of them, complain and allege the following:

INTRODUCTION

1. Plaintiffs were kidnapped, sexually assaulted, sexually battered, raped, falsely imprisoned, stalked, harassed, and/or otherwise attacked by an Uber driver with whom they had been paired with through the Uber Application (“App”). This action stems from these attacks as well as the toxic-male culture at Uber that caused these sexual attacks. A culture which started at the very top of Uber by placing profits and growth over safety above all else and, in the process, exploited, endangered, and injured women and girls, including Plaintiffs. This culture was put in place by Uber’s officers and directors, including Travis Kalanick, and it was put in place with conscious disregard to the rights and safety of Uber passengers.

2. Uber is a transportation company headquartered in San Francisco, California which, beginning in 2009, pioneered an App-based transportation system that has been implemented around the world, including across the entire United States.

3. As early as 2014, Uber became aware that Uber drivers were sexually assaulting and raping passengers. In the eight years since, sexual predators driving for Uber have continued to sexually assault, harass, kidnap, physically assault, and/or rape Uber's passengers, including Plaintiffs. Complaints to Uber by passengers who had been attacked by Uber drivers, combined with subsequent criminal investigations by law enforcement, clearly establish that Uber has been fully aware of these continuing attacks by sexual predators driving for Uber. Uber's response to these ongoing sexual assaults by Uber drivers has been slow and inadequate.

4. While Uber has, in recent years, publicly acknowledged this sexual assault crisis, including the publication of Uber's U.S. Safety Report, in December 2019, Uber has failed to implement basic safety measures necessary to prevent these serious sexual assaults, which continue

to occur to this day.

5. As more fully set forth herein, Plaintiffs were each kidnapped, sexually assaulted, sexually battered, raped, falsely imprisoned, stalked, harassed, and/or otherwise attacked by an Uber driver each Plaintiff was led to believe would give her a safe ride to her destination. Each Uber ride at issue was ordered by or for Plaintiff through the ride-sharing software application owned and controlled by Uber (the “Uber App”). At all relevant times, Defendants Uber and Rasier (collectively referred to as “Uber”) operated and controlled the Uber App. Each Uber driver, while in the course and scope of his employment for Uber and while otherwise working on behalf of Uber, kidnapped, sexually assaulted, sexually battered, raped, falsely imprisoned, stalked, harassed, and/or otherwise attacked the respective Plaintiff, as set forth below.

6. Each Plaintiff named herein, individually, brings this civil action against Uber to recover damages for the injuries she suffered as a result of being kidnapped, sexually assaulted, sexually battered, raped, falsely imprisoned, stalked, harassed, and/or otherwise attacked by an Uber driver during an Uber ride.

7. Uber is a common carrier under California law. Because of Defendants' acts and omissions, Plaintiffs have each suffered damages that far exceed the jurisdictional floor of this Court.

8. This is an unlimited action. The amount in controversy with respect to each Plaintiff exceeds \$25,000.00. *See* Cal. Code Civ. P. § 85.

PARTIES

9. Plaintiff John Doe SSS 19 is over the age of 18 and is a California resident. The incident took place in the State of California.

10. Plaintiff Jane Doe SSS 20 is over the age of 18 and is a Maryland resident. The incident took place in the State of Maryland.

11. Plaintiff Jane Doe SSS 21 is over the age of 18 and is a Massachusetts resident. The incident took place in the Commonwealth of Massachusetts.

12. Plaintiff Jane Doe SSS 22 is over the age of 18 and is an Illinois resident. The incident took place in the State of Illinois.

13. Plaintiff John Doe SSS 23 is over the age of 18 and is a Texas resident. The incident
2 took place in the State of Texas.

3 14. Plaintiffs file this action under a pseudonym because, as a victim of sexual assault,
4 they need anonymity to protect their privacy in this sensitive and highly personal matter. Plaintiffs
5 proceed in this manner to protect their legitimate privacy rights. Disclosure of their full name would
6 expose them to stigmatization, invade their privacy, and make them vulnerable to retaliation. For
7 these reasons, Plaintiffs' needs for anonymity outweigh both the prejudice to Defendants and the
8 public's interest in knowing their identities. Counsel for Plaintiffs will inform Defendants of
9 Plaintiffs' true name and the circumstances surrounding these causes of action. Plaintiffs further
10 anticipate seeking concurrence from Defendants for entry into a protective order to prevent the
11 unnecessary disclosure of Plaintiffs' real names in the public record.

12 15. Defendant Uber Technologies, Inc. is a Delaware corporation with its corporate
13 headquarters, principal office, and principal place of business at 1515 3rd Street, San Francisco, San
14 Francisco County, California, 94158. Defendant Uber Technologies, Inc. has been served with
15 process through its registered agent, CT Corporation System.

16 16. Defendant Rasier, LLC is a Delaware limited liability company. Upon information
17 and belief, Rasier is a wholly owned subsidiary of Uber Technologies, Inc. Rasier maintains its
18 corporate headquarters, principal office, and principal place of business at 1515 3rd St., San
19 Francisco, California, 94158. Defendant Rasier has been served with process through its registered
agent, CT Corporation System.

20 17. Unless otherwise specified, this Complaint refers to Defendants Uber Technologies,
21 Inc. and Rasier, LLC collectively as "Uber."

22 18. The true names and capacities, whether individual, plural, corporate, partnership,
23 associate, or otherwise, of Does 1 through 50, inclusive, are unknown to Plaintiffs who therefore
24 sue said Defendants by such fictitious names. The full extent of the facts linking such fictitiously
25 sued Defendants is unknown to Plaintiffs. Plaintiffs are informed and believe, and thereon allege,
26 that each of the Defendants designated herein as a Doe was, and is, negligent, or in some other
27 actionable manner, responsible for the events and happenings hereinafter referred to, and thereby
28 negligently, or in some other actionable manner, legally caused the hereinafter described injuries

1 and damages to Plaintiffs. Plaintiffs will hereafter seek leave of the Court to amend this Complaint
2 to show the Defendants' true names and capacities after the same have been ascertained.

3 19. Plaintiffs are informed and believe, and on that basis allege, that at all times herein
4 mentioned, each of the Defendants herein was the agent, servant, licensee, employee, assistant,
5 consultant, or alter ego, of each of the remaining defendants, and was at all times herein mentioned
6 acting within the course and scope of said relationship when Plaintiffs were injured as set forth
7 herein. Plaintiffs are informed and believe that each and every Defendant, when acting as a principal,
8 was negligent in the selection, hiring, supervision or retention of each and every other Defendant as
9 an agent, servant, employee, assistant, or consultant. Plaintiffs are further informed and believe,
10 and thereon allege, that at all times herein mentioned, each business, public entity or corporate
11 employer, through its officers, directors, supervisors and managing agents, and each individual
12 defendant, had advance knowledge of the wrongful conduct, psychological profile, and behavior
13 propensity of said agents, servants, licensees, employees, assistants, consultants, and alter egos, and
14 allowed said wrongful conduct to occur and continue to occur, thereby ratifying said wrongful
15 conduct, and, after becoming aware of their wrongful conduct, each public entity, and corporate
16 defendant by and through its officers, directors, supervisors and managing agents, and each
17 individual defendant, authorized and ratified the wrongful conduct herein alleged.

18 20. Defendants are liable for the acts of each other through principles of *respondeat
superior*, agency, ostensible agency, partnership, alter-ego and other forms of vicarious liability.

19 21. In the instance of each sexual assault described below, the Uber driver who
20 perpetrated each assault described herein ("Uber Driver(s)") was an agent, servant, and employee
21 of Uber.

22 22. This Complaint refers to Defendant Uber Technologies, Inc., Defendant Rasier,
23 LLC, and Does 1 through 50, inclusive, as "Defendants."

24 **JURISDICTION & VENUE**

25 26 23. California Superior Court has subject-matter jurisdiction over this action, pursuant
27 to California Constitution Article VI, Section 10, which grants the Superior Court "original
28 jurisdiction in all causes except those given by statute to other trial courts."

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