

**UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 22-CV-61452-DIMITROULEAS/HUNT

ANSEL DAVIS, *an individual*,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
a California corporation,

Defendant.

**DEFENDANT UBER TECHNOLOGIES, INC.'S
MOTION TO COMPEL INDIVIDUAL ARBITRATION**

Christopher Shand
Florida Bar No. 125121
SHOOK, HARDY & BACON L.L.P.
100 N. Tampa St., Suite 2900
Tampa, FL 33602
T: 813-202-7100 | F: 813-221-8837
cshand@shb.com

*Attorney for Defendant
Uber Technologies, Inc.*

TABLE OF CONTENTS

INTRODUCTION	1
FACTUAL BACKGROUND.....	1
I. The Uber Rider App.....	1
II. Plaintiff's Uber Rider Account and Consent to Uber's Terms	2
III. The Operative Terms and the Parties' Arbitration Agreement.....	3
ARGUMENT	5
I. Plaintiff's Claims Trigger a Valid and Enforceable Arbitration Agreement Governed By the Federal Arbitration Act.....	5
A. Plaintiff agreed to individual arbitration and reaffirmed that agreement on multiple occasions.	7
B. The arbitrator must decide the scope of arbitration here.	12
II. Plaintiff's Claims Fall Squarely Under the Scope of the Arbitration Agreement.....	14
III. The Court Should Stay This Action Pending Arbitration.....	15
CONCLUSION.....	15
LOCAL RULE 7.1(a)(3) CERTIFICATION	15

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>AT&T Mobility, LLC v. Concepcion,</i> 563 U.S. 333 (2011).....	10, 11
<i>Attix v. Carrington Mortg. Servs., LLC,</i> 35 F.4th 1284 (11th Cir. 2022)	11
<i>Babcock v. Neutron Holdings, Inc.,</i> 454 F. Supp. 3d 1222 (S.D. Fla. Apr. 13, 2020).....	14, 15, 20
<i>Bazemore v. Jefferson Cap. Sys., LLC,</i> 827 F.3d 1325 (11th Cir. 2016)	12
<i>Binder v. Aetna Life Ins. Co.,</i> 75 Cal. App. 4th 832, 89 Cal. Rptr. 2d 540 (1999).....	12
<i>Buckeye Check Cashing, Inc. v. Cardega,</i> 546 U.S. 440 (2006).....	11, 18
<i>Calderon v. Sixt Rent a Car, LLC,</i> No. 19-62408-CIV, 2021 WL 1325868 (S.D. Fla. Apr. 9, 2021).....	15
<i>Cordas v. Uber Techs., Inc.,</i> 228 F. Supp. 3d 985 (N.D. Cal. 2017)	16
<i>Cubria v. Uber Techs., Inc.,</i> 242 F. Supp. 3d 541 (W.D. Tex. 2017).....	17
<i>Dean Witter Reynolds Inc. v. Byrd,</i> 470 U.S. 213 (1985).....	12
<i>Dye v. Tamko Bldg. Prod., Inc.,</i> 908 F.3d 675 (11th Cir. 2018)	13
<i>Epps-Stowers v. Uber Techs., Inc.,</i> No. 16-CV-06652-RS, 2019 WL 3430566 (N.D. Cal. July 30, 2019)	16
<i>Fialek v. I.C. Sys., Inc.,</i> No. 3:18-CV-136-J-39MCR, 2019 WL 660824 (M.D. Fla. Jan. 24, 2019)	15
<i>Grice v. Uber Techs., Inc.,</i> No. CV-18-2995-PSG-GJSX, 2020 WL 497487 (C.D. Cal. Jan. 7, 2020).....	16

<i>Healy v. Honorlock Inc.,</i> No. 21-81912-CIV, 2022 WL 2352482 (S.D. Fla. June 29, 2022).....	15
<i>Henry Schein, Inc., v. Archer & White Sales, Inc.,</i> 139 S. Ct. 524 (2019).....	18
<i>Indep. Living Res. Ctr. San Francisco v. Uber Techs., Inc.,</i> No. 18-CV-06503-RS, 2019 WL 3430656 (N.D. Cal. July 30, 2019)	16
<i>Ingram v. Neutron Holdings, Inc.,</i> No. 3:20-cv-00037, 2020 WL 2733726 (M.D. Tenn. May 26, 2020)	16
<i>Jacobs v. Chadbourne,</i> 733 F. App'x 483 (11th Cir. 2018)	13
<i>Jones v. Waffle House, Inc.,</i> 866 F.3d 1257 (11th Cir. 2017)	19
<i>Kohutek v. Bird Rides Inc.,</i> No. 1:19-cv-833-RP, 2020 WL 4192266 (W.D. Tex. Jan. 3, 2020).....	16
<i>Kolodziej v. Mason,</i> 774 F.3d 736 (11th Cir. 2014)	12
<i>Lambert v. Austin Ind.,</i> 544 F.3d 1192 (11th Cir. 2008)	12
<i>Leusch v. Uber Techs., Inc.,</i> No. 3:19-CV-00772-L-JLB, 2019 WL 5594923 (S.D. Cal. Oct. 29, 2019)	16
<i>Matteo v. Bird Rides Inc.,</i> No. BC709628, 2018 WL 8545861 (Cal. Super. Nov. 28, 2018).....	17
<i>Meyer v. Uber Techs., Inc.,</i> 868 F.3d 66 (2d Cir. 2017).....	16
<i>Moses H. Cone v. Mercury Constr. Corp.,</i> 460 U.S. 1 (1983).....	10, 11
<i>Otis v. Arise Virtual Sols., Inc.,</i> No. 12-62143-CIV, 2013 WL 12106056 (S.D. Fla. Aug. 5, 2013)	14
<i>Parnell v. CashCall, Inc.,</i> 804 F.3d 1142 (11th Cir. 2015)	11
<i>Pendergast v. Spring Nextel Corp.,</i> 691 F.3d 1224 (11th Cir. 2012)	11

:::

<i>Perry v. Thomas,</i> 482 U.S. 483 (1987).....	11
<i>Phillips v. Neutron Holdings, Inc.,</i> No. 3:18-cv-3382-S, 2019 WL 4861435 (N.D. Tex. Oct. 2, 2019).....	16
<i>Prods. Inc. v. Flying Cork Media, LLC,</i> No. 20-23493-CIV, 2020 WL 9601879 (S.D. Fla. Oct. 30, 2020)	14
<i>Rent-A-Center West, Inc. v. Jackson,</i> 561 U.S. 63 (2010).....	17, 18
<i>Richemond v. Uber Techs., Inc.,</i> 263 F. Supp. 3d 1312 (S.D. Fla. 2017)	14
<i>Samuels v. Bird Rides, Inc.,</i> No. SA-19-CV-01025-JKP-HJB, 2020 WL 4557054 (W.D. Tex. June 6, 2020)	16
<i>Schuster v. Uber Techs., Inc.,</i> No. 8:18-CV-2389-T-35JSS, 2019 WL 545441 (M.D. Fla. Feb. 7, 2019).....	15
<i>Suarez v. Uber Techs., Inc.,</i> No. 8:16-CV-166-T-30MAP, 2016 WL 2348706 (M.D. Fla. May 4, 2016), <i>aff'd</i> , 688 F. App'x 777 (11th Cir. 2017).....	16
<i>Temple v. Best Rate Holdings LLC,</i> 360 F. Supp. 3d 1289 (M.D. Fla. 2018).....	15
<i>Volt Information Sciences, Inc. v. Bd. of Trustees of Leland Stanford Junior Univ.,</i> 489 U.S. 468 (1989).....	10
<i>Walker v. Neutron Holdings, Inc.,</i> No. 1:19-cv-574-RP, 2020 WL 703268 (W.D. Tex. Feb. 11, 2020)	16
<i>West v. Uber Techs., Inc.,</i> No. 18-CV-3001-PSG-GJS, 2018 WL 5848903 (C.D. Cal. Sept. 5, 2018).....	16

Statutes

9 U.S.C.S. § 3.....	9, 20
9 U.S.C. § 2.....	9, 10, 18
9 U.S.C. § 5.....	10
Americans with Disability Act.....	19
9 U.S.C. § 1.....	5

..

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.