

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

_____)	
EDWARD SIPERAVAGE)	
on behalf of himself and all others)	No. 20-
similarly situated,)	
)	JURY TRIAL DEMANDED
Plaintiff,)	
)	CLASS ACTION
v.)	
)	
UBER TECHNOLOGIES, INC.,)	
)	
Defendant.)	
_____)	

COMPLAINT – CLASS ACTION

I. Preliminary Statement

1. Plaintiff brings this action on his own behalf and on behalf of all other persons similarly situated for damages arising from Defendant Uber Technologies, Inc. (Uber)'s unfair business practices related to restrictions on vehicles eligible to be used by the drivers Uber employs. Specifically, this case deals with Uber's refusal to honor its representations that particular vehicles could be used to drive for the more-selective Uber BlackSUV platform, causing Plaintiff and similarly affected drivers to lose hundreds or thousands of dollars in income.

II. Jurisdiction and Venue

2. Jurisdiction of the Court arises under 28 U.S.C. §§ 1332(a)(1); 28 U.S.C. § 1332(d)(2).

3. Venue lies properly in this district pursuant to 28 U.S.C. § 1391(b).

III. Parties

4. Plaintiff Edward Siperavage is an adult individual and citizen of the State of New Jersey who resides in Cherry Hill, New Jersey.

5. Defendant Uber Technologies, Inc. is a corporation which regularly conducts business in the State of New Jersey, and has a principal place of business at 1455 Market Street, 4th Floor, San Francisco, California, 94103.

IV. Factual Allegations

Uber's Operations

6. Uber's business is based upon the operation of its mobile platform (or "app") which connects its drivers to passengers who request rides through the platform.

7. Uber pays drivers based upon completed rides, calculating the payment amount using a variety of factors including distance traveled, location, and level of demand. *See* <https://www.uber.com/us/en/drive/driver-app/>.

8. Uber drivers have the traditional role of employees, because Uber maintains a high degree of control over the conduct of its drivers' work. Uber exercises that control in a number of ways, including but not limited to: (a) Uber dictates the rates drivers charge, and controls the manner in which they are paid; (b) Uber prohibits drivers from engaging and transporting these same passengers separately from the Uber platform; (c) Uber penalizes drivers for rejecting potential rides, requires drivers to accept potential rides without knowing the passenger's destination and does not permit drivers to cancel rides once the destination is revealed; and (d) Drivers are not permitted to control the route driven – if they select a route that Uber deems "inefficient," the driver is penalized through a retroactive "fare adjustment."

9. Uber drivers regularly engage in interstate commerce by transporting passengers across state lines - by picking up a passenger in one state, and dropping the passenger off in a different state.

10. This is particularly true of Uber drivers based in New Jersey, because New Jersey is a small state immediately adjacent to large population centers in other states, including New York City and Philadelphia.

11. Further, Uber drivers based in New Jersey regularly transport drivers to or from some of the busiest airports in the United States located in or near New Jersey, including Newark International Airport and John F. Kennedy International Airport.

12. Upon information and belief Uber maintains detailed records regarding locations where passengers are picked up and dropped off for each ride, and is able to determine based upon these records whether a particular driver has picked up a passenger in one state and dropped them off in a different state.

13. Furthermore, Uber maintains detailed records regarding how much each driver is paid.

14. An additional way Uber controls the conduct of its drivers' work is by controlling the make, model, and year of vehicles which can be used for transporting passengers.

15. Uber offers a variety of service levels based largely on the type of vehicle used. For example, in New Jersey, Uber offers UberX, UberComfort, UberXL, UberBlack, and Uber BlackSUV.

16. Uber maintains specific requirements regarding the make, model, and year of vehicles which drivers can use to provide rides for each service level. For example, eligible

vehicles for the UberX level include “most newer cars” that meet certain criteria. *See* <https://www.uber.com/drive/new-jersey/vehicle-requirements/>

17. Drivers are able to earn more per ride when a ride takes place on a higher service level – a driver will earn more money for a trip if it takes place through UberBlack than by driving an identical trip for UberXL.

18. The highest available service level is Uber BlackSUV, which Uber promotes as a “luxury,” “high-end vehicle service.” Drivers with vehicles approved for Uber BlackSUV earn the most of the available service levels.

19. Uber publicizes its vehicle requirements for each service level, including specifically listing the eligible vehicles for the UberBlack and Uber BlackSUV levels, on its website. Uber also communicates these requirements directly to drivers upon request.

20. Uber intends for drivers to rely on its representations about eligible vehicles, including by offering lease and purchase assistance for drivers seeking to obtain access to an eligible vehicle. *See* <https://www.uber.com/us/en/drive/vehicle-solutions/>. *See also* <https://www.marketplace.org/2015/05/13/uber-drivers-struggle-pay-subprime-auto-loans/>.

21. Uber, however, does not adhere to these representations, and instead unilaterally changes the requirements, exacting serious consequences on the drivers who have relied upon existing vehicle eligibility standards.

22. In September 2019, Uber changed its requirements for vehicle eligibility for Uber BlackSUV, removing the Acura MDX, Audi Q7, Chevrolet LTZ, Chevrolet Tahoe, Ford Expedition (non-Platinum series), Infinity QX60, Mercedes GL Class, Nissan Armada, and Toyota Sequoia from eligibility.

23. Importantly, Uber did not simply stop accepting new registrations of such vehicles for Uber BlackSUV – it cut off all drivers using these vehicles from the ability to offer rides at the Uber BlackSUV level, restricting them to lower (and lower-paying) levels of service.

24. Upon information and belief, Uber’s unilateral changes in vehicle eligibility standards have affected numerous drivers based in New Jersey.

The Experience of Plaintiff Edward Siperavage

25. Plaintiff began driving for Uber in 2015, driving a Cadillac CTS to complete UberBlack trips.

26. Plaintiff regularly picks up passengers in New Jersey and drops them off in Pennsylvania, and vice versa. Plaintiff also regularly drives passengers between New York and New Jersey.

27. In the spring of 2017, Plaintiff began researching options to purchase a vehicle eligible to drive for Uber BlackSUV, to increase his income.

28. On March 25, 2017, Plaintiff communicated with Uber via a messaging function on the Uber application, asking for the list of eligible vehicles for Uber BlackSUV.

29. On March 27, 2017, an Uber representative responded listing the following vehicles as eligible for Uber BlackSUV in New Jersey:

Acura - MDX
Audi - Q7
Cadillac - Escalade, Escalade EXT
Chevrolet - LTZ, Suburban, Tahoe
Ford - Expedition
GMC - Yukon, Yukon XL
Infiniti - QX56, QX60, QX80
Lexus - LX
Lincoln - Navigator
Mercedes-Benz - GL-Class
Nissan - Armada
Toyota – Sequoia

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