



20661779

**FILED**  
**ALAMEDA COUNTY**

FEB 27 2018

CLERK OF THE SUPERIOR COURT

By Erica Baker  
ERICA BAKER Deputy

DISABILITY RIGHTS ADVOCATES  
 SIDNEY WOLINSKY (Bar No. 33716)  
 MELISSA RIESS (Bar No. 295959)  
 2001 Center Street, Fourth Floor  
 Berkeley, California 94704-1204  
 Telephone: (510) 665-8644  
 Facsimile: (510) 665-8511  
 swolinsky@dralegal.org  
 mriess@dralegal.org

CHAVEZ & GERTLER LLP  
 MARK A. CHAVEZ (Bar No. 90858)  
 NANCE F. BECKER (Bar No. 99292)  
 42 Miller Avenue  
 Mill Valley, California 94941  
 Telephone: (415) 381-5599  
 Facsimile: (415) 381-5572  
 mark@chavezgertler.com  
 nance@chavezgertler.com

Attorneys for Plaintiffs

**IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA****IN AND FOR THE COUNTY OF ALAMEDA**

JUDITH SMITH, an individual, JULIE  
 FULLER, an individual, SASCHA BITTNER,  
 an individual, INDEPENDENT LIVING  
 RESOURCES CENTER OF SAN  
 FRANCISCO, a California non-profit  
 corporation, and COMMUNITY RESOURCES  
 FOR INDEPENDENT LIVING, a California  
 non-profit corporation,

Plaintiffs,

v.

UBER TECHNOLOGIES, INC., a Delaware  
 Corporation, RASIER, LLC, a Delaware  
 Corporation, RASIER-CA, LLC, a Delaware  
 Corporation, and DOES 1-20, individuals,

Defendants.

Case No.: **RG18894507****CLASS ACTION****COMPLAINT FOR INJUNCTIVE AND  
DECLARATORY RELIEF**

## INTRODUCTION

1. Plaintiffs bring this action to remedy ongoing discrimination against persons with mobility disabilities who want to, but cannot, use the on-demand transportation service operated by Uber Technologies, Inc. ("Uber"). Since launching their transportation service in San Francisco in July 2010, Uber has experienced explosive growth, has seized an ever-expanding market share from taxi companies and is now a major provider of individual transportation services in over 450 cities in the United States. Unfortunately, in its rapid growth into a multi-billion-dollar behemoth, Uber has largely ignored its legal responsibility to provide its transportation service to individuals who use wheelchair accessible vehicles ("WAVs").

2. Uber is one of the leading companies in the new "sharing economy." It provides on-demand rides to individuals through its network of over 2,000,000 drivers globally. The riders pay Uber through Uber's smart phone application with their credit cards, and Uber splits the payments with its drivers. Uber's phenomenal success and unparalleled growth pose an existential threat to traditional taxi service, and Uber has invested heavily in what it considers to be transportation technologies of the future, including autonomous vehicles. As a result Uber's market value has grown to over \$50 billion.

3. It appears that the future of on-demand transportation belongs to Uber and that, unless forced to do so by this Court, Uber will exclude disabled individuals from that future. As detailed below, Uber's acts and practices deny individuals who need wheelchair accessible vehicles equal access to the service it provides, and prevent them from obtaining the benefits of its service. Such conduct directly violates the Unruh Civil Rights Act, Civil Code §51 *et seq.*, which is California's principal bulwark against all forms of discrimination including discrimination on the basis of a disability, and the Disabled Persons Act, Civil Code §54, *et seq.*, which guarantees individuals with disabilities the same access as other members of the public to all advantages and privileges of public facilities, including transportation services.

4. It is fully within Uber's power to provide accessible service. Uber tightly controls all aspects of how both its drivers and riders use the service, mediating all payments, regulating the types of vehicles the drivers use, and offering financial incentives to ensure that there are

1 enough drivers on the road to meet the demand for rides. Moreover, Uber is already providing  
2 widespread wheelchair accessible transportation in London and six other cities around the United  
3 Kingdom. Uber could similarly end its discrimination against people in California who need  
4 wheelchair accessible vehicles if it chose to do so.

5         5. This is not a case about money. This litigation is intended to halt Uber's ongoing  
6 discrimination against individuals with mobility disabilities. Plaintiffs seek only injunctive and  
7 declaratory relief to redress Uber's violations of California law. Because Defendants' practices  
8 adversely impact hundreds, if not thousands, of disabled individuals, Plaintiffs ask the Court to  
9 certify their claims for class treatment and to order relief that will benefit all members of the  
10 Class.

#### 11 **PARTIES**

12         6. Plaintiff Judith Smith is an individual residing in Alameda County. She uses a  
13 motorized wheelchair and would use Uber but for the unavailability of wheelchair accessible  
14 Ubers. Because Ms. Smith has heard about and witnessed the unavailability of the service she has  
15 not downloaded Uber's application because she knows trying to use Uber would be futile.

16         7. Plaintiff Julie Fuller is an individual residing in Alameda County. She uses a  
17 motorized wheelchair and would use Uber but for the unavailability of wheelchair accessible  
18 Ubers. She has learned that WAVs are not available through Uber from other wheelchair users,  
19 and people she knows at ILRC. She has not downloaded Uber's application because she knows  
20 trying to use the service would be futile.

21         8. Plaintiff Sascha Bittner is an individual residing in San Francisco. She uses a  
22 motorized wheelchair and would use Uber but for the unavailability of wheelchair accessible  
23 Ubers. She has witnessed family members attempt to call wheelchair accessible Ubers and knows  
24 that they are not reliably available. She would use Uber's WAV service if she could count on it  
25 for reliable door-to-door transportation.

26         9. Plaintiff Independent Living Resource Center of San Francisco ("ILRC") is a  
27 disability rights advocacy and support organization. Its mission is to ensure that people with  
28 disabilities are full social and economic partners within their families and within a fully accessible

1 community. Uber's discriminatory policies and practices regularly impose economic harms on  
2 ILRC, frustrate the organization's efforts to engage in its core advocacy work, and force it to  
3 divert resources that it needs to spend on other work. Plaintiff ILRC sues on behalf of itself and in  
4 furtherance of its mission of ensuring that people with disabilities are fully integrated into the  
5 social and economic fabric of their communities.

6 10. Plaintiff Community Resources for Independent Living ("CRIL") is a disability  
7 rights advocacy and support organization located in Hayward, California. CRIL supports people  
8 with disabilities in southern Alameda County to live independently, advocate for themselves, and  
9 access services, programs, activities, resources, and facilities in the community. CRIL's  
10 consumers include individuals who use motorized wheelchairs and scooters and would use Uber  
11 but for unavailability of wheelchair accessible Ubers. CRIL participates in advocacy on a variety  
12 of issues affecting people with disabilities, including mobility and transportation. Uber's  
13 discriminatory policies and practices regularly impose economic harms on CRIL by frustrating its  
14 efforts to engage in its core advocacy work, and by forcing it to divert resources that it needs to  
15 spend on other work. Plaintiff CRIL sues on behalf of itself and in furtherance of its mission of  
16 ensuring that people with disabilities receive full and equal access to the services and facilities.

17 11. Defendant Uber Technologies, Inc. ("Uber"<sup>1</sup>) is a for-profit corporation that  
18 provides on-demand transportation services throughout California, including in Alameda and San  
19 Francisco Counties. Uber is registered in Delaware and its principal place of business is San  
20 Francisco, California.

21 12. Defendant Rasier, LLC ("Rasier") is a for-profit corporation registered in  
22 Delaware with its principal place of business in San Francisco, California. Rasier is a subsidiary  
23 of Uber Technologies, Inc.

24 13. Defendant Rasier-CA, LLC ("Rasier") is a for-profit corporation registered in  
25 Delaware with its principal place of business in San Francisco, California. Rasier is a subsidiary  
26 of Uber Technologies, Inc.

27  
28  

---

<sup>1</sup> The name "Uber" will be used to refer to all Defendants named in this Complaint.

14. Defendants Does 1 through 20 are persons or entities whose true names and capacities are unknown to Plaintiffs, who therefore sue them by such fictitious names. Plaintiffs are informed and believe, and on that basis allege, that each of the fictitiously named Defendants perpetrated or is responsible for some or all of the wrongful acts and omissions alleged herein. Plaintiffs will seek leave of court to amend this complaint to state the true names and capacities of such fictitiously named Defendants if and when they are ascertained.

15. At all times mentioned herein, each Doe Defendant was the agent or employee of the other Defendants and was acting within the course and scope of such agency or employment. The Defendants are jointly and severally liable.

## VENUE

16. Venue is proper in this Court and in this County pursuant to Code of Civil Procedure §§395 and 395.5, because Defendants do business in this County, the business practices at issue were conducted throughout California, including in this County, liability arose in this County, and events and conduct giving rise to the violations of law asserted herein occurred in this County. In particular, Plaintiffs Judith Smith and Julie Fuller reside in this County, and they have suffered discrimination on the basis of their disabilities and been deterred from taking advantage of the transportation service offered by Uber in this County. Plaintiff CRIL also has its principal place of business in this County, and has likewise suffered injury here.

## CLASS ACTION ALLEGATIONS

17. Pursuant to Code of Civil Procedure §382, Plaintiffs bring this action on behalf of themselves and all other persons similarly situated. The Class consists of all individuals in Alameda and San Francisco Counties who are disabled because of a mobility impairment, utilize wheelchairs and therefore use accessible transportation, and who have been and continue to be deterred from using Uber's transportation service due to Uber's discriminatory acts and practices. Excluded from the Class is any individual who has previously utilized Uber and/or has downloaded the Uber application, and Uber's officers and employees.

18. Plaintiffs are unable to state the precise number of potential members of the proposed Class. The Class numbers in the hundreds, if not thousands, and members of the Class are sufficiently numerous and geographically diverse that joinder of all members is impracticable.

19. There is a community of interest among the members of the proposed Class in that there are questions of law and fact common to all of their claims. Those common issues include, but are not limited to: whether Uber provides the transportation services Plaintiffs need; and whether Uber's practices violate the Unruh Act and the Disabled Persons Act.

20. Plaintiffs' claims are typical of, and not antagonistic to, the claims of all other members of the Class because Uber conducted and continues to conduct its business in a manner which caused, continues to cause, and will in future cause all Class members to suffer the same or similar injury. Plaintiffs, by advancing their claims, will also advance the claims of all other similarly-situated individuals.

21. Plaintiffs and their counsel will fairly and adequately protect the interests of absent Class members. There are no material conflicts between Plaintiffs' claims and those of absent Class members that would make class certification inappropriate. Plaintiffs' counsel are experienced in disability rights and class action litigation, and will vigorously assert Plaintiffs' claims and the claims of all Class members.

22. A class action is superior to other potential methods for achieving a fair and efficient adjudication of this controversy. Whatever difficulties may exist in the management of this case as a class action will be greatly outweighed by the benefits of the class action procedure, including but not limited to providing Class members with a method for the redress and prevention of their injuries and claims that could not, given the complexity of the issues and the nature of the requested relief, be pursued in individual litigation. Further, the prosecution of separate actions by the individual Class members, even if possible, would create a risk of inconsistent or varying adjudications and incompatible standards of conduct for the Defendant.

## GENERAL ALLEGATIONS

23. Uber provides transportation services to members of the general public, including in Alameda County and San Francisco County.

1           24.     Uber is not a broker or a middleman merely facilitating a transaction through a  
2 smart phone application. Instead, it provides transportation to its customers by recruiting and  
3 retaining a network of drivers who contractually agree to provide rides to Uber's customers in  
4 accordance with terms and conditions specified by Uber. Similarly, Uber's customers must enter  
5 into contracts with Uber to utilize its service on terms and conditions specified by Uber. In all  
6 material respects, including the financial terms, the transactions between the drivers and the  
7 customers are dictated, mediated, and controlled by Uber. There are no negotiations between  
8 Uber's drivers and its customers. And Uber takes the lion's share of the revenues generated in the  
9 transactions.

10           25.     Uber provides different levels of transportation service around the country. In  
11 Alameda and San Francisco Counties, the company offers UberX, its basic rideshare option, Uber  
12 POOL, a carpooling service, Uber Select and Uber Black, premium transportation services, and  
13 UberXL and UberSUV, services limited to larger vehicles. In addition, it purports to offer Uber  
14 Assist, a service in which the drivers have self-certified as being willing to assist riders with  
15 mobility disabilities, and UberWAV, a car service option offering wheelchair accessible vehicles.

16           26.     Uber has created a genuinely new mode of transportation, generating both the  
17 demand for rides and the supply of drivers by incentivizing both the riders and the drivers to  
18 participate in the service. Without Uber, this new mode of transportation would not exist.

19           27.     Moreover, Uber perceives itself as creating a new transportation service which  
20 transcends the technology. Uber urges commuters to consider it a "daily transportation option" or  
21 one that complements their use of other modes of transportation ("While public transportation is  
22 still very much a necessity, research has found that Uber acts as an important complement for  
23 commuters."<sup>2</sup>) Uber has even compared itself to a utility ("Today we aspire to make  
24 transportation as reliable as running water, everywhere and for everyone"<sup>3</sup>) and touted the ability  
25 of its transportation service to tackle difficult public policy issues such as "congestion, pollution  
26

27 <sup>2</sup> Uber.com, How Uber Can Be a Daily Transit Option, <https://www.uber.com/newsroom/how-uber-can-be-a-daily-transportation-option/>, October 5, 2016.

28 <sup>3</sup> Uber.com, Celebrating Cities: A New Look and Feel for Uber, <https://www.uber.com/newsroom/celebrating-cities-a-new-look-and-feel-for-uber-7/>, February 3, 2016.

1 and parking by getting more people into fewer cars.”<sup>4</sup> In Uber’s own words: “Our work doesn’t  
2 end with transporting people.”<sup>5</sup> In the words of the Northern District of California: “Uber does  
3 not simply sell software; it sells rides.” *O’Connor v. Uber Techs. Inc.*, 82 F. Supp. 3d 1133, 1141  
4 (N.D Cal. 2015).

5 **UBER DISCRIMINATES AGAINST INDIVIDUALS WITH MOBILITY DISABILITIES**  
6 **BY FAILING TO PROVIDE WHEELCHAIR ACCESSIBLE VEHICLES**

7 28. Uber purports to offer access to wheelchair accessible vehicles to users in the Bay  
8 Area. However, although the app includes an UberWAV button, the reality is that this button is a  
9 sham. UberWAV does not provide effective service to people who need UberWAVs. Wheelchair  
10 accessible Ubers are rarely, if ever, available in the Bay Area. When an UberWAV is available,  
11 the wait times for these vehicles are on average five times longer than for non-wheelchair  
12 accessible UberX. This is not an effective or viable component of Uber’s transportation system.

13 29. Plaintiffs tested a number of central locations around the Bay Area daily between  
14 November 2017 and January 2018. In Alameda County, not a single wheelchair accessible Uber  
15 was available during a total of 120 tests. In San Francisco, over 60 tests, a wheelchair accessible  
16 Uber was completely unavailable almost five times out of six. In the rare instance where a WAV  
17 was available, the average wait time was about five times longer than the wait for an UberX at the  
18 same location.

19 30. Uber riders who use wheelchair accessible vehicles are also denied access to all  
20 but one of Uber’s transportation classes. Riders who use wheelchairs requiring lifts or ramps can  
21 only travel in an UberWAV, not an UberPOOL carpool, not a large vehicle such as UberXL or  
22 UberSUV, not a deluxe vehicle such as UberBLACK or UberSelect.

23 31. Uber has been sued in cities around the United States for its violation of disability  
24 laws by failing to provide wheelchair-accessible service, yet has continued its policy of denying  
25 that service. *See, e.g., Equal Rights Center v. Uber Technologies, Inc.*, No. 17-cv-01272 (D.D.C.  
26 filed 6/28/2017), *Access Living of Metropolitan Chicago v. Uber Technologies, Inc.*, No. 16-cv-

27  
28 <sup>4</sup> Travis Kalanick, Uber’s Plan to Get More People Into Fewer Cars,  
[https://www.ted.com/talks/travis\\_kalanick\\_uber\\_s\\_plan\\_to\\_get\\_more\\_people\\_into\\_fewer\\_cars](https://www.ted.com/talks/travis_kalanick_uber_s_plan_to_get_more_people_into_fewer_cars), February 2016.

<sup>5</sup> Uber.com, Advanced Technology Group, <https://www.uber.com/info/atg/>

1 09690 (N.D. Ill. Filed 10/13/2016), *Crawford v. Uber Technologies, Inc.*, No. 3:17-cv-02664-RS  
2 (N.D. Cal. Filed 5/9/2017), *Namisanak v. Uber Technologies, Inc.*, 3:17-cv-06124-RS (N.D. Cal.  
3 Filed 10/26/2017).

4 32. Although Uber exercises substantial control over drivers to incentivize them to  
5 drive for Uber and to drive at particular times, Uber openly admits that it is doing nothing to  
6 incentivize drivers to drive wheelchair accessible Ubers: “[Uber] doesn’t treat Drivers who have  
7 or want WAVs any differently than it treats other Drivers [sic].” *BCID v. Uber, SDNY*, Case No.  
8 1:17-cv-06399-NRB, Dkt 35 (Defts’ Mot. to Dismiss, December 8, 2017 at 7). Just as it has  
9 intentionally flouted regulation and law enforcement in other contexts<sup>6</sup>, Uber has intentionally  
10 avoided complying with anti-discrimination laws, including California’s, by taking no steps to  
11 make full and equal access to Uber’s transportation service a reality through UberWAV.

12 **UBER’S DISCRIMINATION RESULTS IN REAL HARM**

13 33. Uber’s failure to make accessible vehicles available through its service denies  
14 people who use wheelchairs access to reliable, on-demand transportation that could drastically  
15 improve their lives, enabling them to travel to a wider variety of destinations without having to  
16 rely on transportation via expensive taxis, unreliable paratransit, and limited public transit. It  
17 would enable them to travel spontaneously, without having to schedule transportation hours or  
18 even days in advance. Unfortunately, Plaintiffs and members of the class are excluded from these  
19 benefits, and suffer real harm as a result.

20 34. People who use wheelchairs face the denigrating experience of being denied a  
21 basic service that is available to all other paying customers. Even when an UberWAV vehicle is  
22 technically available, because so few exist, there are typically frequent and lengthy delays. As  
23 such, people who use wheelchairs and use UberWAV must contend with missed appointments,  
24 being late for events, and other stress and inconvenience.

25 \_\_\_\_\_  
26 <sup>6</sup> See, e.g., N.Y. Times, *How Uber Deceives the Authorities Worldwide*,  
27 <https://www.nytimes.com/2017/03/03/technology/uber-greyball-program-evade-authorities.html>, March 3, 2017; The  
28 Recorder, *Former Uber CLO Salle Yoo Named in Reports of Tool Meant to Evade Foreign Authorities*,  
<https://www.law.com/therecorder/sites/therecorder/2018/01/12/former-uber-clo-salle-yoo-named-in-reports-of-tool-meant-to-evade-foreign-authorities/>, January 12, 2018; Eric Newcomer, *Uber Pushed the Limits of the Law. Now Comes the Reckoning*, Bloomberg.com, <https://www.bloomberg.com/news/features/2017-10-11/uber-pushed-the-limits-of-the-law-now-comes-the-reckoning>, October 11, 2017.

35. Due to distances between destinations and the severe limitations of public transportation and paratransit, many persons with disabilities must use private transportation services to travel from one place to another. The private options are severely lacking as well. Wheelchair accessible taxis are rare or nonexistent. Paratransit is extremely unreliable and often requires lengthy waits.

36. As described below, the lack of access to this new mode of transportation means that Plaintiffs may lose employment opportunities or jobs to those with access to more reliable transportation, and may experience social isolation and other harms—not least the stigma associated with not being part of what Uber calls the mainstream “way the world moves.”

**JUDITH SMITH**

37. Plaintiff Judith Smith lives and works in Oakland, California. She uses a motorized wheelchair because of mobility disabilities.

38. Ms. Smith would and could use Uber if she knew she could count on it for service. She has a smartphone, but she has not downloaded Uber's app. Early in Uber's existence she was excited by the prospect of finding transportation more easily but she quickly learned from friends and colleagues about the lack of accessible vehicles on Uber. Since then, she has watched numerous people attempt to call a wheelchair accessible Uber, and none has ever succeeded. As a result of such incidents, she has concluded it would be futile to download the app.

39. Ms. Smith is the Founder and Artistic Director Emerita of Axis Dance Company, a group of contemporary dancers with and without physical disabilities. Several members of the company, including Marc Brew, the group's Artistic Director, use power wheelchairs. Ms. Smith and her colleagues frequently share their frustrations about their transportation options, and specifically about their inability to access the convenience of Uber. For example, Mr. Brew shared the following frustrating experience from his visit to the Bay Area in 2017.

40. Mr. Brew attended a dance performance at Berkeley's Zellerbach Hall. After the performance, Mr. Brew needed to get home, but it was after midnight and he had missed the last BART train. There were no accessible vehicles on Uber, and all of his friends who had vehicles with wheelchair lifts were either out of town or asleep. Stranded, and with his chair nearly out of

1 power, he ultimately decided to roll to the home of a friend, who was kind enough to put him up  
2 for the night.

3 41. There are many situations in which Ms. Smith would use Uber if WAVs were  
4 available. For example, one evening in 2017, Ms. Smith was in San Francisco's Mission District  
5 and wanted to go home to Oakland. The battery on her power wheelchair was running low, and if  
6 she could have called an Uber to pick her up, she could have made it home without the stress of  
7 running out of power. Instead, she rolled to the 16<sup>th</sup> Street and Mission BART station, but the  
8 elevator there was broken. As she rolled to the 24<sup>th</sup> Street station, the battery on her chair reached  
9 critical levels. She managed to get to her train, but by the time she arrived in Oakland, her battery  
10 was so depleted that she could not independently roll up the ramp of her home and had to ask a  
11 neighbor to assist her.

12 42. If they were accessible to her, Ms. Smith would call Ubers in exactly the same way  
13 as would someone who does not use a wheelchair accessible vehicle. She would order Ubers to  
14 and from the airport, when she is out late at night, when she wants to travel to high-density places  
15 like San Francisco where parking is limited, or to places that are far from public transportation, in  
16 inclement weather, or when health reasons prevent her from driving.

17 43. In these situations, Ms. Smith is left without any alternative transportation and  
18 therefore must stay at home or suffer arduous transportation delays and other indignities from not  
19 having access to the same service as Uber users who do not use accessible vehicles.

20 **JULIE FULLER**

21 44. Plaintiff Julie Fuller lives in Oakland, California. She has mobility and vision  
22 disabilities and uses a motorized wheelchair. She has a smartphone but has not downloaded the  
23 Uber app because she has heard from other wheelchair users that there are no wheelchair  
24 accessible Ubers. For example, she has discussed this issue at a weekly support group she attends.  
25 The other members of her support group, most of whom use motorized wheelchairs, have shared  
26 their frustrations with being unable to access Ubers. She has also volunteered at ILRC, and has  
27 discussed the unavailability of wheelchair accessible Ubers with Jessie Lorenz, ILRC's executive  
28 director.

45. Every Wednesday, Ms. Fuller attends weekly support group sessions in North Berkeley. The drive from her house in Oakland to the support group is approximately 15 minutes. However, in order to get to the sessions, Ms. Fuller leaves an hour early to catch a ride on BART or AC Transit. She leaves the group early so that she does not have to travel home while it is dark, as she has impaired vision and feels unsafe when she is on the street in her chair at night.

46. Because she feels vulnerable when she is out at night, Ms. Fuller also misses other evening events, such as social gatherings, as well as her neighborhood council, which meets one evening a month at the library a few blocks away from her house. Similarly, when it rains, she stays at home because she does not want to risk waiting outside in the rain for prolonged periods to avoid damage to her chair. If she were able to rely on door-to-door transportation from Uber, she would be able to attend these events.

**SASCHA BITTNER**

47. Sascha Bittner lives in San Francisco, California. She uses a motorized wheelchair because she has mobility disabilities. Ms. Bittner does not have a smartphone but has often been out with family and friends who do have the Uber app on their smartphones, and have attempted to order a wheelchair accessible vehicle through the app and been unable to do so.

48. For example, in January 2017, Ms. Bittner participated in the Women's March with her family in San Francisco. Her family would have used a wheelchair accessible Uber to get to the march, but none was available. Instead, the family engaged in a time consuming ballet of pickups and drop offs to avoid the crowds and limited parking.

49. Ms. Bittner is an activist, and campaigns for fair wages for in-home carers and attends events around the Bay Area and the state related to this work. She was appointed by Nancy Pelosi to serve as a delegate for the Democratic party of California. She also participates in workshops at ILRC. She often relies on her stepfather, Bruce Joseph, to drive her in the family's accessible van. However just as often, going out to routine events such as regular medical appointments or meetings becomes an all-day ordeal, when she builds in time for delays and disruptions on public transit. Paratransit is routinely hours behind schedule. For example, she was hours late to a 9:30 appointment for which she scheduled paratransit pickup two hours early. She

1 is often left out of spontaneous social gatherings because she can't simply call an Uber like  
2 everyone else to get there and come pick her up when it is over.

3 50. The lack of wheelchair accessible Ubers excludes Ms. Bittner from an on-demand  
4 door-to-door service that is available to people who do not use wheelchairs, and which would  
5 greatly improve Ms. Bittner's ability to live an active life.

6 **INDEPENDENT LIVING RESOURCE CENTER OF SAN FRANCISCO**

7 51. Independent Living Resource Center of San Francisco ("ILRC") is a disability  
8 rights advocacy and support organization. Its mission is to ensure that people with disabilities are  
9 full social and economic partners, both within their families and in a fully accessible community.  
10 Uber's discriminatory policies and practices regularly impose economic harms on ILRC, frustrate  
11 its efforts to engage in its core advocacy work, and force it to divert resources that it needs to  
12 spend on other work. Additionally, many members of its board, staff and constituency are harmed  
13 by Uber's discriminatory policies and practices.

14 52. In recent decades, ILRC has worked to ensure that transportation options are  
15 available to persons with disabilities. The continued inaccessibility of Uber transportation is thus  
16 an issue of concern for ILRC. ILRC has expended time and resources on advocacy work to  
17 improve access, including transportation options, for disabled residents of San Francisco. This  
18 work has included advocacy and engagement with a wide variety of entities including the San  
19 Francisco Metropolitan Transportation Agency, the Mayor's Office on Disability, and San  
20 Francisco Paratransit. For example, ILRC has worked with BART to ensure that all aspects of the  
21 system, from paying the fare to riding the train, are accessible to people with disabilities, and has  
22 advocated for BART to incorporate accessible design principles in its selection of its new train  
23 cars.

24 53. On the issue of ride-sharing services specifically, ILRC has been monitoring the  
25 growth of these services, and engaging in advocacy work to encourage ride-sharing services to  
26 provide wheelchair accessible vehicles. ILRC has devoted staff time and resources to collecting  
27 information about the experiences of people with disabilities using rideshare services, to aid them  
28 in their advocacy efforts.

1           54.     ILRC itself has been injured as a direct result of Uber's failure to provide a service  
2 that is accessible to people who use wheelchair accessible vehicles. ILRC's interests are adversely  
3 affected because it must expend resources, as it is doing in this lawsuit and has done in its  
4 organizing and advocacy efforts, advocating for its constituents who are harmed by Uber's  
5 policies and practices. ILRC has suffered injury in the form of diversion of these resources and  
6 frustration of its mission.

7           55.     Many of ILRC's staff have mobility disabilities, use power wheelchairs, and  
8 therefore use a wheelchair accessible vehicle if they are traveling in a car. For example, Staff  
9 Attorney Jessie Carver uses a motorized wheelchair, and would use Uber to commute to work or  
10 to off-site meetings, speaking engagements, and other important work-related events. Without the  
11 option of a reliable, convenient on-demand mode of transportation, she is often late, gets stuck in  
12 inclement weather, or is vulnerable to outages on public transportation. Each such instance  
13 imposes a direct economic harm on the Independent Living Center, in the form of lost employee  
14 work-time and productivity.

15           56.     Additionally, one or more members of ILRC, including Sascha Bittner, have been  
16 injured as a direct result of Uber's discriminatory policies and practices and would have standing  
17 to sue in their own right. ILRC can bring this action on behalf of its members because the  
18 interests at stake are germane to the organization's purpose and only injunctive and declaratory  
19 relief are requested, which do not require the participation of individual members in the lawsuit.

20                   **COMMUNITY RESOURCES FOR INDEPENDENT LIVING**

21           57.     Community Resources for Independent Living ("CRIL") is a group located in  
22 Hayward, California. CRIL supports people with disabilities in southern Alameda County to live  
23 independently, advocate for themselves, and access services, programs, activities, resources, and  
24 facilities in the community. Uber's discriminatory policies and practices harm CRIL and its  
25 members, frustrate its efforts to engage in its core advocacy work, and force it to divert resources  
26 that it needs to spend on other work. Additionally, many members of its board, staff and  
27 constituency are harmed by Uber's discriminatory policies and practices.

1           58.     One of the many services CRIL provides to its constituent community is training  
2 in how to use public transportation, including BART, AC Transit, paratransit, and rideshare.  
3 CRIL employs two travel trainers in its Hayward office. The travel trainers assist people with  
4 disabilities to become comfortable using a variety of modes of transportation and learn about the  
5 accommodations that are provided to make these modes accessible to people with disabilities. The  
6 lack of wheelchair accessible Ubers deprives CRIL's members of an important transportation  
7 option. Additionally, to address the lack of wheelchair accessible vehicles in the area, CRIL  
8 started a van share program, through which it makes available two wheelchair accessible vans via  
9 Getaround, a peer-to-peer car share portal.

10           59.     CRIL also advocates on a variety of issues affecting people with disabilities,  
11 including mobility and transportation. For example, it provided feedback to BART's design team  
12 to help BART ensure that its new train cars will be fully accessible to people with all kinds of  
13 disabilities.

14           60.     CRIL itself has been injured as a direct result of Uber's failure to provide a service  
15 that is accessible to people who use wheelchair accessible vehicles. CRIL's interests are adversely  
16 affected because it must expend resources, as it is doing in this lawsuit and has done in its  
17 organizing and advocacy efforts, advocating for its constituents who are harmed by Uber's  
18 policies and practices. CRIL has suffered injury in the form of diversion of these resources and  
19 frustration of its mission.

20           61.     Many of CRIL's staff, constituency, and board have mobility disabilities, use  
21 power wheelchairs, and therefore use a wheelchair accessible vehicle if they are traveling in a car.  
22 For example, board member Chris Finn uses a motorized wheelchair. He has not downloaded  
23 Uber's app, but would do so if he knew he could count on Uber to provide him with  
24 transportation to his appointments, including events at CRIL. Currently he relies on getting rides  
25 from friends, and on BART, AC Transit, and paratransit to get around, but using these modes of  
26 transportation is limiting. Taking paratransit is often an all-day event because of severe delays.  
27 Additionally, when the weather is bad, if he does not have transportation already arranged Mr.  
28 Finn must sometimes stay at home to avoid damage to his power wheelchair, which means having

1 to miss events, including his duties as a board member of CRIL. Having access to Uber's on-  
2 demand transportation would make a variety of activities more accessible to Mr. Finn, including  
3 job opportunities, social gatherings, and events, would save him a huge amount of time going  
4 about his daily routine, and enable him to get around more freely and spontaneously.

5 62. Additionally, Mr. Finn has been injured as a direct result of Uber's discriminatory  
6 policies and practices and would have standing to sue in his own right, as would other members  
7 of CRIL. CRIL can bring this action on behalf of its members because the interests at stake are  
8 germane to the organization's purpose and only injunctive and declaratory relief are requested,  
9 which do not require the participation of individual members in the lawsuit.

#### 10 **UBER CONTROLS THE TRANSPORTATION SERVICE IT HAS CREATED**

11 63. Uber has created a revolutionary new mode of on-demand transportation that has  
12 changed the way millions of Americans get around – so much so that the word “Uber” has  
13 become synonymous with convenient, reliable, on-demand transportation. Sometimes Uber  
14 distances itself from the fundamental role it has played in creating this system by describing itself  
15 as merely a broker or middleman, facilitating connections between drivers and riders which might  
16 happen anyway. Nothing could be further from the truth. Uber has created and controls its  
17 transportation system in every material respect.

#### 18 **UBER CONTROLS THE DRIVERS AND VEHICLES**

19 64. Uber has created an on-demand transportation service which enables a rider to  
20 order a car from anywhere in most urban areas and reliably be picked up within minutes and  
21 taken to a specific destination, without having to exchange cash. Uber has carefully created this  
22 service by recruiting and retaining a network of drivers who enter into contracts with Uber  
23 agreeing to provide rides to Uber's customers under terms and conditions determined by Uber.

24 65. Individuals who wish to drive for Uber must undergo a driving record check,  
25 background check, present their driver's license, vehicle registration, and driver's insurance. Uber  
26 sets standards for which makes, models, and age of vehicle can be driven in the Uber network.  
27 These standards are detailed – but nowhere do they mention wheelchair accessible vehicles.  
28 Uber-authorized vehicles include a number of vans. Models must be at least 2002 or later, and in

1 many cases Uber requires much more recent models. See Uber, Vehicle Requirements San  
2 Francisco Bay Area, <https://www.uber.com/drive/san-francisco/vehicle-requirements>. Uber also  
3 sets standards for which makes, models, and age of vehicle can be driven for each class of Uber  
4 vehicle, such as UberSUV, UberXL, and UberBLACK.

5 66. Uber also makes vehicles available to drivers through partnerships with  
6 dealerships that offer rental and lease-to-own options to assist its drivers in obtaining vehicles  
7 with which to provide Uber transportation services. See Uber, Vehicle Requirements, San  
8 Francisco Bay Area, <https://www.uber.com/drive/san-francisco/vehicle-requirements/> (“And if  
9 you don’t have a car, we can help you get one.”).

10 67. Uber even exercises control over the engineering and manufacture of vehicles for  
11 its service. Uber touts its “Advanced Technology Group,” a team that includes hardware and  
12 product design engineers. Its goals include “transforming the way the world moves” and  
13 “developing long-term technologies that advance Uber’s mission of bringing safe, reliable  
14 transportation to everyone, everywhere.” This work includes self-driving cars and trucks, but not  
15 wheelchair-accessible vehicles. See Uber, *Advanced Technologies Group*,  
16 <https://www.uber.com/info/atg/>.

17 68. Through its driver contract, Uber dictates whether, when, where, and how  
18 frequently Drivers choose to offer rides in Uber vehicles. Uber exercises exclusive control over  
19 termination of Uber drivers, and routinely terminates drivers for several reasons, including for  
20 poor ratings from customers or discriminatorily refusing to provide service to customers.

21 69. Uber controls which trip requests it transmits to each of its drivers.

22 70. Uber requires that its drivers meet or exceed the estimated time-of-arrival that  
23 Uber generates and provides to each customer.

24 71. Uber limits drivers to shifts of no more than 12 hours, preventing drivers who have  
25 driven for long stints from using the app for six hours to prevent dangerous driver fatigue.<sup>7</sup>  
26  
27

28 <sup>7</sup> Uber.com, “Another Step to Prevent Drowsy Driving,” <https://www.uber.com/newsroom/drowsydriving/>, February 12, 2018.

1           72.     Uber requires that Uber drivers refrain from smoking while providing Uber  
2 services.

3           73.     Uber prohibits its drivers from discriminating against people based on race,  
4 religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age or  
5 any other characteristic protected under applicable federal or state law.

6           74.     In addition, Uber instructs Uber drivers that the share of trip requests that they  
7 accept through Uber's app should be consistently high, and that Uber drivers may not accept  
8 street hails from potential passengers.

9           75.     Uber controls the safety and quality of the service the drivers provide by closely  
10 monitoring its drivers. It issues training and directives concerning other requirements to Uber  
11 drivers.

12           76.     Uber records many details about the demand-responsive transportation services  
13 that its drivers provide, including for each trip: (1) the pickup location, (2) the time of pickup, (3)  
14 the drop off location, (4) the time of drop off, (5) the distance traveled, (6) the trip route, (7) the  
15 trip duration, and (8) the customer's identity. Uber employees who supervise drivers have easy  
16 access to this data.

17           77.     Uber monitors its Uber drivers' performance by asking customers for written  
18 feedback, including a driver "rating" of between 1 and 5, via the app, after every ride that a driver  
19 provides, and Uber routinely follows up with customers who express dissatisfaction. Uber  
20 regularly terminates or suspends Uber drivers whose average customer rating falls below a certain  
21 threshold.

22           78.     In addition, Uber maintains general commercial liability insurance to cover claims  
23 concerning incidents that occur while drivers are providing Uber transportation services.

24           79.     Uber tightly controls payment for its Uber transportation services.

25           80.     Uber controls the fare charged for each trip through an algorithm which takes  
26 account of the distance traveled and duration of the trip, along with the intensity of demand for  
27 rides at the time of the ride request.

28

1           81.     Uber controls the supply of drivers by encouraging them to work at particular  
2 times (by increasing fares when there is increased demand), by offering them financial rewards  
3 for accumulating a large number of trips, and by providing them with information about where  
4 they are likely to get more trips or preferential fares. Uber exerts control over how many vehicles  
5 provide its service at a given time through carefully calibrated adjustments in its service's  
6 financial incentives. For example, Uber's "surge" pricing imposes additional charges during  
7 high-demand times to "make sure those who need a ride can get one." See Uber Help, *What is*  
8 *surge?*, <https://help.uber.com/h/e9375d5e-917b-4bc5-8142-23b89a440eec>.

9                   **UBER CONTROLS WHO CAN RIDE IN AN UBER AND HOW**

10           82.     In addition to carefully controlling the drivers, Uber also controls who may use  
11 Uber's transportation service. In order to use Uber, customers must download Uber's app and  
12 create an account, which requires them to agree to Uber's terms of service. The customer can then  
13 order a ride for themselves or someone else. The entire ride is mediated by Uber from start to  
14 finish. A rider could request an Uber, travel to their destination, and pay for it, all without ever  
15 speaking to the driver.

16           83.     To call an Uber, the customer opens the Uber app, selects which class of vehicle  
17 they want and then submits a request to Uber for a vehicle through the app, either for their own  
18 use or for other passengers.

19           84.     Uber then identifies a close, available Uber vehicle and then notifies the requester  
20 either by text message or the Uber app that a driver has been assigned. The notification includes  
21 the driver's name, customer rating, phone number, vehicle license plate number, make and model  
22 of the vehicle, and the driver's estimated time of arrival. If the customer submitted a desired trip  
23 destination, then Uber will provide a fare estimate. The customer can then track the location of  
24 the Uber as the driver navigates to the customer's identified pick-up address. The driver and  
25 customer can communicate with each other through Uber's app.

26           85.     Once the Uber arrives, the Uber app notifies the customer, and they and any other  
27 associated passengers may then board the vehicle. The driver then begins the trip in the Uber  
28 software app and proceeds to the desired destination. If the requesting customer submitted the

1 destination address, the app will supply the driver with turn-by-turn directions to the desired  
2 destination

3 86. When the Uber arrives at the desired destination, the driver ends the trip in the  
4 Uber's app. Uber then charges the customer's credit card for the trip fare. No cash is exchanged.  
5 Uber allows the rider and the driver to provide ratings of each other in the app after the ride has  
6 concluded.

7 87. Fares for Uber's transportation services are based on the duration and distance of  
8 each trip and other factors such as demand at the time and place of the ride, as determined by  
9 Uber's algorithms. Uber keeps a percentage of each fare.

10 88. Uber compensates its Uber drivers based on the duration and distance of the trips  
11 that they provide to customers. Payments are not transferred directly from customers to drivers;  
12 rather, Uber collects and holds customer payments, deducts fees, and then later transfers money to  
13 drivers. Customers who dispute the fare for a particular trip must contact Uber customer service  
14 representatives to request an adjustment to their fares.

15 89. Uber closely monitors and controls interactions between Uber drivers and  
16 customers.

17 90. In the San Francisco Bay Area, Uber purports to offer the full range of classes of  
18 Uber transportation service to the public. Customers can order an Uber at any time of day and in  
19 any part of the Bay Area, selecting from a wide range of options including luxury vehicles,  
20 standard vehicles, large vehicles, or carpools, which enable them to ride with strangers for a  
21 reduced fare. Although Uber advertises UberWAV (Wheelchair Accessible Vehicle) in the Bay  
22 Area, Defendants have chosen not to make Wheelchair Accessible Ubers available.

23 **UBER INTENTIONALLY DISCRIMINATES AGAINST PEOPLE WHO NEED**

24 **WHEELCHAIR ACCESSIBLE UBERS.**

25 91. Uber provides a valuable transportation alternative to millions of Bay Area  
26 residents, allowing people to more easily travel to work, social events, community engagements,  
27 appointments, and other destinations, yet Uber excludes people with mobility disabilities from  
28 these same benefits of its convenient transportation.

92. Uber could end its discrimination against people who use wheelchair accessible vehicles if it chose to do so. In fact it has already begun providing wheelchair accessible Ubers in several major cities. For example, in London, Uber began providing wheelchair accessible Ubers in 2016 through a service called UberACCESS.<sup>8</sup> It rolled out this service to six more U.K. cities the following year.<sup>9</sup>

93. Closer to home, Uber has made UberWAVs available in Philadelphia, rolling out a fleet of wheelchair accessible vehicles in June of 2017.<sup>10</sup>

94. However, Uber has taken no steps to provide wheelchair accessible Ubers in a way which would make Uber's transportation service fully and equally accessible in the Bay Area.

95. Plaintiffs seek no monetary relief (apart from attorneys' fees and costs) in this action. The amount in controversy does not exceed \$5,000,000 in the aggregate or \$74,999 for any Plaintiff or for any member of the proposed Class.

96. Plaintiffs do not here specifically seek an order requiring Uber to purchase vehicles as a way of putting an end to its discriminatory conduct. Given Uber's extensive control over the operation of the drivers, including through its fare structure, there are many ways Uber can provide relief.

**FIRST CAUSE OF ACTION**

**Discrimination Prohibited by the Unruh Civil Rights Act**

(California Civil Code §§ 51-52)

97. Plaintiffs incorporate by reference as though fully set forth herein the preceding and subsequent paragraphs of this Complaint.

98. The Unruh Civil Rights Act guarantees, *inter alia*, that persons with disabilities are entitled to full and equal accommodations, advantages, facilities, privileges, and services in all

<sup>8</sup> Uber.com, “Introducing uberWAV: transportation for everyone, everywhere in London,” <https://newsroom.uber.com/uk/ldnwav/>, May 10, 2016.

<sup>9</sup> Uber.com, “Forward-facing, forward thinking: introducing uberACCESS,” <https://www.uber.com/en-GB/blog/uber-access-2/>, March 23, 2017; TheNextWeb.com, “Uber’s wheelchair-accessible uberACCESS service launches in four new UK markets,” <https://thenextweb.com/insider/2017/07/14/ubers-wheelchair-accessible-uberaccess-service-launches-four-new-uk-markets/>, July 14, 2017.

<sup>10</sup> Philly.com, “Uber and Lyft’s wheelchair access grows, with room to improve,” <http://www.philly.com/philly/business/transportation/ubers-wheelchair-accessibility-grows-with-room-for-improvement-20170706.html>, July 6, 2017.

1 business establishments of any kind whatsoever within the jurisdiction of the state of California.  
2 Cal. Civ. Code § 51(b).

3 99. Plaintiffs and all members of the class are persons with “disabilities” entitled to  
4 protection under the Unruh Civil Rights Act.

5 100. Members of Plaintiff ILRC, including Plaintiff Julie Fuller, and members of  
6 Plaintiff CRIL, including Chris Finn, are aware of Defendant’s unlawful actions, and their  
7 knowledge of this discrimination has deterred them from using Uber’s transportation service.  
8 Moreover, many members of Plaintiffs ILRC and CRIL, and other wheelchair users, including  
9 Plaintiff Sascha Bittner, have been and continue to be denied access to Uber’s transportation  
10 service on multiple occasions when a friend or colleague has attempted to order an Uber ride for  
11 them and found there are no wheelchair accessible Ubers available.

12 101. Defendants, and each of them, provide transportation services to the general public  
13 in California, are business establishments within the jurisdiction of the state of California, and as  
14 such are obligated to comply with the provisions of the California Unruh Civil Rights Act,  
15 California Civil Code §§ 51, *et seq.*

16 102. Defendants, and each of them, have failed and refused to provide Plaintiffs with  
17 full and equal access to and enjoyment of the benefits of their goods, services, facilities, benefits,  
18 advantages, and accommodations, and have done so with intent and by reason of Plaintiffs’  
19 disabilities. For example, Defendants, and each of them, have intentionally failed or refused to  
20 make wheelchair accessible vehicles reliably available through their service on a basis which  
21 would make Defendants’ service fully and equally accessible to people with disabilities who use  
22 wheelchair accessible vehicles.

23 103. In addition, Defendants, and each of them, are violating California Civil Code §§  
24 51, *et seq.* in that they are violating the Americans with Disabilities Act (42 U.S.C. §§ 12181, *et*  
25 *seq.*) See Cal. Civ. Code §51(f). Defendants, and each of them, are private entities operating a  
26 place of public accommodation and/or providing specified public transportation services.  
27 Defendants, and each of them, discriminate against Plaintiffs and members of the putative class  
28 by denying them full and equal enjoyment of Uber’s goods, services, facilities, privileges,

1 advantages, and/or accommodations. Defendants, and each of them, have failed to make  
2 reasonable modifications to their policies, practices, or procedures in order to afford full and  
3 equal access to their service to Plaintiffs and members of the putative class.

4 104. Therefore Plaintiffs are entitled to declaratory and injunctive relief remedying the  
5 discrimination pursuant to California Civil Code § 52. Unless the Court issues injunctive and  
6 declaratory relief to halt defendants' unlawful practices, Plaintiffs will continue to suffer  
7 irreparable harm.

8 105. Plaintiffs are also entitled to reasonable attorneys' fees, costs and expenses.

9 106. WHEREFORE, Plaintiffs pray for relief as set forth below.

10 **SECOND CAUSE OF ACTION**

11 **Discrimination Prohibited by the California Disabled Persons Act**

12 **(California Civil Code §§ 54-55)**

13 107. Plaintiffs incorporate by reference all foregoing and subsequent allegations as  
14 though fully set forth herein.

15 108. California Civil Code §§ 54-55 (the "Disabled Persons Act") guarantees, *inter*  
16 *alia*, that persons with disabilities are entitled to full and equal access, as other members of the  
17 general public receive, to accommodations, advantages, facilities, and privileges of all "common  
18 carriers," "motor vehicles," "any other public conveyances or modes of transportation (whether  
19 private, public, franchised, licensed, contracted, or otherwise provided), "places of public  
20 accommodation" and "other places to which the general public is invited" within the jurisdiction  
21 of California. Cal. Civ. Code §54.1(a)(1).

22 109. Plaintiffs and all members of the proposed Class are "individuals with disabilities"  
23 who are entitled to protection under the Disabled Persons Act, and are aggrieved or potentially  
24 aggrieved by violations of the Disabled Persons Act.

25 110. Members of Plaintiff ILRC, including Plaintiffs Julie Fuller and Sascha Bittner,  
26 and members of Plaintiff CRIL, including Chris Finn, are aware of Defendants' unlawful actions,  
27 and their knowledge of this discrimination has deterred them from using Uber's transportation  
28 service. Moreover, many members of Plaintiffs ILRC and CRIL, and other wheelchair users,

1 including Plaintiff Sascha Bittner, have been and continue to be denied access to Uber's  
2 transportation service on multiple occasions when a friend or colleague has attempted to order an  
3 Uber ride for them and found there are no wheelchair accessible Ubers available.

4 111. Defendants, and each of them, provide services, advantages, accommodations and  
5 privileges to the general public.

6 112. Defendants, and each of them, provide transportation services to the general public  
7 via common carriers, motor vehicles, a mode of transportation (whether private, public,  
8 franchised, licensed, contracted, or otherwise), and/or are places of public accommodation or  
9 other places to which the general public is invited under California Civil Code §54.1(a)(1).

10 113. Defendants, and each of them, are violating the rights of Plaintiffs to full and equal  
11 access to common carriers, motor vehicles, places of public accommodation, or other places to  
12 which the general public is invited under California Civil Code §§54-54.3 by denying individuals  
13 with mobility disabilities access to its transportation services.

14 114. In addition, Defendants, and each of them, are violating California Civil Code §§  
15 54-54.3 in that they are violating the Americans with Disabilities Act (42 U.S.C. §§ 12181, *et*  
16 *seq.*) See Cal. Civ. Code §54.1(d). Defendants, and each of them, are private entities operating a  
17 place of public accommodation and/or providing specified public transportation services.

18 Defendants, and each of them, discriminate against Plaintiffs and members of the putative class  
19 by denying them full and equal enjoyment of Uber's goods, services, facilities, privileges,  
20 advantages, or accommodations. Defendants, and each of them, have failed to make reasonable  
21 modifications to their policies, practices, or procedures in order to afford full and equal access to  
22 their service to Plaintiffs and members of the putative class.

23 115. Plaintiffs thus seek declaratory relief based on Defendants' violation of Plaintiffs'  
24 rights under California Civil Code §§ 54-54.3.

25 116. Plaintiffs seek injunctive relief under California Civil Code § 55.

26 117. Plaintiffs are entitled to an award of attorneys' fees, costs and expenses under Civil  
27 Code §§ 54.3 and 55.

28 WHEREFORE, Plaintiffs pray for the relief set forth below.

1 **PRAYER FOR RELIEF**

2 Based on the foregoing, Plaintiffs respectfully pray for relief as follows:

3 1. For an order certifying this case as a class action, and appointing Plaintiffs as the  
4 representatives of the Class and their counsel as Class Counsel;

5 2. For an order finding and declaring that the acts and practices of Uber as set forth  
6 herein are unlawful and unfair;

7 3. For such other and further relief as the Court may deem just and proper to ensure  
8 that individuals who use wheelchairs, including Plaintiffs, are able to use Uber's service on a  
9 basis that is full and equal to that which is available to other members of the general public; and

10 4. For an award of attorneys' fees, costs and expenses incurred in the filing and  
11 prosecution of this action.

12 Dated: February 27, 2018

Respectfully submitted,

13  
14 DISABILITY RIGHTS ADVOCATES

15 CHAVEZ & GERTLER LLP

16 

17 By: \_\_\_\_\_  
18 Sidney Wolinsky  
19 Attorneys for Plaintiffs

20 INDEPENDENT LIVING RESOURCE  
21 CENTER OF SAN FRANCISCO

22  
23 By: \_\_\_\_\_  
24 Jessie Lorenz, Executive Director

25 COMMUNITY RESOURCES FOR  
26 INDEPENDENT LIVING

27 By: \_\_\_\_\_  
28 Ron Halog, Executive Director

1 **PRAYER FOR RELIEF**

2 Based on the foregoing, Plaintiffs respectfully pray for relief as follows:

- 3 1. For an order certifying this case as a class action, and appointing Plaintiffs as the  
4 representatives of the Class and their counsel as Class Counsel;
- 5 2. For an order finding and declaring that the acts and practices of Uber as set forth  
6 herein are unlawful and unfair;
- 7 3. For such other and further relief as the Court may deem just and proper to ensure  
8 that individuals who use wheelchairs, including Plaintiffs, are able to use Uber's service on a  
9 basis that is full and equal to that which is available to other members of the general public; and
- 10 4. For an award of attorneys' fees, costs and expenses incurred in the filing and  
11 prosecution of this action.

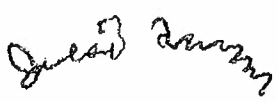
12 Dated: February 27, 2018

Respectfully submitted,

13  
14 DISABILITY RIGHTS ADVOCATES  
15 CHAVEZ & GERTLER LLP

16  
17 By: \_\_\_\_\_  
18 Sidney Wolinsky  
19 Attorneys for Plaintiffs

20 INDEPENDENT LIVING RESOURCE  
21 CENTER OF SAN FRANCISCO

22   
23 By: \_\_\_\_\_  
24 Jessie Lorenz, Executive Director

25 COMMUNITY RESOURCES FOR  
26 INDEPENDENT LIVING

27 By: \_\_\_\_\_  
28 Ron Halog, Executive Director

1 **PRAYER FOR RELIEF**

2 Based on the foregoing, Plaintiffs respectfully pray for relief as follows:

- 3 1. For an order certifying this case as a class action, and appointing Plaintiffs as the  
4 representatives of the Class and their counsel as Class Counsel;
- 5 2. For an order finding and declaring that the acts and practices of Uber as set forth  
6 herein are unlawful and unfair;
- 7 3. For such other and further relief as the Court may deem just and proper to ensure  
8 that individuals who use wheelchairs, including Plaintiffs, are able to use Uber's service on a  
9 basis that is full and equal to that which is available to other members of the general public; and
- 10 4. For an award of attorneys' fees, costs and expenses incurred in the filing and  
11 prosecution of this action.

12 Dated: February 27, 2018

Respectfully submitted,

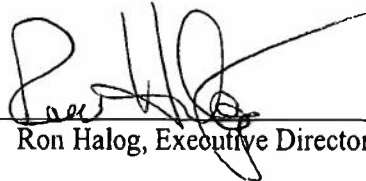
13  
14 DISABILITY RIGHTS ADVOCATES  
15 CHAVEZ & GERTLER LLP

16  
17 By: \_\_\_\_\_  
18 Sidney Wolinsky  
19 Attorneys for Plaintiffs

20 INDEPENDENT LIVING RESOURCE  
21 CENTER OF SAN FRANCISCO

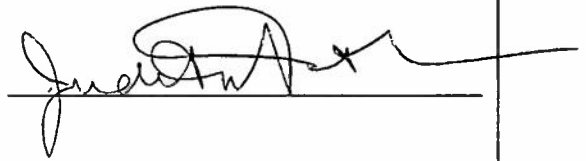
22  
23 By: \_\_\_\_\_  
24 Jessie Lorenz, Executive Director

25 COMMUNITY RESOURCES FOR  
26 INDEPENDENT LIVING

27 By:   
28 Ron Halog, Executive Director

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

JUDITH SMITH

A handwritten signature in black ink, appearing to read "Judith Smith", is written over a horizontal line.

JULIE FULLER

---

SASCHA BITTNER

---

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

JUDITH SMITH

JULIE FULLER



SASCHA BITTNER

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

JUDITH SMITH

JULIE FULLER

SASCHA BITTNER

*Cash Bittner 2-26-18*



20661778

**FILED**  
**ALAMEDA COUNTY**

FEB 27 2018

CLERK OF THE SUPERIOR COURT  
By Erica Baker

FRANCE BAKER

CASE NUMBER:

**RG18894507**

JUDGE:

DEPT:

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
 Sid Wolinsky (CA BAR NO. 33716) Melissa Riess (CA BAR NO. 295959)  
 Disability Rights Advocates  
 2001 Center Street, Fourth Floor  
 Berkeley, California, 94704  
 TELEPHONE NO.: 510-665-8644 FAX NO.: 510-665-8716  
 ATTORNEY FOR (Name): Judith Smith, Julie Fuller, Sascha Bittner, ILRCSF, CRIL

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda

STREET ADDRESS: 1225 Fallon Street

MAILING ADDRESS:

CITY AND ZIP CODE: Oakland, California, 94612

BRANCH NAME: Rene C. Davidson

CASE NAME:

Smith et al. v. Uber Technologies et al.

**CIVIL CASE COVER SHEET**

☒ **Unlimited** (Amount demanded exceeds \$25,000)  
☐ **Limited** (Amount demanded is \$25,000 or less)

**Complex Case Designation**

☐ **Counter** ☐ **Joinder**

Filed with first appearance by defendant  
 (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

**Auto Tort**

☐ Auto (22)  
☐ Uninsured motorist (46)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

☐ Asbestos (04)  
☐ Product liability (24)  
☐ Medical malpractice (45)  
☐ Other PI/PD/WD (23)

**Non-PI/PD/WD (Other) Tort**

☐ Business tort/unfair business practice (07)  
☒ Civil rights (08)  
☐ Defamation (13)  
☐ Fraud (16)  
☐ Intellectual property (19)  
☐ Professional negligence (25)  
☐ Other non-PI/PD/WD tort (35)

**Employment**

☐ Wrongful termination (36)  
☐ Other employment (15)

**Contract**

☐ Breach of contract/warranty (06)  
☐ Rule 3.740 collections (09)  
☐ Other collections (09)  
☐ Insurance coverage (18)  
☐ Other contract (37)

**Real Property**

☐ Eminent domain/Inverse condemnation (14)  
☐ Wrongful eviction (33)  
☐ Other real property (26)

**Unlawful Detainer**

☐ Commercial (31)  
☐ Residential (32)  
☐ Drugs (38)

**Judicial Review**

☐ Asset forfeiture (05)  
☐ Petition re: arbitration award (11)  
☐ Writ of mandate (02)  
☐ Other judicial review (39)

**Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)**

☐ Antitrust/Trade regulation (03)  
☐ Construction defect (10)  
☐ Mass tort (40)  
☐ Securities litigation (28)  
☐ Environmental/Toxic tort (30)  
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

**Enforcement of Judgment**

☐ Enforcement of judgment (20)

**Miscellaneous Civil Complaint**

☐ RICO (27)  
☐ Other complaint (not specified above) (42)

**Miscellaneous Civil Petition**

☐ Partnership and corporate governance (21)  
☐ Other petition (not specified above) (43)

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management: See Attachment A.

- a. ☐ Large number of separately represented parties d. ☒ Large number of witnesses  
 b. ☒ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
 c. ☒ Substantial amount of documentary evidence f. ☒ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): Cal Civil Code §51-52; 54-55

5. This case ☒ is ☐ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 2/26/2018

Melissa Riess

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2