

**IN THE FIRST JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR CARSON CITY**

UBER SEXUAL ASSAULT SURVIVORS
FOR LEGAL ACCOUNTABILITY and
NEVADA JUSTICE ASSOCIATION,
Plaintiffs,

vs.

UBER TECHNOLOGIES, INC., a
Delaware corporation; MATT GRIFFIN,
SCOTT GILLES, JOHN GRIFFIN, and
TIA WHITE, individuals; “NEVADANS
FOR FAIR RECOVERY,” a registered
Nevada political action committee; and
FRANCISCO AGUILAR, in his official
capacity as Secretary of State,
Defendants,

Case No.

Dept. No.

Priority Matter Under NRS 295.061(1)

**DECLARATION OF SARAH R. LONDON,
RACHEL B. ABRAMS, AND ROOPAL P. LUHANA**

Sarah R. London, Rachel B. Abrams, and Roopal P. Luhana, hereby declare:

1. We are the Co-Lead Counsel for the Plaintiffs in *In re: Uber Technologies, Inc., Passenger Sexual Assault Litigation* (MDL No. 3024), 3:23-md-03084-CRB (N.D. Cal.), a Multidistrict Litigation (MDL) over Uber’s failure to implement appropriate safety precautions to protect passengers from sexual assault and sexual harassment.

2. The plaintiffs in the MDL are former Uber passengers who were sexually assaulted or harassed by their Uber drivers. They bring various claims against Uber, including negligence, fraud and misrepresentation, vicarious liability, and product-liability claims. Currently, there are approximately 250 cases in the MDL, and that number is expected to significantly grow. The MDL is pending before the Honorable Charles R. Breyer of the U.S. District Court for the Northern District of California. The Master Long-Form Complaint in the MDL is attached as **Exhibit A**.

1 3. The MDL is large and complex. But its core allegations are easy to summarize:¹

- 2 • Uber maintains complete control over its transportation system, including the Uber App,
3 and so has the ability and responsibility to prevent sexual misconduct facilitated by that
4 system. Because Uber's transportation model involves riders getting in cars with complete
5 strangers, in many cases alone and at night, sexual assaults and other misconduct were always
6 a foreseeable risk, and Uber has always had a duty to address and prevent this harm.
- 7 • Uber's business model has been concerned with maximizing growth and market share at all
8 costs, not addressing or preventing sexual assault. In particular, to create a large and ready
9 supply of drivers, Uber opened its platform to unscrupulous, unqualified, and dangerous
10 drivers.
- 11 • In jurisdiction after jurisdiction, including Nevada, Uber's corporate pattern is the same: It
12 breaks the law, then writes its own rules.
- 13 • Uber deceptively convinced the public to trust Uber to offer safe rides. Because women are
14 more vulnerable to gender-based violence, and thus require more persuasion to feel safe
15 enough to get in a stranger's private car, Uber specifically targets its safety representations to
16 women. Even though Uber knows that intoxicated Uber riders have the highest risk of being
17 targets of sexual misconduct, it specifically advertises its transportation services as safe for
18 intoxicated riders, including intoxicated women.
- 19 • Uber actively tried to avoid learning about sexual misconduct on its platform. Despite these
20 efforts, Uber learned that its passengers were being sexually assaulted. But it concealed and
21 downplayed the problem again and again.
- 22 • When Uber learns of misconduct by specific drivers, it puts riders at risk to protect its own
23 product and reputation. The company goes to great length to launder its reputation and
24 shield itself from both public scrutiny and legal accountability.

27 ¹ The characterizations of Uber's activities and conduct in this declaration are drawn from,
28 and summarize, allegations in the Master Complaint. To the extent that this declaration
characterizes Uber and its conduct, it does so only to summarize those allegations in pending
litigation, some of which are made upon information and belief.

1 4. We are filing this declaration in support of a challenge to Uber’s most recent effort to
2 shield itself: an Uber-led ballot initiative in Nevada that would suppress civil suits against Uber by
3 discouraging lawyers from agreeing to represent survivors. Uber’s proposal—a 20% cap on
4 contingent fees in *all* civil suits—is by, any measure, extreme and unprecedented. Others will no
5 doubt weigh in on its legal and policy flaws. This declaration has a more modest purpose: to provide
6 this Court with a summary of the key allegations in the MDL, to inform the Court of pending cases
7 in the MDL arising from Nevada, and to place this latest initiative within the context of Uber’s
8 long-running strategy to prevent survivors from holding the company accountable for repeated
9 failures to prevent the sexual assault of its passengers. The following is a summary of the complaint’s
10 allegations, some of which are made upon information and belief:

11 **The Uber Transportation System**

12 5. Uber is a transportation company headquartered in San Francisco, California that
13 pioneered an app-based transportation system that eventually spread through the United States and
14 around the world.

15 6. Uber provides an online and mobile application—the “Uber App.” The Uber App
16 connects people seeking transportation with people who use their personal vehicles to provide
17 transportation in exchange for compensation. Users request and pay for rides through the customer
18 version of the Uber App. Drivers are notified of requested rides, which they can then accept and be
19 compensated for by Uber through the driver version of the Uber App. Both versions of the app
20 connect to the same website, Uber.com, which is Uber’s website. Anyone from the public may
21 download either version of the Uber App for free.
22

23 **Uber’s “Safety” Protocols & Advertising**

24 7. The allegations in the Master Complaint detail Uber’s choice to achieve growth at the
25 expense of women’s safety. When Uber launched its transportation system, it did not hire any safety
26 engineers, certified safety professionals, or any other personnel with expertise in safety, crime
27 prevention, or sexual assault prevention. Uber did not assign accountability to any employee for the
28 issues of safety, identifying or addressing potential risks to Uber’s riders, or preventing sexual assault.
Uber did not build the Uber App, nor design its transportation system, nor adopt measures or

1 policies, in a way aimed at preventing sexual assault. And Uber did not conduct studies, focus
2 groups, or user testing for the purpose of preventing sexual assault.

3 7. It was only around seven years after its founding that Uber finally began appointing
4 employees to positions ostensibly focused on sexual violence prevention—and even then it did not
5 require expertise or background in safety fields.

6 8. To this day, Uber’s efforts regarding safety are primarily focused on appearing safe,
7 not actually being safe. Unlike the taxi industry, Uber conducts background checks using the
8 information a driver provides (name and social security number, which may or may not be that of
9 the actual driver) and not using any biometric information (e.g., fingerprints). Uber conducts these
10 background checks using often-sparse public databases, not the FBI database used by the taxi
11 industry. When states (such as Maryland and Massachusetts) performed their own fingerprint-based
12 background checks, 12-15% of drivers who were eligible under Uber’s standards flunked the official
13 background checks. Uber knows its background checks are inadequate, and knows that fingerprint-
14 based background checks would be safer for riders. But because Uber’s business requires rapid
15 onboarding of new drivers to maintain a steady supply of rides, it will not change its practices.

16 9. Despite their known inadequacy, Uber relies on these flawed background checks as its
17 sole method for screening out dangerous drivers. It does not meet its drivers in person or online. It
18 does not interview them. It does not require any references. It does not contact prior employers.
19 There are no drug and alcohol tests. There are no exams.

20 10. To maintain a false sense of security, Uber also builds low-cost features that
21 superficially and superfluously address safety, such as a button to call emergency responders from
22 inside the Uber App. Yet Uber knows that many of its passengers (1) did not order the ride
23 themselves and therefore cannot use this feature, (2) are intoxicated and unable to properly navigate
24 the App feature, or (3) their cell phone batteries are dead, or they cannot find their phones.

25 11. To make things worse, Uber collected a “Safe Rides Fee” on hundreds of millions of
26 rides and made hundreds of millions in revenue as a result. But it never earmarked the money
27 collected for improving safety or for the safety-related items it promised. The actual purpose of the
28 “Safe Rides Fee” was to “add \$1 of pure margin to each trip.” As one former Uber employee said,

1 “[w]e boosted our margins saying our rides were safer. ... It was obscene.” Uber avoids taking more
2 meaningful steps—steps that are readily available to it as a resource-rich tech company with
3 complete control over the ride environment and experience.

4 12. Uber knows that its transportation system poses a particularly high risk for
5 intoxicated riders, especially intoxicated women. Nonetheless, Uber’s advertising disproportionately
6 targets women with dedicated ad campaigns and webpages devoted to “driving women’s safety
7 forward.” Its marketing photos and videos predominantly feature smiling women riding in Ubers.
8 Uber also specifically markets its rides as a safe, smart transportation option for intoxicated riders.
9 Uber engages in joint marketing with alcohol manufacturers and local bars, telling women that it is
10 fine to have another drink and be assured they have a ride home.

UBER

Because nobody wants to be the designated driver.



Have fun tonight. We'll handle the rest. Our inexpensive transportation service will get you where you need to go and even let you choose how you get there. You can select between our different vehicle options: UberX, UberSUV, UberBLACK, and UberXL. Our mobile app lets you enter your route prior to request, providing you with an estimate of the trip cost, so there won't be any surprises. Visit www.uber.com and download the mobile app for iPhone/Android and your first ride is on us.



Uber Ride Drive Business Uber Eats About

EN Help Login Signup

Driving women's safety forward



Safety features built into every ride

We're dedicated to building a platform where women feel safe. That's why we partner with and learn from women who use our app, women's safety experts, and advocates to build innovative safety features and policies that empower our community of users.

Our commitment to safety

We want you to move freely, make the most of your time, and be connected to the people and places that matter most to you.

That's why we're committed to safety—from the creation of new standards to the development of technology with the aim of reducing incidents.



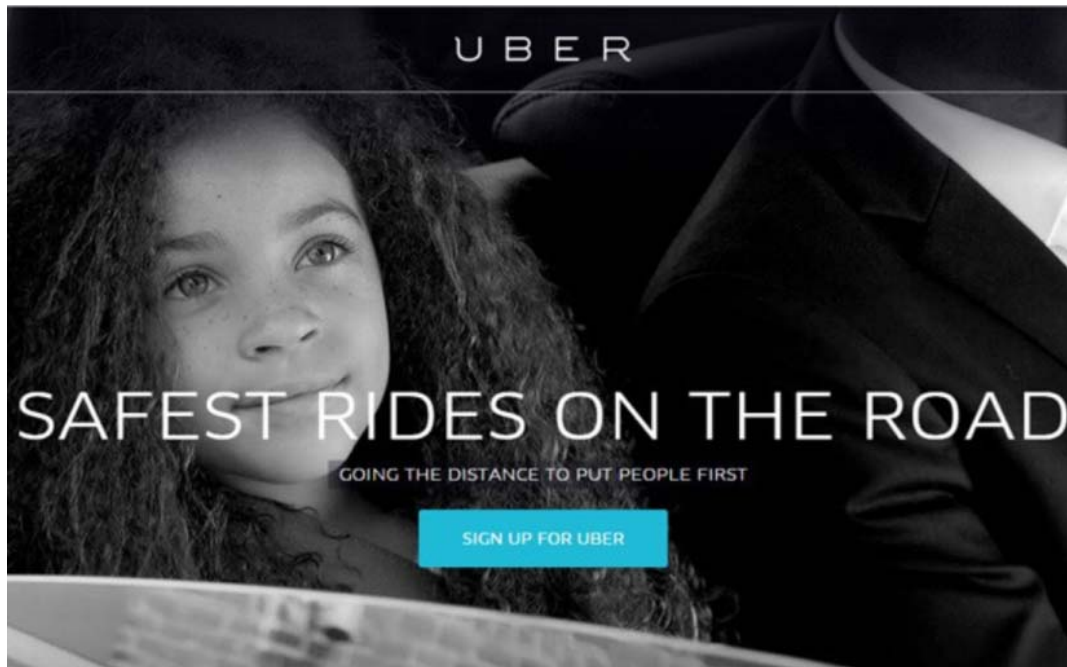
Rider Safety Features

At Uber, Safety Never Stops

Uber is committed to safety. Our in-app safety features help keep you connected and protected when you ride. And because we believe that safety never stops, we'll keep working to drive safety forwards.



1 13. Uber knew this marketing was false. In the past, Uber gained riders’ trust by
2 fraudulently advertising “the safest rides on the road,” saying that it sets “the strictest standards
3 possible” and that it “aims to go above and beyond local requirements” with “gold standard” and
4 “industry leading” background checks. Even after it paid more than \$50 million to settle lawsuits
5 based on this fraudulent marketing, Uber never told riders the truth. Instead, Uber changed its
6 safety representations to be increasingly vague, such as asserting: “At Uber, Safety Never Stops.”
7 Uber continues to mislead customers about its standards, background checks, and safety record.



Uber’s Sexual Assault Problem

14. Uber does not protect riders from drivers who have shown themselves to be a threat. For most of its years in business, Uber’s official policy has been to require more than one sexual assault complaint before terminating a driver. Depending on how much money a particular driver was making for Uber, Uber would sometimes tolerate three or four sexual assaults before terminating the driver. It is unknown how many of these drivers, who received “free passes” for one, two, or three sexual assaults, are still driving for Uber.

1 15. Although Uber takes steps to discourage passengers from reporting their experiences,
2 thousands of women have come forward to say they were sexually assaulted during Uber rides. In
3 Uber’s first Safety Report, published on December 5, 2019, Uber admitted to receiving reports of
4 5,981 sexual assaults (in five categories) in the United States in 2017 and 2018. These included 235
5 rapes, 280 attempted rapes, 1,560 groping incidents, 376 instances of unwanted kissing of the
6 breast, buttocks, or mouth, and 594 reports of unwanted kissing to another body part. And despite
7 a drastic reduction in total rides due to the pandemic (a decline of approximately 30-77%
8 depending on the geographic region) Uber admitted in its 2022 report that it still received 3,824
9 reports of sexual assault (within the same five categories) in the United States in 2019 and 2020.

10 16. The sexual assaults that Uber reported to the public represent only the tip of the
11 iceberg. Significantly, Uber reports data on sexual assaults in only five of the categories, providing
12 zero transparency regarding the other 16 categories of sexual misconduct and sexual assault
13 occurring on its system.

14 17. Uber is aware that its failings mean that the company will continue to face lawsuits
15 from survivors of sexual misconduct and sexual assault. The company has acknowledged that, as a
16 consequence of the gaps in background checks, “we expect to continue to receive complaints from
17 riders and other consumers, as well as actual or threatened legal action against us related to Driver
18 conduct.”²

19 **Uber’s Efforts to Shield Itself and Shirk Responsibility**

20 18. Uber refuses to take any responsibility for allowing these assaults to occur, and has
21 instead prioritized preventing survivors from suing the company. Uber has aggressively lobbied for
22 the enactment of laws, ballot initiatives, and regulations providing that Uber is merely a technology
23 platform, or a middleman between riders and drivers, and that it does not control, direct, or manage
24 its drivers and so cannot be held culpable for what occurs during a ride. Uber spends millions of
25 dollars annually in the U.S. alone on these lobbying efforts.

26 _____
27
28 ² Uber 2022 Annual Report, Form 10-K, at 18,
https://s23.q4cdn.com/407969754/files/doc_financials/2023/ar/2022-annual-report.pdf.

1 19. Uber routinely ignores existing laws and regulations whenever it enters a new market,
2 enabling itself to quickly onboard many drivers. This allows it to offer a service that is immediately
3 cheaper and more convenient than existing options, and therefore popular. It then harnesses this
4 popularity to mobilize the public to oppose enforcement of existing laws against Uber and to
5 support new legal standards that Uber writes.

6 20. In Nevada, Uber leveraged its popularity to exempt itself from background-check
7 requirements, among other safety measures, imposed on taxi services. *See* Emily L. Dyer, Note, *Need*
8 *a Ride? Uber: The Trendy Choice That Could Turn Threatening*, 17 Nev. L.J. 239, 246–47 (2017).
9 The implications of Uber’s flouting of the law are especially grave in Nevada. “Nevada’s unique
10 market and customer base call for more intense safeguards. The state’s all-night lifestyle encourages
11 many vulnerable passengers to use Uber’s convenient service. The allure of using a mobile
12 application to find a ride home, along with the non-cash payment method, makes Uber an ideal
13 choice for both tourists and locals who have taken full advantage of the Vegas nightlife.” *Id.* at 254.

14 21. Indeed, Uber has specifically targeted Nevada’s unique lifestyle through advertising
15 that encourages customers to “drink up, and Uber on.” *Id.* at 254.

16 22. Uber faces several civil actions brought by survivors of sexual assaults in Nevada.

17 23. On December 17, 2019, while visiting Las Vegas from Chicago, Plaintiff Taylor
18 Gavin was brutally raped and beaten by her Uber driver during a ride. She was twenty years old at
19 the time. Her civil case against Uber is filed in the MDL as *Gavin v. Uber Technologies, Inc.*, Case
20 No. 3:23-cv-02111 (N.D. Cal.). The complaint is attached hereto as **Exhibit B**. Gavin’s case was
21 the subject of a criminal prosecution against the driver, *State of Nevada v. Dawed Mekenone*, Las
22 Vegas Justice Court Case No. 21-CR-057087, which was dismissed on March 14, 2022, after the
23 driver committed suicide in custody. The case was the subject of local and national news coverage.³

24 23. On November 1, 2022, while visiting Las Vegas on vacation from out of state,
25 Plaintiff M.G.'s Uber driver took her off course, pressured her to come into his apartment, began
26

27 ³ *See, e.g.*, Associated Press, *Uber Driver Charged With Raping Passenger During Vegas Ride*, U.S.
28 News (Dec. 24, 2021); Matt McNulty, *Las Vegas Uber Driver is charged with raping female passenger*
as she slept, then throwing her, her clothes and her bag out of his car, DailyMail (Dec. 24, 2021).

1 trying to touch and kiss her, and then, when she asked him to stop, forced himself upon her. Her
2 civil case against Uber is filed in the MDL as *M.G. v. Uber Technologies, Inc.*, Case No. 3:24-cv-
3 01727. The complaint is attached as **Exhibit C**.

4 24. On November 18, 2023, Plaintiff K.K., a resident of Las Vegas, Nevada, was dropped
5 off at her home by an Uber driver. About an hour later, the driver entered K.K.'s home while she
6 was sleeping. As she came to, the Uber driver held her arms back and began raping her. She kept
7 telling him to stop, trying to kick him away. But the Uber driver continued to overpower her and
8 sexually assaulted her. He did not use any form of protection while he penetrated her. Her case is
9 filed in the MDL as *K.K. v. Uber Technologies, Inc.*, Case No. 3:24-cv-01514. The complaint is
10 attached hereto as **Exhibit D**.

11 25. For years, Uber was successful in keeping survivors quiet and out of court. Until
12 2018, Uber required confidentiality as a condition of settlement with sexual assault survivors,
13 effectively forcing survivors to stay quiet so that the public would not learn about the true risks of
14 riding with Uber.

15 26. And when survivors chose to come forward, Uber enforced mandatory arbitration of
16 claims of sexual misconduct, ending the practice in 2018 only due to increasing public scrutiny at
17 the height of the #MeToo Movement.

18 27. On March 3, 2022, President Biden signed into law the Ending Forced Arbitration of
19 Sexual Assault and Sexual Harassment Act, Pub. L. No. 117-90, 136 Stat. 26. The Act—which
20 Congress passed on a bipartisan basis in both the House and the Senate—prohibits corporations like
21 Uber from coercing survivors of sexual harassment or assault into binding arbitration.

22 28. Uber has no choice—it must face sexual-assault survivors' claims in court, not secret
23 arbitration proceedings. But now that survivors can claim their day in court, Uber routinely uses the
24 fact of their intoxication to question their credibility. And Uber continues to seek yet more ways to
25 silence, divide, and conquer survivors—by forcing them out of their chosen forum, and seeking to
26 prevent them from even participating in coordinated proceedings where they can find strength and
27 comfort in numbers. *See Exhibit E* (Uber's motion to enforce its "non-consolidation clause" and its
28 "forum selection clause" in the MDL proceedings, and the plaintiffs' opposition to that motion).

1 29. But because Uber can no longer block sexual-assault survivors from going to court
2 entirely, it has also shifted its energy to making it as difficult as possible for them do so. In 2022,
3 Uber backed another ballot initiative, in Massachusetts, that also deployed “murky language . . .
4 bur[ied]” in the initiative to preclude people from suing Uber for negligence or assault by its drivers.
5 *Kossa v. Attorney General of Mass.*, 489 Mass. 823, 833, 838 (2022). The Massachusetts Supreme
6 Judicial Court unanimously struck it from the ballot, noting that whether Uber should be held
7 liable for its drivers’ conduct is a “fact-sensitive inquiry” that the company cannot circumvent with a
8 “vaguely worded” ballot initiative. *Id.* at 836; see Nate Raymond, *Massachusetts court blocks gig*
9 *worker ballot measure backed by Uber, Lyft*, Reuters (June 14, 2022). Uber now appears to be
10 employing a similar strategy to shield itself from lawsuits in Nevada.

11 30. We recently learned that a new political action committee calling itself “Nevadans for
12 Fair Recovery,” led by Uber, has filed a proposed initiative in Nevada that would—if allowed onto
13 the ballot and enacted into law—make it illegal for an attorney to “contract for or collect a fee
14 contingent on the amount of recovery for representing a person seeking damages in a civil case in
15 excess of twenty percent of the amount of recovery.” See Taylor R. Avery, *Uber-backed proposal*
16 *would cap attorney fees at 20%*, Las-Vegas Review-Journal (March 18, 2024) (quoting New York-
17 based Uber lobbyist Harry Hartfield); Eric Neugeboren, *Uber-backed proposal seeks 20% cap on*
18 *attorney fees in civil cases*, The Nevada Independent (Mar. 18, 2024).

19 31. Uber’s lobbyists have misleadingly stated that this proposal will “put victims first.”
20 Avery, *Uber-backed proposal*. To the contrary, as our experience and this litigation reveals, Uber has
21 consistently put survivors of sexual assault last. Uber’s newfound concern for survivors is, in fact, a
22 transparent ploy to prevent people like our clients from finding zealous representation to vindicate
23 their legal rights and hold this multi-billion-dollar corporation accountable.

24 32. If passed, this initiative would vindicate Uber’s newest attempt to shield itself from
25 liability, suppress survivors’ claims, and avoid litigation in court that will further damage its
26 tarnished corporate reputation. By discouraging lawyers from taking on civil cases in Nevada, this
27 initiative would inhibit survivors from finding quality representation, and could also complicate
28 efforts by survivors in Nevada to participate in nationwide class actions or multi-district litigation.

1 33. If this initiative were to pass, it would not be a win for survivors and a loss for
2 lawyers, as Uber has publicly claimed. It would instead be a win for Uber and a loss for everyone
3 else.

4 34. We declare under penalty of perjury under the laws of United States that the
5 foregoing is true and correct.

6 Executed on April 4, 2024, at San Francisco, California, and New York, New York.

7
8 By: /s/ Sarah R. London
9 Sarah R. London

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