

**WAGSTAFF LAW FIRM**

Sommer D. Luther, CO 35053

940 Lincoln Street

Denver, CO 80203

Tel: (303) 263-8949

Fax: (303) 376-6361

sluther@wagstafflawfirm.com

Attorney for Plaintiff

*\*Admitted Pro Hac Vice*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

MDL No. 3084 CRB

Honorable Charles R. Breyer

This Document Relates to:

**JURY TRIAL DEMANDED**

B.L. v. UBER TECHNOLOGIES, INC., *et al.* ; 24-CV -  
7940

**SHORT-FORM COMPLAINT AND DEMAND FOR JURY TRIAL**

The Plaintiff named below files this Short-Form Complaint and Demand for Jury Trial against Defendants named below by and through the undersigned counsel. Plaintiff incorporates by reference the allegations contained in Plaintiffs' Master Long-Form Complaint in In Re: Uber Technologies, Inc., Passenger Sexual Assault Litigation, MDL No. 3084 in the United States District Court for the Northern District of California. Plaintiff files this Short-Form Complaint as permitted by Case Management Order No. 11 of this Court.

Plaintiff selects and indicates by checking-off where requested, the Parties and Causes of Actions specific to this case.

Plaintiff, by and through their undersigned counsel, allege as follows:

**I. DESIGNATED FORUM<sup>1</sup>**

1. Identify the Federal District Court in which the Plaintiff would have filed in the absence of direct filing:

Western District of Texas

---

("Transferee District Court").

## **II. IDENTIFICATION OF PARTIES**

### **A. PLAINTIFF**

1. *Injured Plaintiff: Name of the individual who alleges they were sexually assaulted, battered, harassed, or otherwise attacked by an Uber driver with whom they were paired while using the Uber platform:*

B.L., an individual

---

("Plaintiff").

2. At the time of filing this *Short-Form Complaint*, Plaintiff resides at:

Austin, Travis County, Texas

- 
3. (If applicable) \_\_\_\_\_ is filing this case in a representative capacity as the \_\_\_\_\_ of the \_\_\_\_\_, and \_\_\_\_\_ has authority to act in this representative capacity because \_\_\_\_\_.

### **B. DEFENDANT(S)**

1. Plaintiff names the following Defendants in this action

---

<sup>1</sup> See Pretrial Order No. 6, at II(C) (ECF No. 177)

☒ UBER TECHNOLOGIES, INC.;<sup>2</sup>

☒ RASIER, LLC;<sup>3</sup>

☒ RASIER-CA, LLC.<sup>4</sup>

☐ OTHER (specify): \_\_\_\_\_. This defendant's residence is in (specify state): \_\_\_\_\_.

**C. RIDE INFORMATION**

1. The Plaintiff was sexually assaulted, harassed, battered, or otherwise attacked by an Uber driver in connection with a ride facilitated on the Uber platform in San Jose, CA, on August 12, 2022.
2. The Plaintiff was the account holder of the Uber account used to request the relevant ride.
3. The Plaintiff provides the following additional information about the ride:

**[PLEASE SELECT/COMPLETE ONE]**

☒ The Plaintiff hereby incorporates Plaintiff's disclosure of ride information produced pursuant to Pretrial Order No. 5 ¶ 4 by November 27, 2024 or to be produced

in compliance with deadlines set forth in Pretrial Order No. 5 ¶ 4, and any amendments or supplements thereto.

☐ The origin of the relevant ride was [STREET ADDRESS, CITY, COUNTY, STATE]. The requested destination of the relevant ride was [STREET ADDRESS, CITY, COUNTY, STATE]. The driver was named [DRIVER NAME].

<sup>2</sup> Delaware corporation with a principal place of business in California.

<sup>3</sup> A limited liability company whose sole member, Uber Technologies, Inc., is a citizen of Delaware and California.

<sup>4</sup> A limited liability company whose sole member, Uber Technologies, Inc., is a citizen of Delaware and California.

**III. CAUSES OF ACTION ASSERTED**

1. The Causes of Action asserted in the *Plaintiffs' Master Long-Form Complaint*, and the allegations with regard thereto in the *Plaintiffs' Master Long-Form Complaint*, are adopted in this *Short-Form Complaint* by reference, except that Plaintiff opts out of and excludes the causes of action specified below:

Check any EXCLUDED causes of action	Cause of Action Number	Cause of Action
<input type="checkbox"/>	I	NEGLIGENCE (including Negligent Hiring, Retention, Supervision, and Entrustment)
<input type="checkbox"/>	II	FRAUD AND MISREPRESENTATION
<input type="checkbox"/>	III	NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
<input type="checkbox"/>	IV	COMMON CARRIER'S NON-DELEGABLE DUTY TO PROVIDE SAFE TRANSPORTATION <sup>5</sup>
<input type="checkbox"/>	V	OTHER NON-DELEGABLE DUTIES TO PROVIDE SAFE TRANSPORTATION <sup>6</sup>
<input type="checkbox"/>	VI	VICARIOUS LIABILITY FOR DRIVERS' TORTS - EMPLOYEE
<input type="checkbox"/>	VII	VICARIOUS LIABILITY FOR DRIVERS' TORTS - APPARENT AGENCY
<input type="checkbox"/>	VIII	VICARIOUS LIABILITY FOR DRIVERS' TORTS - RATIFICATION
<input type="checkbox"/>	IX	VICARIOUS LIABILITY FOR DRIVERS' TORTS - Cal. Public Utilities Code § 535
<input type="checkbox"/>	X	STRICT PRODUCTS LIABILITY - DESIGN DEFECT
<input type="checkbox"/>	XI	STRICT PRODUCTS LIABILITY - FAILURE TO WARN
<input type="checkbox"/>	XII	STRICT PRODUCTS LIABILITY - PRODUCT LIABILITY ACTS
<input type="checkbox"/>	XIII	UNFAIR COMPETITION LAW - Cal. Bus. & Prof. Code § 17200 et seq.

#### VI. ADDITIONAL CAUSES OF ACTION AND/OR ALLEGATIONS

<sup>5</sup> This claim is pleaded in the *Plaintiffs' Master Long-Form Complaint* under the laws of every state **except:** **Arizona, Colorado, District of Columbia, Illinois** (for incidents prior to August 11, 2023), **Michigan, Montana** (for incidents prior to April 23, 2023), **New York, Pennsylvania, Wisconsin, and Wyoming.**

<sup>6</sup> This claim is pleaded in *Plaintiffs' Master Long-Form Complaint* under the laws of every state **except:** **District of Columbia, Michigan, New York, Pennsylvania.**

**NOTE**

If Plaintiff wants to allege additional Cause(s) of Action other than those selected in paragraph \_\_, the specific facts supporting any such additional Cause(s) of Action, must be pled in a manner complying with the requirements of the Federal Rules of Civil Procedure (*see* paragraph \_\_\_\_). In doing so you may attach additional pages to this *Short Form Complaint*.

1. Plaintiff asserts the following additional theories against the Defendants designated in paragraph \_\_\_\_ above:

---

---

---

---

---

---

2. If Plaintiff has additional factual allegations not set forth in *Plaintiffs' Master Long-Form Complaint*, they may be set forth below or in additional pages:

---

---

---

---

---

---

WHEREFORE, Plaintiff prays for relief and judgment against Defendants for economic and non-economic compensatory and punitive and exemplary damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper, and such further relief as the Court deems equitable and just, and as set forth in *Plaintiffs' Master Long-Form Complaint*.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury as to all claims in this action.

1  
2 Dated this the 13th day of November, 2024.

3  
4 OF COUNSEL:

5 RESPECTFULLY SUBMITTED ON BEHALF OF THE PLAINTIFF,

6  
7 /s/ Sommer D. Luther

8 Sommer D. Luther, CO 35053

9 **WAGSTAFF LAW FIRM**

10 940 Lincoln Street

11 Denver, CO 80203

12 Tel: (303) 263-8949

13 Fax: (888) 875-2889

14 sluther@wagstafflawfirm.com

15 Attorney for Plaintiff

16 *\*Admitted Pro Hac Vice*

## Page 1 of 2

## I. (a) PLAINTIFFS

**(b) County of Residence of First Listed Plaintiff** Richmond County  
(EXCEPT IN U.S. PLAINTIFF CASES)

Sommer D. Luther  
Wagstaff Law Firm  
940 Lincoln Street  
Denver, CO 80203 303-263-8949

## Attorneys (If Known)

1	U.S. Government Plaintiff	3	Federal Question (U.S. Government Not a Party)
2	U.S. Government Defendant	<input checked="" type="checkbox"/> 4	Diversity (Indicate Citizenship of Parties in Item III)

	PTF	DEF		PTF	DEF
Citizen of This State	1	1	Incorporated <i>or</i> Principal Place of Business In This State	4	4
Citizen of Another State	2	2	Incorporated <i>and</i> Principal Place of Business In Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	<b>PERSONAL INJURY</b> 310 Airplane 315 Airplane Product Liability ✕ 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury -Medical Malpractice	<b>PERSONAL INJURY</b> 365 Personal Injury — Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability	625 Drug Related Seizure of Property 21 USC § 881	422 Appeal 28 USC § 158	375 False Claims Act	
120 Marine			690 Other	423 Withdrawal 28 USC § 157	376 Qui Tam (31 USC § 3729(a))	
130 Miller Act			<b>LABOR</b>	<b>PROPERTY RIGHTS</b>	400 State Reapportionment	
140 Negotiable Instrument			710 Fair Labor Standards Act	820 Copyrights	410 Antitrust	
150 Recovery of Overpayment Of Veteran's Benefits			720 Labor/Management Relations	830 Patent	430 Banks and Banking	
151 Medicare Act			740 Railway Labor Act	835 Patent—Abbreviated New Drug Application	450 Commerce	
152 Recovery of Defaulted Student Loans (Excludes Veterans)			751 Family and Medical Leave Act	840 Trademark	460 Deportation	
153 Recovery of Overpayment of Veteran's Benefits			790 Other Labor Litigation	880 Defend Trade Secrets Act of 2016	470 Racketeer Influenced & Corrupt Organizations	
160 Stockholders' Suits			791 Employee Retirement Income Security Act	<b>SOCIAL SECURITY</b>	480 Consumer Credit	
190 Other Contract			<b>IMMIGRATION</b>	861 HIA (1395ff)	485 Telephone Consumer Protection Act	
195 Contract Product Liability	462 Naturalization Application 465 Other Immigration Actions	862 Black Lung (923)	490 Cable/Sat TV			
196 Franchise		<b>CIVIL RIGHTS</b>	863 DIWC/DIWW (405(g))	850 Securities/Commodities/ Exchange		
<b>REAL PROPERTY</b>		<b>PRISONER PETITIONS</b>	864 SSID Title XVI	890 Other Statutory Actions		
		<b>HABEAS CORPUS</b> 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accommodations 445 Amer. w/Disabilities—Employment 446 Amer. w/Disabilities—Other 448 Education <b>OTHER</b> 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee—Conditions of Confinement	865 RSI (405(g))	891 Agricultural Acts		
			<b>FEDERAL TAX SUITS</b>	893 Environmental Matters		
			870 Taxes (U.S. Plaintiff or Defendant)	895 Freedom of Information Act		
			871 IRS—Third Party 26 USC § 7609	896 Arbitration		
				899 Administrative Procedure Act/Review or Appeal of Agency Decision		
				950 Constitutionality of State Statutes		

<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District ( <i>specify</i> )	<input type="checkbox"/> 6 Multidistrict Litigation—Transfer	<input checked="" type="checkbox"/> 8 Multidistrict Litigation—Direct File
--	---	--	---	---	--	--

## State law products liability and negligence cause of action

CHECK YES only if demanded in complaint:  
**JURY DEMAND:** ☒ Yes ☐ No

## DOCKET NUMBER 3:23-md-03084-CRB

(Place an "X" in One Box Only)    ☒ **SAN FRANCISCO/OAKLAND**    ☐ **SAN JOSE**    ☐ **EUREKA-MCKINLEYVILLE**

/s/ Sommer D. Luther

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44**

**Authority For Civil Cover Sheet.** The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
  - c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
  - II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
    - (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
    - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
    - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
    - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
  - III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
  - IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
  - V. Origin.** Place an “X” in one of the six boxes.
    - (1) Original Proceedings. Cases originating in the United States district courts.
    - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
    - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
    - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
    - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
    - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
    - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
  - VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
  - VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
  - VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
  - IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.