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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

This Document Relates to:

ALL CASES

MDL No. 3084

Hon. Charles R. Breyer

**PRETRIAL ORDER NO. 11:
STIPULATED ORDER RE:
ADOPTION OF MASTER AND
SHORT FORM COMPLAINTS**

This Stipulated Order shall govern all cases in MDL No. 3084. In light of the number of complaints filed and anticipated in this Multi-District Litigation, the inefficiency of drafting individual Complaints and Answers to those Complaints, and in order to streamline the process for the Court’s consideration of dispositive motions, the Parties have agreed to the use of master pleadings. This Order sets forth the procedures governing this process.

I. APPLICABILITY OF ORDER

1. This Order applies to all cases currently pending in MDL No. 3084 and to all actions that have or will be filed in, transferred, removed or otherwise assigned, to this proceeding. This Order is binding on all Parties and their counsel in all such cases. This Order is

1 not intended to alter the applicable provisions of the Federal Rules of Civil Procedure or the
2 Local Rules of this Court, except as specified herein or in any subsequent Pretrial Order.

3 **II. MASTER PLEADINGS**

4 2. On February 15, 2024, the Plaintiffs' Steering Committee ("PSC") filed Plaintiffs'
5 Master Long-Form Complaint ("Master Complaint") on behalf of all Plaintiffs in this MDL
6 proceeding. ECF No. 269. This Order applies to all parties named in the Master Complaint.

7 3. Attached as **EXHIBIT A** is a template Short Form Complaint ("SFC"). The SFC
8 is an abbreviated form that each individual Plaintiff will complete to indicate their individual
9 claims, adopt the factual allegations set forth in the Master Complaint as the basis for those
10 claims, and provide additional factual allegations, if any. By this process, all allegations set forth
11 in the Master Complaint shall be deemed pleaded against all relevant parties named in each SFC.

12 4. Each SFC filed in this MDL proceeding shall indicate the federal district in which
13 the individual Plaintiff originally filed or would have originally filed their Complaint.

14 5. By stipulating to the procedures for filing SFCs, Defendants do not agree to or
15 admit the allegations set forth in the SFC template or that may be added by any individual who
16 completes the template. Defendants do not waive, and expressly preserve the right to dispute the
17 legal validity of the claims and allegations set forth in the Master Complaint and SFCs, and any
18 other right, defense, affirmative defense, or objection Defendants may have, including with
19 respect to challenges regarding subject matter, venue, forum, personal jurisdiction, and/or service
20 of process.

21 6. Each Plaintiff with a case pending in this MDL as of the date of this Order shall
22 file a SFC within 21 days of entry of this Order naming each diverse Defendant against whom
23 Plaintiff is asserting claims, by placing a check-mark in the box next to the diverse Defendant's
24 name to select each applicable diverse Defendant against whom claims are alleged.

25 7. Any Plaintiff may file a SFC directly into the MDL pursuant to PTO 6.

26 8. Each Plaintiff with a case transferred into this MDL after the date of this Order
27 shall file a SFC, within 21 days of transfer into this MDL, naming each diverse Defendant against
28

1 whom Plaintiff is asserting claims by placing a check-mark in the box next to the diverse
2 Defendant's name to select each applicable diverse Defendant against whom claims are alleged.

3 9. Plaintiff should only select Defendants (by placing a check-mark next to the
4 Defendants name) if Diversity exists. The Court expects that each Plaintiff and their counsel will
5 make a carefully individualized evaluation of the basis for naming appropriate Defendants in the
6 filed SFC.

7 10. For purposes of the calculating the statutes of limitation and/or repose as to
8 previously filed cases, the date that the Plaintiff first started an action by filing an original
9 Complaint or other pleading in either state or federal court shall be deemed the relevant date of
10 first filing (not the later date when the SFC was filed).

11 11. All provisions of this order that apply to the Master Complaint apply with equal
12 force and effect to any Amended Master Complaints. All Short Form complaints filed or to be
13 filed in this MDL are deemed to incorporate any Amended Master Complaints without the need
14 for any Plaintiff to take action to amend their Short Form Complaint upon the filing of an
15 Amended Master Complaint.

16 **III. RESPONSE TO MASTER COMPLAINT AND SHORT FORM COMPLAINTS**

17 12. To eliminate potential delays and to promote judicial efficiency with respect to the
18 administration of this MDL proceedings, all Defendants named in the Master Complaint need not
19 answer or otherwise respond to any SFC filed in this MDL proceeding until ordered to do so by
20 the Court.

21 **IV. SERVICE OF PROCESS**

22 13. Defendants have stipulated to e-mail service under Pretrial Order No. 6. ECF No.
23 177. A Plaintiff serving a SFC pursuant to PTO 6 is not required to serve a copy of the Master
24 Complaint by e-mail upon Defendants.

25 15. Neither the existence of this Order nor any of its terms shall in any manner burden
26 Defendants' right to assert defenses available under Federal Rule of Civil Procedure 12(b) or
27 otherwise challenge the sufficiency of any claim in the Master Complaint under the applicable
28 laws.

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IT IS SO ORDERED.

Dated: March 20, 2024



Hon. Charles R. Breyer
United States District Judge

EXHIBIT A

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**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 JURY TRIAL DEMANDED
This Document Relates to: [INSERT CASE NAME & NUMBER]	

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. ____ 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:

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I. DESIGNATED FORUM¹

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

[INSERT FEDERAL DISTRICT COURT]

(“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:

[INSERT PLAINTIFF NAME OR PSEUDONYM]

(“Plaintiff”).

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

[INSERT PLAINTIFF ADDRESS (CITY, COUNTY, AND STATE ONLY)]

3. (If applicable) _____ [INSERT NAME OF REPRESENTATIVE] is filing this case in a representative capacity as the [INSERT DESCRIPTOR I.E. ADMINISTRATOR ETC.] of the [INSERT DESCRIPTOR I.E. ESTATE OF NAME, ETC.], and has authority to act in this representative capacity because [INSERT BASIS FOR AUTHORITY].

B. DEFENDANT(S)

1. Plaintiff names the following Defendants in this action.

[BEFORE PROCEEDING - PLEASE CAREFULLY READ AND CONSIDER THE PLACES OF INCORPORATION AND PRINCIPAL PLACE OF BUSINESS OR RESIDENCE OF EACH DEFENDANT BEFORE SELECTING TO ENSURE THAT YOU ARE NOT NAMING ANY DEFENDANTS FROM THE SAME STATE AS THE PLAINTIFF. THE PLACE OF INCORPORATION, PRINCIPAL PLACE OF

¹ See Pretrial Order No. 6, at II(C) (ECF No. 177).

BUSINESS OR RESIDENCE OF EACH DEFENDANT IS IN THE FOOTNOTES FOR YOUR CONVENIENCE]:

UBER TECHNOLOGIES, INC.;²

RASIER, LLC;³

RASIER-CA, LLC.⁴

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 [COUNTY, STATE] on [DATE].

2. The Plaintiff [WAS/WAS NOT] 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 on [DATE] 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].

² Delaware corporation with a principal place of business in California.

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

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

1 **III. CAUSES OF ACTION ASSERTED**

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

6

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 ⁵
<input type="checkbox"/>	V	OTHER NON-DELEGABLE DUTIES TO PROVIDE SAFE TRANSPORTATION ⁶
<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.

23 **VI. ADDITIONAL CAUSES OF ACTION AND/OR ALLEGATIONS**

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25

26 ⁵ 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.**

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

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NOTE

If Plaintiff wants to allege additional Cause(s) of Action other 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:

[YOU MAY ATTACH ADDITIONAL PAGES, IF NECESSARY]

- 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:

[YOU MAY ATTACH ADDITIONAL PAGES, IF NECESSARY]

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.

Dated: [DATE]

[SIGNATURE BLOCK]