

1 Laura Vartain Horn (SBN 258485)
2 **KIRKLAND & ELLIS LLP**
3 555 California Street, Suite 2700
4 San Francisco, CA 94104
5 Telephone: (415) 439-1625
6 laura.vartain@kirkland.com

7 Jessica Davidson (Admitted *Pro Hac Vice*)
8 Christopher D. Cox (Admitted *Pro Hac Vice*)
9 **KIRKLAND & ELLIS LLP**
10 601 Lexington Avenue
11 New York, NY 10022
12 Telephone: (212) 446-4800
13 jessica.davidson@kirkland.com
14 christopher.cox@kirkland.com

15 Allison M. Brown (Admitted *Pro Hac Vice*)
16 **KIRKLAND & ELLIS LLP**
17 2500 Market Street, Suite 1000
18 Philadelphia, PA 19103
19 Telephone: (215) 268-5000
20 alli.brown@kirkland.com

21 *Attorneys for Defendants*
22 UBER TECHNOLOGIES, INC.;
23 RASIER, LLC; and RASIER-CA, LLC

24
25
26
27
28
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

29
30
31
32
IN RE: UBER TECHNOLOGIES, INC.,
33 PASSENGER SEXUAL ASSAULT
34 LITIGATION

35
36
37
38
Case No. 3:23-md-03084-CRB

39
40
41
42
**DEFENDANTS UBER TECHNOLOGIES,
43 INC., RASIER, LLC, AND RASIER-CA,
44 LLC'S NOTICE OF MOTION AND
45 MOTION FOR (1) POSTPONEMENT OF
46 FIRST BELLWETHER TRIAL AND
47 RELATED RELIEF, AND (2) THIRD-
48 PARTY SUBPOENA REGARDING
49 MISLEADING AD CAMPAIGN**

50
51
52
This Document Relates to:

53
54
55
*Jaylynn Dean v. Uber Technologies, Inc.
56 et al., Case No. 3:23-cv-06708-CRB*

57
58
Date: January 6, 2026
59 Time: 10:00 a.m.
60 Courtroom: 6 – 17th Floor

NOTICE OF MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

3 PLEASE TAKE NOTICE that on January 6, 2026 at 10:00 a.m.,¹ or as soon thereafter as
4 counsel may be heard, before the Honorable Charles R. Breyer, in Courtroom No. 6 on the 17th Floor
5 of the San Francisco Courthouse for the above-entitled Court, located at 450 Golden Gate Avenue,
6 San Francisco, CA 94102, Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC
7 (collectively, “Uber”) will, and hereby do, move this Court for an order to (1) postpone the upcoming
8 bellwether trial for *Jaylynn Dean v. Uber Technologies, Inc. et al.*, Case No. 3:23-cv-06708-CRB until
9 Consumer Attorneys of California’s (“CAOC”) misleading Every 8 Minutes advertising campaign has
10 concluded; (2) expand voir dire in the upcoming bellwether trial for *Jaylynn Dean v. Uber*
11 *Technologies, Inc. et al.*, Case No. 3:23-cv-06708-CRB; and (3) restrain publication of the Every 8
12 Minutes campaign in states where Wave 1 bellwether cases will be heard. Separate from relief for the
13 Dean trial, Uber seeks the Court’s permission to serve a third-party subpoena on CAOC regarding the
14 Every 8 Minutes campaign and its scope.

15 This Motion is made pursuant to the Court's inherent power to manage its docket, its
16 discretionary power to conduct voir dire, and Rule 47(a) of the Federal Rules of Civil Procedure. The
17 Motion is based on this Notice; the attached briefing; the concurrently filed Declaration of Kristen
18 Renee Fournier; the concurrently filed Proposed Order; all evidence, pleadings, and papers filed
19 herewith; the entire file in this coordinated action; any Reply that may be filed in support of this
20 Motion; and any other arguments or evidence that may be presented to the Court in support of this
21 Motion.

23 | Dated: December 2, 2025

26 1 Uber respectfully submits that, because some of its requested relief is in the form of expanded
27 voir dire for the upcoming bellwether trial, the instant Motion should be heard at the pretrial
 conference. Briefing on this motion will be complete by that date, and the noticed date complies with
 N.D. Cal. Civ. R 7-2(a).

1 **I. INTRODUCTION**

2 An impartial jury is essential to proceedings in this MDL, perhaps especially for the upcoming
 3 first bellwether trial. Yet at this crucial stage of litigation, Plaintiffs' counsel have participated in a
 4 widespread advertising campaign containing misleading statements about Uber and this litigation.
 5 These statements exacerbate the prejudice Uber already faced in parallel JCCP bellwether
 6 proceedings. That prejudice stems from the publication of a *New York Times* article on August 7,
 7 2025—just before the first JCCP bellwether trial—that relied on materials provided to the media in
 8 clear violation of a protective order. The advertising campaign Uber now faces serves as a mouthpiece
 9 for the same article, at times even misrepresenting the article itself, and just ahead of the first MDL
 10 bellwether trial. The timing of these ads makes clear that Plaintiffs' counsel intends on litigating this
 11 case in the public sphere rather than at trial—working severe prejudice on Uber in the process. To
 12 combat the prejudice which Plaintiffs' counsel have wrought in this proceeding before a jury has even
 13 been empaneled in the first bellwether trial, Uber requests (1) a delay of the first bellwether trial;
 14 expanded voir dire proceedings in the first bellwether trial and procedural safeguards to avoid tainting
 15 the entire venire; and a limited restraint on further publication of the advertising campaign at issue,
 16 which would further compromise the venire for upcoming Wave 1 bellwether trials. Additionally,
 17 Uber asks the Court to permit a third-party subpoena for CAOC to further explore the misleading
 18 campaign and its scope.

19 **II. BACKGROUND**

20 This sprawling mass action, which consists of both a federal MDL and a California JCCP, has
 21 been beset by protective order violations. *See* ECF 3692 (Judge Cisneros holding that "Plaintiffs'
 22 attorney Bret Stanley violated the protective order by disclosing the complete substantive contents of
 23 certain documents produced in discovery and designated as confidential . . ."); Ex. 2, 10/22/25 Order
 24 Granting Uber's Motion to Enforce The Protective Order, at 5 ("[o]n the record before the Court, there
 25 appears to be little room for doubt that sealed filings from this proceeding were improperly disclosed
 26 to third parties in violation of the protective order" in connection with *New York Times* article). These

1 violations, which have resulted in reporting by the *Times* and affected other litigation for Uber even
 2 unrelated to this litigation, have prejudiced Uber.

3 Unauthorized disclosures in this mass tort have already tainted the jury pool, as demonstrated
 4 during jury selection for the first JCCP bellwether trial. *See* Ex. 1, 9/5/25 Hr'g Tr. at 28:3–6, 18–23,
 5 30:10–14 (prospective juror stating they read the *Times* article and found the numbers “shocking,” and
 6 agreeing it “made a strong impression” that would lead to juror favoring victim). The *Times* article
 7 was the direct result of a protective order violation in the JCCP, as both the MDL and JCCP Courts
 8 have acknowledged. *See* ECF 3822 (noting there is no dispute “that sealed filings from the JCCP
 9 appear to have been disclosed”); Ex. 2, 10/22/25 Order Granting Uber’s Motion to Enforce the
 10 Protective Order, at 7 (“Regardless, the fact remains that numerous documents filed under seal with
 11 the Court were improperly disclosed in violation of the Court’s protective order. The Court will not
 12 close its eyes to that violation, which it takes seriously, merely because the Court is currently unaware
 13 of the responsible party’s identity or motivation for violating its order.”).

14 On its own, the *Times* article was bad enough. But Plaintiffs’ efforts did not stop there. In late
 15 October 2025, CAOC, a plaintiffs’ counsel advocacy group for which one member of MDL Plaintiffs’
 16 leadership sits on the board and multiple other plaintiffs’ counsel in this MDL are members, launched
 17 an advertising campaign titled “Every 8 Minutes.” The campaign’s video advertisement initially stated
 18 that “[a] sexual crime was reported to Uber almost every 8 minutes.” *See* Decl. of Kristen Renee
 19 Fournier ¶ 8. The statistic, which the ad attributes to the *Times* article, is false and does not correspond
 20 to “sexual crimes.” The numbers, which are based on unaudited and unvetted data, correspond to all
 21 categories of unverified and unaudited reports concerning sexual misconduct of any kind reported to
 22 Uber. The vast majority of the reports involve non-criminal behavior, such as flirting, staring or
 23 leering, or making comments about a person’s appearance. Thus, many of the reports, even if true, do
 24 not involve sexual crimes. Put simply, even assuming the data are correct about number of reports,
 25 there is not a “sexual crime” every 8 minutes on Uber’s platform; that is categorically false. Even more
 26 importantly, that statistic as framed by the advertisement appears nowhere within the *Times* article.
 27 Only after Uber sent CAOC a cease-and-desist letter did the organization remove this “sexual crimes”
 28

1 framing from the video advertisement currently hosted on its website. *See* Decl. of Kristen Renee
 2 Fournier ¶¶ 8–11.

3 The Every 8 Minutes video advertisement further claims that Uber silences a victim every eight
 4 minutes. This purported statistic conflates Uber’s receipt of *any* misconduct allegations with the
 5 foregone—and incorrect—conclusion that Uber silences victims.² This claim remains in the video
 6 advertisement, which is available at the campaign’s website. *See* Every 8 Minutes,
 7 <https://every8minutes.com/> (last accessed Dec. 1, 2025) (stating that “every 8 minutes, Uber tries to
 8 silence victims” and noting in website disclosures that the advertisement is “[p]aid for by Consumer
 9 Attorneys of California Initiative Defense Political Action Committee”).

10 The campaign is far-reaching. CAOC appears to be purchasing national advertising spots. *See*
 11 Ex. 3, Julie Gossett, *CAOC Launches New Campaign: Every 8 Minutes*, Consumer Attorneys of
 12 California (Oct. 27, 2025),
 13 <https://www.caoc.org/?pg=Blog&blAction=showEntry&blogEntry=133206>. The press release
 14 announcing CAOC’s advertising admits it is an “expansive, seven-figure campaign” that launched
 15 “with premier spots during popular sporting events, including during the World Series, Monday Night
 16 Football, and NBA Games.” *Id.* As of October 27, the video advertisement was “already looping on
 17 trucks around the state of California,” and ads were planned for “billboards near high-traffic rideshare
 18 pickup locations.” *Id.*

19 While the video advertisement hosted on the Every 8 Minutes website has since been edited to
 20 remove the false and misleading “sexual crimes” language, *see* Decl. of Kristen Renee Fournier at ¶¶
 21 10–11, the ad itself is still available online and presumably is still being published nationwide on the
 22 contemplated billboards and trucks, and in purchased sporting-event advertising spots. Further, there
 23 is no indication that any printed ads, such as billboards, which were placed before Uber’s cease-and-
 24 desist efforts, were ever edited to remove some of the most misleading statements. And most

25
 26 ² To the contrary, Uber was the first company in the gig economy to waive mandatory arbitration
 27 for survivors of sexual assault or misconduct, years before the federal government mandated this
 waiver. *See* Tony West, *Turning the lights on*, Uber Newsroom (May 15, 2018),
<https://www.uber.com/newsroom/turning-the-lights-on/>.

1 importantly, any number of potential jurors could have seen the even more misleading version of the
 2 ad—including during the World Series, Monday Night Football, and NBA games—before the edits
 3 were made.

4 CAOC is affiliated with Plaintiffs in this MDL. Plaintiff counsel Sarah London, a member of
 5 Plaintiffs' Leadership, is secretary of CAOC. *See Ex. 4.* Multiple Plaintiffs' counsel who do not serve
 6 as officers are also members of CAOC's board. *See Ex. 5.* Plaintiffs' counsel, therefore, are knowingly
 7 profiting off of protective order violations in this mass tort and are exacerbating the known risk of
 8 tainting the venire.

9 **III. LEGAL STANDARD**

10 **a. Control of a Court's Docket**

11 The Court has inherent power “to control the disposition of the causes on its docket with
 12 economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S.
 13 248, 254 (1936). To exercise this power, the Court uses its judgment. *Id.* (citing *Kansas City Southern*
 14 *Ry. Co. v. United States*, 282 U.S. 760, 763 (1931)).

16 **b. Voir Dire**

17 The “content and conduct” of voir dire “are generally committed to the sound discretion of
 18 the district court in both civil and criminal cases.” *Darbin v. Nourse*, 664 F.2d 1109, 1113 (9th Cir.
 19 1981) (citing *Connors v. United States*, 158 U.S. 408, 413 (1895), Fed. R. Civ. P. 47(a)). The court's
 20 voir dire conduct is “subject to the essential demands of fairness.” *Aldridge v. United States*, 283
 21 U.S. 308, 310 (1931). “It is an abuse of discretion for the district court to refuse to probe the jury
 22 adequately for bias or prejudice about material matters on request of counsel.” *Darbin*, 664 F.2d at
 23 1114 (citing *United States v. Baldwin*, 607 F.2d 1295, 1297 (9th Cir. 1979)). Voir dire must
 24 “permit[] the informed exercise of both the peremptory challenge and the challenge for cause.”
 25 *Darbin*, 664 F.2d at 1113.

1 **c. Restraint on Attorney Speech in Connection with Adjudicative Proceeding**

2 For a Court to impose prior restraints on attorney speech in a proceeding before it, (1) the facts
 3 must show a substantial likelihood of material prejudice to the proceeding; (2) the order must be
 4 narrowly drawn; and (3) less restrictive alternatives must not be available. *Levine v. U.S. Dist. Ct. for*
 5 *Cent. Dist. of Cal.*, 764 F.2d 590, 595 (9th Cir. 1985), first factor modified by *Gentile v. State Bar of*
 6 *Nev.*, 501 U.S. at 1037.

7 **d. Third-Party Subpoenas**

8 Subpoenas to non-parties for either production of documents or deposition are permitted under
 9 Fed. R. Civ. P. 45. Such subpoenas are permitted if they do not pose an undue burden or expense on
 10 the recipient, among other potential objections. *See* Fed. R. Civ. P. 45(d)(3)(A)(i).

12 **IV. ARGUMENT**

13 Advertising promulgated in part by Plaintiffs' counsel in this MDL risks affecting potential
 14 jurors and prejudicing Uber's rights in the upcoming bellwether trials. Such harm has already occurred
 15 through publication of the various versions of the Every 8 Minutes campaign, and that harm will
 16 continue unless addressed by this Court. Beyond the trial-specific relief Uber seeks, it further requests
 17 an order from this Court permitting the third-party subpoena of CAOC, the organization which
 18 multiple Plaintiffs' counsel in this MDL are affiliated with and which paid for the Every 8 Minutes
 19 campaign.

21 **a. The Every 8 Minutes Campaign Threatens Fairness for the First Bellwether Trial
 22 Such That the Trial Should Be Continued.**

23 The advertising campaign Plaintiffs' counsel interposed on these proceedings threatens Uber's
 24 ability to empanel an impartial jury. CAOC's advertising is inflammatory and at least misleading. It
 25 risks tainting the jury pool. The Court should therefore exercise its inherent power to postpone the first
 26 bellwether trial until such time that the Every 8 Minutes campaign ceases.

1

2

b. The Every 8 Minutes Campaign Risks Affecting Potential Jurors and Requires, At Minimum, Expanded Voir Dire.

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

Even if the Court does not grant Uber’s requested continuance, expanded voir dire is needed to explore the prejudice the Every 8 Minutes campaign has already worked on Uber. This campaign goes beyond the already-sensationalized *Times* article and makes at least misleading if not outright false statements about Uber. While CAOC has updated its statements on its Every 8 Minutes website, the previous version of its ad included extremely prejudicial statements concerning “sexual crimes.” Accordingly, the potential prejudice to Uber, which was already seen in the JCCP bellwether trial, *see* Ex. 1 at 28:3–6, 18–23, 30:10–14, is even higher here.

“The voir dire examination plays a critical role in securing the right to an impartial jury in civil, as well as criminal, trials.” *Darbin*, 664 F.2d at 1112–13. Voir dire’s “principal purpose” is “to probe each prospective juror’s state of mind to enable the trial court to determine actual bias and to allow counsel to assess suspected bias or prejudice.” *Id.* at 1113. A trial judge has a “serious duty” to determine actual bias of jurors. *Dennis v. United States*, 339 U.S. 162, 168 (1950). Uber requests that the Court, in its discretion, permit expanded voir dire on media reporting and advertising.

To combat the prejudice occasioned by Plaintiffs’ counsel, Uber is asking the Court to include a specific line of inquiry within the jury questionnaire seeking information on potential jurors’ exposure to or familiarity with the Every 8 Minutes campaign. In order to avoid further tainting and minimize the effect of this inquiry on the entire jury pool—to the extent possible at this stage—Uber proposes that if questionnaires suggest any potential jurors have seen this campaign in any form, the Court should conduct further voir dire on this topic privately.

Uber further proposes that, if the Court’s private voir dire establishes actual prejudice to Uber given the prevalence of CAOC’s ads, Uber should be afforded the opportunity to then seek dismissal based on that prejudice.³ The expanded voir dire Uber requests is “reasonably necessary to ensuring

³ Uber’s position is that Plaintiffs should not have a reciprocal opportunity to request dismissal based on private voir dire about the Every 8 Minutes campaign, since this problem is of Plaintiffs’ counsels’ own making.

1 an impartial jury" and does not "ask[] questions that may unduly infringe on jurors' privacy."
 2 *Guidelines for Civil Jury Trials Before Judge Charles R. Breyer* § C, Northern District of California
 3 (July 16, 2025), <https://cand.uscourts.gov/sites/default/files/standing-orders/CRB-Civil-JuryTrial-StandingOrder-7-16-2025.pdf>.

5 **c. Because of the Campaign's False and Misleading Statements and Its Risks of
 6 Prejudicing the Venire, the Court Should Restrain Continued Publication of
 7 Every 8 Minutes Ads in States Where the Court Will Hold Bellwether Trials.**

8 If the Court is not inclined to postpone trial as requested above, Uber proposes that it restrain
 9 publication of the Every 8 Minutes campaign in states where the Court anticipates holding Wave 1
 10 bellwether trials: Arizona, California, and North Carolina. Prior restraints on speech are disfavored
 11 generally, but the Supreme Court has held that "speech otherwise entitled to full constitutional
 12 protection may [] be sanctioned if it obstructs or prejudices the administration of justice." *Standing*
 13 *Comm. on Discipline of U.S. Dist. Ct. for Cent. Dist. of Cal. v. Yagman*, 55 F.3d 1430, 1442 (9th Cir.
 14 1995) (citing *Gentile v. State Bar of Nev.*, 501 U.S. 1030, 1074–75 (1991)).

15 For a Court to impose prior restraints on attorneys practicing before it, (1) facts must show a
 16 substantial likelihood of material prejudice to an adjudicative proceeding; (2) the order must be
 17 narrowly drawn; and (3) less restrictive alternatives must not be available. *Levine v. U.S. Dist. Ct. for*
 18 *Cent. Dist. of Cal.*, 764 F.2d 590, 595 (9th Cir. 1985), first factor modified by *Gentile v. State Bar of*
 19 *Nev.*, 501 U.S. at 1037. All factors are satisfied by Uber's requested relief here.

21 A substantial likelihood of material prejudice exists. To determine whether such prejudice is
 22 substantially likely, the Court considers "the statements themselves, the timing of the statements, and
 23 whether they were published in the jury pool." *See Murphy-Fauth v. BSNF Ry. Co.*, No. CV-17-79-
 24 GF-BMM-JTJ, 2018 WL 5312201, at *4 (D. Mont. Apr. 4, 2018). All of these factors weigh in favor
 25 of Uber's position:

27 (1) the statements themselves are misleading and prejudicial, as explained above;

1 (2) the campaign was published just ahead of the first MDL bellwether trial resulting in likely
 2 prejudice; and

3 (3) the campaign was published nationwide in “premier spots during popular sporting events,
 4 including during the World Series, Monday Night Football, and NBA Games” as well as ads on
 5 “billboards near high-traffic rideshare pickup locations.” Ex. 3.

6 The Every 8 Minutes website remains available even now, less than two months before jury
 7 selection. There is no suggestion that any of the campaign’s traditional media advertising has ceased
 8 or changed from pre-cease-and-desist edits to the website’s updated version, either.

9 Plaintiffs’ counsel Sarah London and other counsel “made” the statements at issue through
 10 CAOC. In doing so, Plaintiffs’ counsel amplified reporting that it *knows* came from violation of a
 11 protective order, exacerbating prejudice to Uber. The fact that these statements were made by attorneys
 12 supports a finding of likely prejudice. In *Gentile*, the Supreme Court said attorneys participating in a
 13 pending case have “special access to information through discovery and client communications”
 14 which poses a heightened threat to “the fair administration of justice.” 501 U.S. at 1074. The Court
 15 recognized that orders restraining attorney speech address “two principal evils: (1) comments that are
 16 likely to influence the actual outcome of the trial, and (2) comments that are likely to prejudice the
 17 jury venire, even if an untainted panel can ultimately be found.” *Id.* at 1075.

18 Uber’s proposed, jurisdiction-limited restraint is narrowly drawn. Uber is asking that the
 19 advertisement be restrained only in states where the Court currently anticipates holding bellwether
 20 trials. This is not a national restraint. Additionally, Uber is not asking for restraint on all attorney
 21 speech, just on the Every 8 Minutes campaign.

22 If the Court is not willing to postpone trial until the ads cease to run and a moderate cooling-
 23 off period elapses, then no less restrictive alternatives exist for the relief Uber proposes. This relief is
 24 necessary, because the JCCP bellwether process demonstrated that prejudice is almost certain to arise.

1 While Courts have on occasion approved “voir dire, jury instructions, delay, change of venue or jury
 2 sequestration” as appropriate alternatives, *In re Dan Farr Prods.*, 874 F.3d 590, 595 (9th Cir.
 3 2017) (internal citation and quotation marks omitted), those alternatives are not sufficient here.

4 “[V]oir dire cannot eliminate prejudice caused by publicity during the trial. Moreover, voir
 5 dire cannot alleviate the harm to the integrity of the judicial process caused by the extrajudicial
 6 statements of trial participants.” *Levine*, 764 F.2d at 600. Beyond that, “jury instructions are often an
 7 ineffective remedy” and “cannot address the threat to judicial integrity posed by prejudicial
 8 extrajudicial statements.” *Id.* Change of venue is also not an appropriate less restrictive alternative. “A
 9 change of venue would be appropriate if the publicity surrounding a trial is centered on a specific
 10 geographical location.” *Id.* That is not so here. Sequestration is “an undesirable alternative,” too. Its
 11 “negative effects” are “well documented.” *Id.* (citations omitted). A jurisdiction-limited restraint on
 12 publication to protect the venire in Wave 1 bellwether cases is the least-restrictive alternative that will
 13 effectively combat the prejudice that is substantially likely to arise from the CAOC’s campaign.
 14

15 **d. Aside From Rulings to Combat Jury Tainting Issues, the Court Should Endorse
 16 Discovery From CAOC Regarding the Every 8 Minutes Campaign.**

17 The advertising campaign Plaintiffs’ counsel interposed on these proceedings threatens Uber’s
 18 ability to empanel an impartial jury. CAOC’s advertising is inflammatory and at least misleading. It
 19 risks tainting the jury pool. The Court should therefore permit Uber to serve a third-party subpoena on
 20 CAOC under Rule 45 and make clear in its order related to this Motion that such subpoena shall not
 21 be avoided or sidestepped simply on the basis of timing or an argument that the Dean trial is imminent.
 22 Such a subpoena is relevant in more cases than the first bellwether trial, because the harm from the
 23 Every 8 Minutes campaign exists so long as that campaign is active and reaching potential jury pool
 24 members in this MDL.

25 Uber’s proposed subpoena would also aid the Court in fashioning additional relief it deems
 26 necessary. The subpoena Uber proposes to serve would seek: (1) information regarding the extent to
 27

which Plaintiffs' counsel in this MDL is communicating with or directing the advertising campaign at issue, (2) details on the scope of CAOC's ad buys for this campaign, (3) justification for CAOC's recent editing of its video advertisement to remove some but not all of the false statements made therein, and (4) the source for the assertions made in the campaign, including any protective order acknowledgments showing CAOC has received sealed documents from this MDL. In particular, further detail on the scope of CAOC's advertising campaign would permit the Court to tailor any prohibition on publishing the Every 8 Minutes campaign to the jurisdictions where such advertising is taking place and affecting the venire.

V. CONCLUSION

For the foregoing reasons, the Court should postpone the first bellwether trial, permit expanded voir dire for the first bellwether trial, and restrain further publication of the Every 8 Minutes campaign. The Court should also permit the Rule 45 subpoena of Consumer Attorneys of California.

Dated: December 2, 2025

Respectfully submitted,

/s/ Laura Vartain Horn

Laura Vartain Horn (SBN 258485)
KIRKLAND & ELLIS LLP
555 California Street, Suite 2700
San Francisco, CA 94104
Telephone: (415) 439-1625
laura.vartain@kirkland.com

Allison M. Brown (Admitted *Pro Hac Vice*)
KIRKLAND & ELLIS LLP
2005 Market Street, Suite 1000
Philadelphia, PA 19103
Telephone: (215) 268-5000
alli.brown@kirkland.com

Jessica Davidson (Admitted *Pro Hac Vice*)
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022

1 Telephone: (212) 446-4800
jessica.davidson@kirkland.com

2 SABRINA H. STRONG (SBN: 200292)
3 sstrong@omm.com
4 JONATHAN SCHNELLER (SBN: 291288)
5 jschneller@omm.com
6 **O'MELVENY & MYERS LLP**
7 400 South Hope Street, 19th Floor
Los Angeles, CA 90071
Telephone: (213) 430-6000
Facsimile: (213) 430-6407

8 PATRICK L. OOT (Admitted *Pro Hac Vice*)
9 oot@shb.com
10 **SHOOK, HARDY & BACON, LLP**
11 1800 K Street NW, 10th Floor
Washington, DC 20006
Telephone: (202) 783-8400
Facsimile: (202) 783-4211

12
13 ALYCIA A. DEGEN (SBN: 211350)
adegen@shb.com
14 MICHAEL B. SHORTNACY (SBN: 277035)
mshortnacy@shb.com
15 **SHOOK, HARDY & BACON, LLP**
16 2121 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067
Telephone: (424) 285-8330
Facsimile: (424) 204-9093

17
18 CHRISTOPHER V. COTTON (Admitted *Pro Hac*
19 *Vice*)
ccotton@shb.com
20 **SHOOK, HARDY & BACON, LLP**
21 255 Grand Boulevard
Kansas City, MO 64108
22 Telephone: (816) 474-6550
Facsimile: (816) 421-5547

23
24 *Counsel for Defendants*
25 UBER TECHNOLOGIES, INC.,
RASIER, LLC, and RASIER-CA, LLC

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

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

Case No. 3:23-md-03084-CRB

[PROPOSED] ORDER REGARDING
DEFENDANTS' MOTION FOR (1)
POSTPONEMENT OF FIRST BELLWETHER
TRIAL AND RELATED RELIEF, AND (2)
THIRD-PARTY SUBPOENA REGARDING
MISLEADING AD CAMPAIGN

This Document Relates to:

*Jaylynn Dean v. Uber Technologies, Inc.
et al., Case No. 3:23-cv-06708-CRB*

[PROPOSED] ORDER

Having considered Defendants' Motion for (1) Postponement of First Bellwether Trial and Related Relief, and (2) Third-Party Subpoena Regarding Misleading Ad Campaign, the Court finds that:

1. Exercising its judgment and guided by its inherent power “to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants,” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936), the Court postpones the first bellwether trial, *Jaylynn Dean v. Uber Technologies, Inc. et al.*, Case No. 3:23-cv-06708-CRB, until such time as all advertising by Consumer Attorneys of California in its Every 8 Minutes campaign has ceased and an additional ninety-day cooling-off period has passed.

[OR]

1. The Court finds it appropriate to restrain publication of Consumer Attorneys of California's Every 8 Minutes Campaign in the states where the Court anticipates holding Wave 1 bellwether trials. Those states are Arizona, California, and North Carolina. The Court finds that (1) the facts show a substantial likelihood of material prejudice to an adjudicative proceeding; (2) this jurisdiction-limited order is narrowly drawn and affects only one advertising campaign in three states; and (3) no less restrictive alternatives are available.

2. Further, the Court finds that the “essential demands of fairness” require it to probe the venire in *Jaylynn Dean v. Uber Technologies, Inc. et al.*, Case No. 3:23-cv-06708-CRB with additional questions regarding Consumer Attorneys of California’s Every 8 Minutes campaign. If any member of the jury pool indicates that they have seen this campaign in any form, the Court will conduct further voir dire on the topic of this advertising privately.

3. If the Court's expanded, private voir dire on the Every 8 Minutes campaign establishes actual prejudice to Uber during jury selection, Uber shall be afforded the opportunity to seek dismissal of the *Dean* case based on that prejudice.

1 4. Finally, given the risk that the Every 8 Minutes campaign poses to tainting the jury
2 pool, the Court permits Uber to prepare and serve a subpoena on Consumer Attorneys of California
3 under Rule 45. This subpoena as described is relevant to more cases than *Jaylynn Dean v. Uber*
4 *Technologies, Inc. et al.*, Case No. 3:23-cv-06708-CRB, including those in the Wave 2 bellwether
5 pool and beyond. Therefore, this subpoena may not be sidestepped or avoided merely because of
6 timing arguments or arguments that the *Dean* trial is imminent.

7 **IT IS SO ORDERED.**

8
9
10 Dated: _____, 202_____

11 _____
12 HON. CHARLES R. BREYER
13 United States District Court Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27

28 [PROPOSED] ORDER REGARDING DEFENDANTS' MOTION FOR (1) POSTPONEMENT OF FIRST
BELLWETHER TRIAL AND RELATED RELIEF, AND (2) THIRD-PARTY SUBPOENA REGARDING
MISLEADING AD CAMPAIGN

1 Laura Vartain Horn (SBN 258485)
 2 **KIRKLAND & ELLIS LLP**
 3 555 California Street, Suite 2700
 4 San Francisco, CA 94104
 5 Telephone: (415) 439-1625
 6 laura.vartain@kirkland.com

7 Jessica Davidson (Admitted *Pro Hac Vice*)
 8 Christopher D. Cox (Admitted *Pro Hac Vice*)
 9 **KIRKLAND & ELLIS LLP**
 10 601 Lexington Avenue
 11 New York, NY 10022
 12 Telephone: (212) 446-4800
 13 jessica.davidson@kirkland.com
 14 christopher.cox@kirkland.com

15 Allison M. Brown (Admitted *Pro Hac Vice*)
 16 **KIRKLAND & ELLIS LLP**
 17 2005 Market Street, Suite 1000
 18 Philadelphia, PA 19103
 19 Telephone: (215) 268-5000
 20 alli.brown@kirkland.com

21 *Attorneys for Defendants*
 22 UBER TECHNOLOGIES, INC., RASIER, LLC,
 23 and RASIER-CA, LLC

24
 15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**
 17 **SAN FRANCISCO DIVISION**

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

21 This Document Relates to:

22 *Jaylynn Dean v. Uber Technologies, Inc. et al.*,
 23 Case No. 3:23-cv-06708-CRB

24 Case No. 3:23-md-03084-CRB (LJC)

25 **DECLARATION OF KRISTEN RENEE
 26 FOURNIER**

27 *(Filed concurrently with Defendants' Motion for
 1 (1) Postponement of First Bellwether Trial and
 2 Related Relief, and (2) Third-Party Subpoena
 3 Regarding Misleading Ad Campaign; and
 4 [Proposed] Order)*

28 Judge: Hon. Charles R. Breyer
 29 Courtroom: 6 – 17th Floor

1 I, Kristen Fournier, state as follows:

2 1. I am an attorney at Kirkland & Ellis LLP, counsel of record for Defendants Uber
3 Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC (collectively, “Uber” or “Defendants”). I offer this
4 Declaration in the above-captioned matter in support of Uber’s Motion for (1) Postponement of First
5 Bellwether Trial and Related Relief, and (2) Third-Party Subpoena Regarding Misleading Ad Campaign.

6 2. Attached as **Exhibit 1** is a true and correct copy of portions of the transcript from the first
7 JCCP bellwether trial in case no. CJC-21-005188. These portions are taken from jury selection during
8 those proceedings on September 5, 2025. Uber will provide the full transcript to the Court upon request.

9 3. Attached as **Exhibit 2** is a true and correct copy of the JCCP Court’s Order Granting Uber’s
10 Motion to Enforce the Protective Order, which is dated as of October 22, 2025.

11 4. Attached as **Exhibit 3** is a true and correct copy of Consumer Attorneys of California’s
12 press release about the Every 8 Minutes campaign, titled “CAOC Launches New Campaign: Every 8
13 Minutes,” which is available on the organization’s website at
14 <https://www.caoc.org/?pg=Blog&blAction=showEntry&blogEntry=133206> (dated as of Oct. 27, 2025).

15 5. Attached as **Exhibit 4** is a true and correct copy of CAOC’s list of 2026 officers, which is
16 available on the organization’s website at <https://www.caoc.org/?pg=CAOC-Officers> (last accessed Dec.
17 1, 2025).

18 6. Attached as **Exhibit 5** is a true and correct copy of CAOC’s list of 2026 board members,
19 which is available on the organization’s website at <https://www.caoc.org/?pg=CAOC-Board> (last accessed
20 Dec. 1, 2025).

21 7. I reviewed a recording of the Every 8 Minutes video advertisement on October 28, 2025.
22 The recording at issue captured a televised video advertisement during World Series postgame
23 programming and was taken on or around October 27, 2025.

1 8. The recording described above included a voiceover stating that “almost every 8 minutes,
 2 sexual crime was reported to Uber” and displayed in writing that “[a] sexual crime was reported to Uber
 3 almost every 8 minutes.” That written statement was attributed to “New York Times 8/7/25.”
 4

5 9. I sent a cease-and-desist letter to counsel for CAOC on October 29, 2025. In that letter, I
 6 raised multiple concerns with the statements described in paragraph 8, among other false and misleading
 7 statements within the advertisement.

8 10. On December 1, 2025, I reviewed the video advertisement available at
 9 <https://www.every8minutes.com>.

10 11. During my December 1, 2025 review I noted that the statements described in paragraph 8
 11 are no longer present in the video hosted on the <https://www.every8minutes.com> website.

12 I declare under the penalty of perjury under the laws of the United States of America that the
 13 foregoing is true and correct.

14 Dated: December 2, 2025

15 Respectfully submitted,

16 By: /s/ Kristen Renee Fournier

17 Kristen Renee Fournier (Admitted *Pro
Hac Vice*)
 18 KIRKLAND & ELLIS LLP
 19 601 Lexington Avenue
 20 New York, NY 10022
 21 Telephone: (212) 446-4777
 22 kristen.fournier@kirkland.com

23 *Attorney for Defendants*
 24 UBER TECHNOLOGIES, INC.;
 25 RASIER, LLC; and RASIER-CA, LLC

K. Fournier Decl. Exhibit 1

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF SAN FRANCISCO

3 -----oOo---

4 DEPARTMENT 604

JUDGE ETHAN P. SCHULMAN

5
6 COORDINATION PROCEEDING CASE No. CJC-21-005188
SPECIAL TITLE [RULE 1550(b)]

7 In Re: Uber Rideshare Cases

8 _____/

9
10
11
12 REPORTER'S TRANSCRIPT OF PROCEEDINGS

13 VOIR DIRE

14 FRIDAY, SEPTEMBER 5, 2025

15
16
17
18
19
20
21 OFFICIAL STENOGRAPHIC REPORTER PRO TEM:

22 ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR

23 CA CSR LICENSE NO. 9830

24 Job No. CS7570148

1 APPEARANCE OF COUNSEL

2

3

4 FOR PLAINTIFFS JANE DOE LSA 78:

5 TAYLOR RING

6 BY: JOHN C. TAYLOR, Esq.

7 NATALIE WEATHERFORD, Esq.

8 DEBORAH HANSEN

9 1220 Rosecrans Avenue, Suite 360

10 Manhattan Beach, California 90266

11 310.209.4100

12 taylor@taylorring.com

13

14

15 CO-LEAD COUNSEL FOR PLAINTIFFS:

16 CUTTER LAW P.C.

17 BY: CELINE CUTTER, Esq.

18 401 Watt Avenue, Suite 100

19 Sacramento, California 95864

20 916.943.7872

21 ccutter@cutterlaw.com

1 APPEARANCES (continued.)
2
3

4 CO-LEAD COUNSEL FOR PLAINTIFFS:

5 LEVIN SIMES LLP

6 BY: WILLIAM A. LEVIN, Esq.

7 1700 Montgomery Street, Suite 250

8 San Francisco, California 94111

9 415.426.5000

10 wlevin@levinsimes.com

11
12 FOR PLAINTIFF:

13 WILLIAMS HART BOUNDAS

14 BY: JOHN BOUNDAS, Esq.

15 BY: BRIAN A. ABRAMSON, Esq.

16 8441 Gulf Freeway, Suite 600

17 Houston, Texas 77017

18 713.230.2200

19 babramson@whlaw.com

1 APPEARANCES (continued.)

2

3

4 FOR DEFENDANTS UBER TECHNOLOGIES, INC.; RAISER,
5 LLC, and RAISER-CA LLC:

6 KIRKLAND & ELLIS LLP

7 BY: MARK PREMO-HOPKINS, Esq.

8 BY: ALLI BROWN, Esq.

9 BY: RACHEL PAPALSKI, Paralegal

10 555 California Street, 27th Floor

11 San Francisco, California 94104

12 415.439.1400

13 mark.premohopkins@kirkland.com

14

15

16 ALSO PRESENT:

17 Juliana Manrique, Jury Consultant

18 Christina Marinakis, Jury Consultant

19

20 -----oOo-----

21

22

23

24

25

1	SESSIONS	
2		
3	DATE	PAGE
4	FRIDAY, SEPTEMBER 4, 2025 - VOIR DIRE	
5	MORNING SESSION	6
6	AFTERNOON SESSION	122
7	CERTIFICATE OF REPORTER	258
8		

9 ---oOo---

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 PROSPECTIVE JUROR NO. 18: It's been a kind
2 general awareness of these kinds of stories for a
3 number of years, but then recently, I saw the article
4 in the Time -- New York Times a month or two ago,
5 which I didn't read in-depth, but I read enough to
6 find the numbers pretty shocking, and yeah, kind of
7 scrolled by because I didn't want to read anymore
8 because it was...

9 STENOGRAPHIC REPORTER: Wait. I'm sorry.

10 "Get kind of" --

11 PROSPECTIVE JUROR NO. 18: I just scrolled by
12 after reading -- after getting the gist of the
13 article, basically.

14 THE COURT: Okay. So you said you found the
15 numbers kind of shocking, referring to the statistics
16 on the alleged numbers of incidents?

17 PROSPECTIVE JUROR NO. 18: Exactly, yeah.

18 THE COURT: Okay. And you used the word
19 "shocking." I think one of your colleagues earlier
20 used -- you know, said that an article or collection
21 of articles made a strong impression. Would you say
22 the same thing?

23 PROSPECTIVE JUROR NO. 18: Yeah.

24 THE COURT: We all know, I think,
25 particularly in a polarized society that we're in now,

1 Putting aside your impression from the Times article
2 or other sources, can you decide this particular case
3 based solely on the evidence, or do you feel that
4 that -- the impression that you got from the article
5 is going to overshadow the way you think about the
6 whole case?

7 PROSPECTIVE JUROR NO. 18: I would like to
8 think that I could. But I guess if, you know, looking
9 at the question of, is one side or the other a little
10 bit ahead? I would say that, yeah, I did a little
11 soul searching about it and I was kind of thinking, if
12 it got to a point in the trial where it seemed like I
13 wasn't sure either way, I would likely err on the side
14 of the victim. I don't know if that's a helpful way
15 of -- of putting it.

16 THE COURT: Okay. Fair enough. So if, in
17 your view, you had some doubt, the parties seemed kind
18 of equally balanced, in that circumstance you'd be
19 more inclined to give the benefit of the doubt, if you
20 will, to the Plaintiff?

21 PROSPECTIVE JUROR NO. 18: Exactly.

22 THE COURT: Okay. All right. Again, thank
23 you. Thank you for your candor.

24 Just briefly, a couple of other topics for
25 this group. As I indicated, Jessica C has a surname

258

1 State of California)
2) ss.
2 County of San Francisco)

3

4 I, ANDREA M. IGNACIO, Independent
5 Stenographic Court Reporter contracted by the parties,
6 at the Superior Court of California, County of
7 San Francisco, do hereby certify:

8 That I was present at the time of the above
9 proceedings;

10 That I took down in machine shorthand notes
11 all proceedings had and testimony given;

12 That I thereafter transcribed said shorthand
13 notes with the aid of a computer;

14 That the above and foregoing is a full, true,
15 and correct transcription of said shorthand notes, and
16 a full, true and correct transcript of all proceedings
17 had and testimony taken;

18 That I am not a party to the action or
19 related to a party or counsel;

20 That I have no financial or other interest in
21 the outcome of the action.

22

23 Dated: 9-6-2025

24

25 <%6345,Signature%>
ANDREA M. IGNACIO, RPR, CRR, CCRR, CLR, CSR No. 9830

K. Fournier Decl. Exhibit 2



FILE

San Francisco County Superior Court

OCT 22 2025

CLERK OF THE COURT

BY: *Edward J. de*

Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

DEPARTMENT 304

COORDINATION PROCEEDING
SPECIAL TITLE [RULE 3.550]

Case No. CJC-21-005188
JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 5188

IN RE UBER RIDESHARE CASES

ORDER GRANTING UBER'S MOTION TO
ENFORCE THE PROTECTIVE ORDER

THIS DOCUMENT RELATES TO:

All Cases.

Uber's motion to enforce the protective order came on for hearing on October 21, 2025. Having considered the pleadings and papers on file in the action, and the arguments of counsel presented at the hearing, the Court hereby grants the motion.

BACKGROUND

The parties are familiar with the procedural and factual background to this motion, which the Court will not reiterate here in detail. In brief, on August 8, 2025, *The New York Times* published an article entitled "Uber's Festering Sexual Assault Problem" that, according to the author, was based in part on "sealed court records." (Vartain Horn Decl. Ex. 1, 1; see also *id.* ["interviews with more than a dozen current and former employees, internal documents and court records. Hundreds of the records

1 have been under seal as part of large-scale sexual assault litigation.”]; *id.* Ex. 1, 17 [“As part of the
 2 ongoing litigation, a judge in California last week said in a preliminary ruling that some of the documents
 3 should be unsealed, though the records have yet to be released.”].)¹

4 Uber makes a detailed and convincing showing that the records in question were those filed by
 5 Plaintiffs under seal in this Court in opposition to Uber’s motion for summary judgment, as well as from
 6 deposition testimony or documents produced in discovery. (See Opening Brief, 3-10; Reply, 3-5 & Ex.
 7 27; Vartain Horn Decl. Ex. 8 [Uber’s counsel “identified the vast majority of the confidential documents
 8 quoted and described in the Article as matching the sealed materials submitted by Plaintiffs in connection
 9 with their opposition to Uber’s summary judgment motion in the JCCP.”].)

10 Thus, Uber shows, and Plaintiffs do not contest, that documents and other materials filed under
 11 seal with the Court were disclosed to third parties in violation of the parties’ stipulated amended
 12 protective order, which was entered as an order of the Court on March 5, 2025. (Vartain Horn Decl. Ex.
 13 2.)² That Order prohibits the disclosure of discovery materials marked as confidential or highly
 14 confidential-attorneys’ eyes-only to parties not involved in the litigation. (*Id.* ¶¶ 7.1, 7.2.) It also
 15 provides that the parties may use such Protected Material “only for litigating or attempting to settle this
 16 litigation, including through mediation.” (*Id.* ¶ 7.1.) The Order provides that it “shall be binding upon
 17 the Parties, upon their attorneys,” and upon various agents of the Parties and their attorneys. (*Id.* ¶ 12.4.)
 18 “The Parties, their attorneys and employees of such attorneys, and their Expert witnesses, consultants and
 19 representatives retained in connection with this Action each expressly stipulates to the personal
 20 jurisdiction of this Court for the purposes of any proceeding brought by a Party to this Action to enforce
 21 this Stipulation and Order.” (*Id.*; see also *id.* ¶ 15 [Court’s retention of jurisdiction to enforce order even
 22 after the action has concluded].)

23 Uber took a number of steps to determine the source of the leak. First, it directed correspondence

25 ¹ On July 29 and 30, 2025, the Court issued its tentative rulings on Uber’s motions to seal confidential
 26 materials filed in connection with the summary judgment motion, which was heard and decided on July
 31, 2025. Plaintiffs’ opposition to that motion was filed on May 23, 2025, and was accompanied by a
 voluminous compendium of supporting evidence.

27 ² An earlier stipulated protective order was filed on September 14, 2022.

1 to Plaintiffs' lead counsel in this proceeding and the MDL. (Vartain Horn Decl. Exs. 13, 16.) Several of
 2 Plaintiffs' lead counsel responded, albeit not in the comprehensive and unequivocal terms that Uber
 3 asserts would be appropriate. (*Id.* Exs. 14, 15, 17.) Second, Uber sought and obtained the *Times'*
 4 assurance that it did not obtain access to the materials through File&ServeXpress, the Court's e-service
 5 vendor. (*Id.* Exs. 9-10.) Third, Uber looked into whether the sealed materials could have been disclosed
 6 by its own employees, attorneys, or other agents. It represents that “[o]nly Uber's legal department, a
 7 few other selected employees, and its outside counsel had access” to the complete set of Plaintiffs'
 8 opposition exhibits, and that “certain documents within the set (and quoted in the article) are generally
 9 unavailable at Uber outside of the legal department.” (Opening Brief, 12-13.) It has filed with its motion
 10 declarations certifying that Uber and each of its outside counsel contacted each employee, attorney and
 11 staff member who, “based on a reasonable investigation, may have had access to the compilation of
 12 sealed documents/exhibits (or a significant subset thereof) submitted in connection with Plaintiffs'
 13 summary judgment opposition in the JCCP,” and that each such person “confirmed that they had not
 14 shared or in any way provided access to any of the documents referenced in the Article to the *New York*
 15 *Times* or its agents, either directly or indirectly.” (Vartain Horn Decl. Exs. 4-9.)

16 Uber now moves to enforce the protective order. In particular, it requests the Court to order each
 17 Plaintiffs' counsel subject to the protective order “to conduct an investigation and to certify that they
 18 have no knowledge relating to how sealed information protected as confidential under the Protective
 19 Order was communicated to the *New York Times*,” or in the alternative to submit a declaration
 20 “indicating that their investigation revealed information concerning the source of this unauthorized
 21 disclosure to the Times and describing the circumstances of such disclosure.” (Motion, 1; Proposed
 22 Order, 2.) In particular, Uber asks the Court to order each Plaintiffs' counsel to sign a certification
 23 reciting as follows:

24 **CERTIFICATION OF INVESTIGATION FACTS**

25

26 1. I contacted each employee, contractor, consultant or agent (including expert
 27 witnesses) working with [INSERT FIRM NAME HERE], as well as any client who,
 28 to [the] best of my knowledge and based on a reasonable investigation, had access to

1 the compilation of sealed documents/exhibits (or a significant subset thereof)
 2 submitted in connection with Plaintiffs' summary judgment opposition in the JCCP.
 3 Each of the individuals confirmed to me they did not share or in any way provide
 4 access, directly or indirectly, to any of the documents referenced in the Article to the
 5 *New York Times* or its agents, either directly or indirectly. I did not contact
 6 consultants, contractors, agents, or experts that I knew were contacted by another law
 7 firm.

8

9 2. I do not have any knowledge or information relating to the identity of any person,
 10 entity, or organization that was involved in any way—either directly or indirectly—in
 11 sharing confidential information with the New York Times.

12 [OR]

13

14 3. The investigation described in paragraph 1 revealed information concerning the
 15 source of this unauthorized disclosure to the New York Times [and then describe the
 16 circumstances of the disclosure].

17 (Proposed Order, 3.)³ Plaintiffs oppose the motion.

18

19 **LEGAL STANDARD**

20 The Discovery Act authorizes a court to issue orders that justice requires to protect any party,
 21 deponent, or other natural person or organization from unwarranted annoyance, embarrassment, or
 22 oppression, or undue burden and expense, including an order directing that “a trade secret or other
 23 confidential research, development, or commercial information not be disclosed or be disclosed only to
 24 specified persons or only in a specified way.” (Code Civ. Proc. § 2025.420(b)(13).) Similar authority
 25 exists for document production under section 2031.060, which allows courts to order that the items
 26 produced be sealed and thereafter opened only on order of the court. (*Id.* § 2031.060.)

27 If a party or attorney violates a protective order by improperly disclosing materials filed under seal
 28 to third parties, such as the press, the violation is enforceable by contempt or monetary sanctions. (*Fox*
Searchlight Pictures, Inc. v. Paladino (2001) 89 Cal.App.4th 294, 317.) Federal courts follow the same
 rule. (See, e.g., *Lyn-Lea Travel Corp. v. American Airlines, Inc.* (5th Cir. 2002) 283 F.3d 282, 290-292
 [\$18,404 in sanctions awarded against party and counsel for violating protective orders by revealing

29

30 ³ The proposed certification is substantially similar to one that Uber and the MDL Plaintiffs' Leadership
 31 have been discussing for use in that proceeding. (Vartain Horn Decl. ¶¶ 25, 27-29 & Exs. 23, 25, 26.)

1 contents of sealed documents to the press, together with finding of contempt against counsel for filing
 2 complaint that quoted portions of the sealed documents]; *Ross v. University of Tulsa* (N.D. Okla. 2016)
 3 225 F.Supp.3d 1254 [in action against university for failing to protect plaintiff from sexual assault by
 4 student athlete, finding of civil contempt and sanctions against plaintiff's counsel for violating protective
 5 order by disclosing sealed deposition and other materials to journalist]; *Grove Fresh Distributors, Inc. v.*
 6 *John Labatt Ltd.* (N.D. Ill. 1995) 888 F.Supp. 1427, 1445-1447 [finding counsel in civil and criminal
 7 contempt for disclosing information under seal, in violation of court orders, in correspondence to
 8 intervenor organization of journalists and in conversation with New York Times reporter].)

10 DISCUSSION

11 On the record before the Court, there appears to be little room for doubt that sealed filings from
 12 this proceeding were improperly disclosed to third parties in violation of the protective order.⁴ Further,
 13 Uber has filed declarations with the Court that provide a substantial showing that neither Uber itself nor
 14 any of its outside counsel was responsible for the disclosure. Uber now seeks to require Plaintiffs'
 15 counsel in this proceeding to provide a similar written certification.⁵ Plaintiffs oppose the motion on
 16 several grounds. None is well-taken.

17 First, Plaintiffs contend that Uber lacks evidence to support its allegations. (Opposition, 3-4.) In
 18 particular, Plaintiffs point to the *Times* reporter's statement that her reporting was based on "thousands of
 19 pages of Uber documents, court records, and interviews with more than a dozen current and former Uber
 20 employees," and complain that Uber "has not provided any specifics on whether it investigated its own
 21 direct, substantial participation in the Times' reporting and, if so, any detail of what it found." (*Id.* at 4.)
 22 They also complain that the declarants conducted their investigations only after the *Times* article ran.
 23 (*Id.*) The Court is not persuaded. Whether or not Uber's current or former employees made themselves

24
 25 ⁴ The MDL Court reached the same conclusion. (See Vartain Horn Decl. Ex. 22, 1-2.)

26 ⁵ The Court previously declined to allow Uber to serve subpoenas on Plaintiffs' counsel shortly before
 27 trial. For any number of reasons, Uber's current request for written certifications by counsel is far less
 problematic.

1 available for interviews is besides the point, which is who disclosed the “thousands of pages of Uber
 2 documents,” many of them filed under seal with this Court. So is the timing of Uber’s investigation.

3 Second, Plaintiffs claim that Uber’s only legal authority does not support its position, and attempts
 4 to distinguish on their facts the two unpublished federal opinions on which it relies, which they contend
 5 “provide neither applicable authority nor underlying rationale to support Uber’s motion.” (Opposition, 1,
 6 5-6.) However, there can be no dispute that under controlling California law, this Court has broad
 7 authority to “compel obedience to its judgments, orders, and process.” (Code Civ. Proc. § 128(a)(4); see
 8 also *id.* § 1209(5) [contempt of the authority of the court includes “[d]isobedience of any lawful
 9 judgment, order, or process of the court”]; *In re Nolan W.* (2009) 45 Cal.4th 1217, 1230 [“It is well
 10 settled that the court has inherent power to enforce compliance with its lawful orders through
 11 contempt.”].) That principle necessarily implies that the Court also must have the authority to investigate
 12 suspected violations of its orders when they are brought to its attention. It does, as one California
 13 decision (which neither party cites) squarely held:

14 Clearly, the trial court has the authority and duty to investigate possible violations of its protective
 15 and seal orders by those subject to their provisions in order to protect the integrity of the judicial
 16 process, to assure the proper administration of justice and to perfect the record pertaining to an
 17 issue likely to raise on appeal. To this end the court is empowered to require the attendance of
 witnesses, including those not subject to the orders, and to compel nonprivileged testimony
 germane to the objects of the hearing.

18 (*Rosato v. Superior Court* (1975) 51 Cal.App.3d 190, 210 [court conducted hearing regarding source of
 19 leak of sealed grand jury transcript to The Fresno Bee newspaper at which 13 witnesses with access to the
 20 transcript, including counsel, testified];⁶ see also, e.g., *Lyn-Lea Travel Corp.*, 283 F.3d at 290 & fn. 14
 21 [magistrate judge made findings after hearing testimony of plaintiff’s president, who admitted that he
 22 spoke with numerous reporters during the course of the litigation, was quoted in one publication regarding

24 ⁶ In *Rosato*, the court also compelled journalists to testify and affirmed the trial court’s orders finding
 25 them in contempt for refusing to answer certain questions, holding that the shield law (Evidence Code
 26 section 1070) protected the press from revealing “any source other than those court officers subject to the
 27 orders issued by the court.” (51 Cal.App.3d at 224.) While that aspect of the court’s opinion is open to
 doubt (see, e.g., *In re Willon* (1996) 47 Cal.App.4th 1080, 1096-1097), it is not pertinent here, as Uber has
 not sought any relief against the *New York Times* or its reporter.

1 the contents of sealed documents, and acknowledged making such statements]; *Ross*, 225 F.Supp.3d at
 2 1260-1261 [after newspaper published article which defendant university contended contained factual
 3 information that could only have been obtained through documents produced in the litigation, university
 4 filed motion for contempt and requested evidentiary hearing, following which plaintiff stipulated that
 5 plaintiff's counsel provided the materials in question to the journalist based on his interpretation of the
 6 protective order].) If Plaintiffs' apparent position that the Court lacks any authority to look into violations
 7 of its own orders were to be accepted, it would render any such order a dead letter, not even worth the
 8 paper it is printed on. The Court flatly rejects that position. (See, e.g., *Branson v. Sharp Healthcare*
 9 (2011) 193 Cal.App.4th 1467, 1476 fn. 4 ["The power to enforce their decrees is necessarily incident to
 10 the jurisdiction of courts. Without such power, a decree would, in many cases, be useless. All courts
 11 have this power, and must necessarily have it; otherwise they could not protect themselves from insult, or
 12 enforce obedience to their process. Without it, they would be utterly powerless." (cleaned up)].)

13 Third, Plaintiffs protest that Uber's suspicion is based on a "bizarre premise": that Plaintiffs'
 14 counsel would have engaged in such a violation of the Court's Order, despite the years of litigation that
 15 preceded the *Times* article, the Court's tentative ruling on Uber's motions to seal, and the timing of the
 16 apparent disclosure, shortly before the September 8, 2025 trial date. (Opposition, 1, 6.) The Court
 17 disagrees. As Uber points out, it is plausible that the disclosure may have been intended to taint the jury
 18 pool, or perhaps to attract additional clients as plaintiffs. (Reply, 7-8.) Regardless, the fact remains that
 19 numerous documents filed under seal with the Court were improperly disclosed in violation of the Court's
 20 protective order. The Court will not close its eyes to that violation, which it takes seriously, merely
 21 because the Court is currently unaware of the responsible party's identity or motivation for violating its
 22 order.⁷

23
 24
 25 ⁷ Plaintiffs complain that Uber's motion is targeted at the JCCP Plaintiffs' Leadership Counsel (PLC).
 26 (Opposition, 1; see also *id.* at 7 ["an outlandish allegation launched at the entirety of Plaintiffs'
 27 Leadership Counsel."].) However, Uber has not accused any particular firm or group of firms of having
 violated the Court's protective order. Rather, it points out that there are 41 plaintiffs' firms involved in
 the JCCP. (Opening Brief, 11.)

1 Fourth and finally, Plaintiffs argue that Uber's decision not to file its motion with any substantive
2 redactions or to lodge it under seal "compounds any problem it has, exposes additional sensitive
3 information of non-parties, and demonstrates Uber is not actually concerned with protecting sensitive or
4 confidential information," but rather that "the real purpose behind its motion is to harass Plaintiffs and
5 their counsel." (Opposition, 2, 7.) Uber responds that it is obviously too late to seal the information
6 already published by the *Times*, and that the Court has already tentatively denied its motion to seal certain
7 of the exhibits in question. (Reply, 9-10.) The Court is unconvinced by Plaintiffs' attempt at deflection.

8 For these reasons, the Court hereby orders that each Plaintiffs' counsel in this proceeding who had
9 access to the sealed materials at issue (including those who may no longer be counsel of record) shall
10 conduct a reasonable investigation and either sign the certification attached as an exhibit to this Order or
11 else submit a declaration indicating that their investigation revealed information concerning the source of
12 this unauthorized disclosure to the *Times* and describing the circumstances of such disclosure. Plaintiffs'
13 leadership counsel (Co-Lead and Liaison Counsel) shall file the certifications with the Court no later than
14 November 24, 2025.

15

16 IT IS SO ORDERED.

17

18 Dated: October 22, 2025



19 Ethan P. Schulman
20 Judge of the Superior Court

21

22

23

24

25

26

27

28

Exhibit A

CERTIFICATION OF INVESTIGATION FACTS

3 1. I contacted each employee, contractor, consultant or agent (including expert witnesses)
4 working with [INSERT FIRM NAME HERE], as well as any client who, to best of my knowledge and
5 based on a reasonable investigation, had access to the compilation of sealed documents/exhibits (or a
6 significant subset thereof) submitted in connection with Plaintiffs' summary judgment opposition in the
7 JCCP. Each of the individuals confirmed to me they did not share or in any way provide access, directly
8 or indirectly, to any of the documents referenced in the Article to the *New York Times* or its agents, either
9 directly or indirectly. I did not contact consultants, contractors, agents, or experts that I knew were
10 contacted by another law firm.

11 2a. I do not have any knowledge or information relating to the identity of any person, entity or
12 organization that was involved in any way—either directly or indirectly—in sharing confidential
13 information with the New York Times.

14 [OR]

15 | 2b. The investigation described in paragraph 1 revealed information concerning the source of
16 | this unauthorized disclosure to the New York Times [and then describe the circumstances of the
17 | disclosure].

**CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6, and CRC 2.251)**

I, Edward Santos, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On October 22, 2025, I electronically served:

ORDER GRANTING UBER'S MOTION TO ENFORCE THE PROTECTIVE ORDER

via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Date: OCT 22 2025

Brandon E. Riley, Court Executive Officer

By: *Edward J. Santos*
Edward Santos, Deputy Clerk

K. Fournier Decl. Exhibit 3



CAOC News

[All Posts](#) | [RSS](#)

All Author



It r

CAOC Launches New Campaign: Every 8 Minutes

Posted by: Julie Gossett on Oct 27, 2025



No Corporation is Above the Law. New Campaign Exposes Uber's Darkest Secret: a Case of Sexual Assault or Misconduct is Reported to the Company Every 8 Minutes.

Today, we unveil a robust ad campaign to force transparency, strengthen safety standards, and stop the silencing of sexual assault survivors. As noted in Politico's *First in Playbook*, "California trial lawyers are swinging back at Uber after the rideshare company filed a ballot initiative to cap auto collision lawsuit payouts, airing a video ad blasting the company over reports of its alleged mishandling of sexual assault by its drivers."

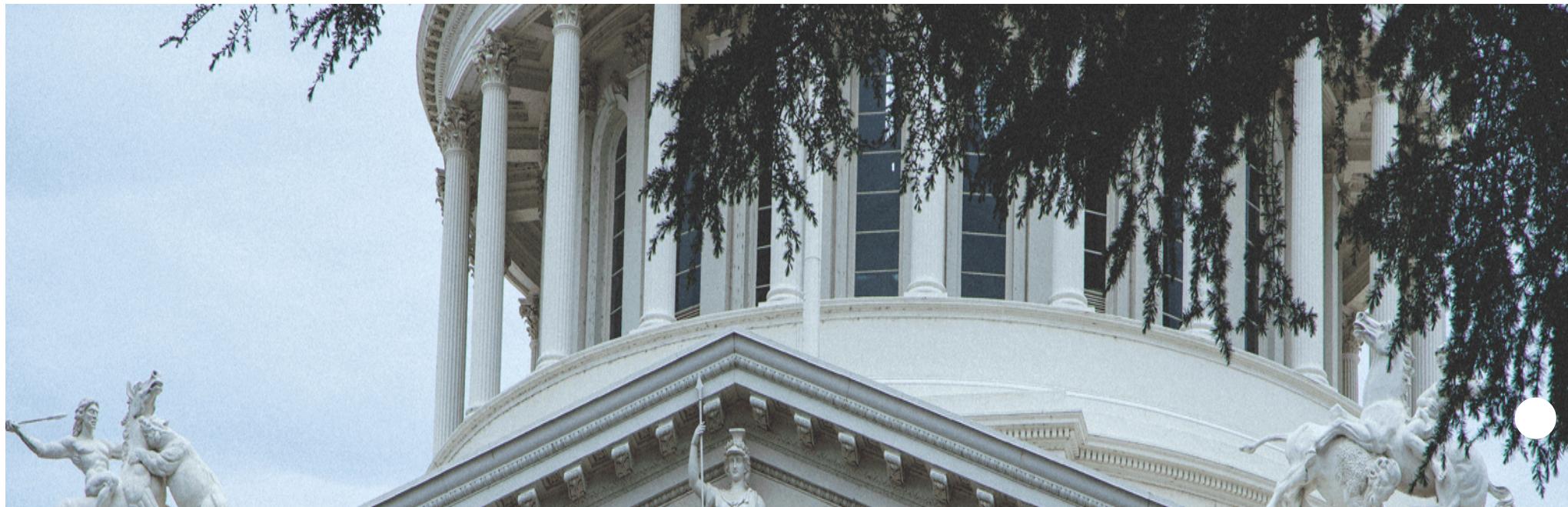
Our expansive, seven-figure campaign will launch with premier spots during popular sporting events, including during the World Series, Monday Night Football, and NBA Games. The campaign video is already looping on trucks around the state of California, including outside of those events. Additionally, ads will be placed on billboards near high-traffic rideshare pickup locations. No corporation is above the law, and this new campaign seeks to expose the truth: **a case of sexual assault or misconduct is reported to the company almost every 8 minutes. Visit every8minutes.com to learn more.**

QUICK WAYS TO HELP US IN THE FIGHT:

1. Contribute to CAOC's **Initiative Defense Fund** to ensure we have the necessary resources to protect California consumers.
2. **Recruit CAOC members.** The more members CAOC has, the more power we all have, and the easier it will be for us to communicate urgent updates and calls to action.

Consumer Attorneys of California (CAOC) is a 501(c)(6) professional organization of plaintiffs' attorneys representing consumers seeking accountability against wrongdoers in cases involving personal injury, product liability, environmental degradation and other causes. For membership inquiries and to join the fight, email member@caoc.org to connect with the team.

K. Fournier Decl. Exhibit 4



2026 CAOC OFFICERS



President
Douglas S. Saeltzer
Walkup, Melodia, Kelly &
Schoenberger
San Francisco, CA



President-Elect
Casey Johnson
Aitken*Aitken*Cohn
Los Angeles, CA



First Vice President

Paul Matiasic

The Matiasic Firm, P.C.
San Francisco, CA



Second Vice

President

Abbas Kazerounian
Kazerouni Law Group,
APC



Third Vice President

Anne Marie Murphy
Cotchett, Pitre &
McCarthy, LLP
Burlingame, CA



Fourth Vice President

Brett Schreiber

Singleton Schreiber,
LLP
San Diego, CA



Secretary

Sarah London

Girard Sharp LLP
San Francisco, CA



Treasurer

Alexis Gamliel

Gamliel Law, P.C.
Los Angeles, CA



Financial Secretary

Valerie McGinty

Law Office of Valerie T.
McGinty
San Mateo, CA



Parliamentarian

Christa H. Ramey

ACTS Law
Encino, CA



Immediate Past

President

Geoffrey Wells
Greene Broillet &
Wheeler, LLP
El Segundo, CA



Diversity Representative

Michael Bracamontes

Bracamontes & Vlasak, P.C.
Oakland, CA



Women's Caucus Representative

Kelly Hanker

Trial Lawyers For Justice
Encino, CA



New Lawyers Representative
Casey Hultin
Hultin Law, PC
San Francisco, CA



Chief Executive Officer
Nancy Drabble
Consumer Attorneys of California
Sacramento, CA

K. Fournier Decl. Exhibit 5



2026 CAOC BOARD OFFICERS

President

Douglas S. Saeltzer

Financial Secretary

Valerie T. McGinty

President-Elect

Casey R. Johnson*

Parliamentarian

Christa H. Ramey

First Vice President

Paul Matiasic

Immediate Past President

Geofrey S. Wells

Second Vice President

Abbas Kazerounian

Chief Executive Officer

Nancy Drabble

Third Vice President

Anne Marie Murphy

Diversity Committee

Representative

Michael Bracamontes

Fourth Vice President

Brett Schreiber*

Women's Caucus Representative

Casey Hultin

Secretary

Sarah R. London*

New Lawyers Representative

Kelly Hanker

Treasurer

Alexis R. Gamlie

BOARD OF DIRECTORS

Darren O. Aitken	Daniel Kramer
Kristy M. Arevalo	Teresa Li
Jason N. Argos	Daren H. Lipinsky
Christopher T. Aumais	Kenneth M. Lipton
Jonathan Bakhsheshian	Neda L. Lotfi
Robert Bale	Geraldine G. Ly
Ian Barlow	Duffy Magilligan
Neil P. Berman	Sahar Malek
Shehnaz M. Bhujwala	Jon O. Markarian
Tony Blain	Amy R. Martel
Timothy G. Blood	Virginia L. Martucci
Paula Brown	Diane Matthews
Kelsey L. Campbell	Molly McKibben
Mary Lee Caruso	Andje M. Medina
David S. Casey, III	John Michael Montevideo
Stuart R. Chandler	Kipp Mueller
Walter T. Clark	Minh T. Nguyen
Terrence J. Coleman	Gary Partamian
Siannah Collado	Tamarah Prevost*
Scott J. Corwin	Gilbert L. Purcell
Ben J. Coughlan	Shalini Quattlebaum
Cynthia A. Craig	Amanda L. Riddle
Margot Cutter	Daniel S. Robinson
Jessica Dayton	Douglas Rochen
Vanessa Deniston	Catalina Rodas
Edward P. Dudensing	Dylan Ruga
Ingrid M. Evans*	Bobby Saadian
Sarvenaz (Nazy) Fahimi	Allison Schulman
Justin P. Farahi	Benjamin W. Scott
Thomas S. Feher	Ibiere Seck*
Jennifer Fiore	Lillian Sedaghat
Kirsten M. Fish	William D. Shapiro
Michelle Fonseca-Kamana	
Cristina Garcia	

Neil Gehlawat
Justin M. Gingery

Jamie G. Goldstein*
Laurel Halbany*
Alexandra A. Hamilton
Srinivas Hanumadass*
Jordon Harlan
Genie E. Harrison
Carlos Hernandez
Elizabeth A. Hernandez
Benjamin Ikuta
Michael Jeandon
Teresa Ann Johnson
Shant A. Karnikian
Casey A. Kaufman
Mike R. Kazerouni
Mikayla G. Kellogg
Thomas Kensok
Sarah Scheckel Kim
Justin H. King
Lawrence M. Knapp

DIRECTORS EMERITUS

Thomas M. Dempsey
Joseph F. Harbison, III
Paul R. Kiesel
M. Lawrence Lallande, Sr.
Barbara A. Lawless
E. Gerard Mannion

Kellen Sinclair
Sandra Speed
Chandra G. Spencer
Steven B. Stevens
Olivier A. Taillieu
Holli P. Thier
Bobby Thompson*
Joseph E. Tomasik
Puneet K. Toor
Tiega N. Varlack*
Lauren M. Vogt
Bradley S. Wallace
Brendan D.S. Way
Kelly W. Weil
Joshua D. White
Twila S. White
David L. Winnett
Kimberly Wong
Julia Yoo
Steven R. Young
Frederick Schenk*
Kenneth M. Sigelman
Antony Stuart
Steven J. Weinberg
J.D. Zink

PAST PRESIDENTS COUNCIL

Wylie A. Aitken	J. Gary Gwilliam
Mary E. Alexander	Lee S. Harris
Mike Arias*	Ian Herzog
Sharon J. Arkin	Brian S. Kabateck
David B. Baum	Micha Star Liberty*
Gregory L. Bentley	Niall P. McCarthy
Raymond P. Boucher	Wayne McClean
Thomas J. Brandi	John A. Montevideo
Bruce A. Broillet	Gary M. Paul
Bruce M. Brusavich	Craig M. Peters*
Robert E. Cartwright, Jr.	Frank M. Pitre
David S. Casey, Jr.	Gregory G. Rizio
Deborah Chang	Mark P. Robinson, Jr.
Brian D. Chase	Elise Sanguinetti
Douglas K. deVries	William M. Shernoff
Christopher B. Dolan	Rick Simons
Laurence E. Drivon	Christine D. Spagnoli*
Don A. Ernst	Kathryn Stebner
John M. Feder	
Sanford M. Gage	
Browne Greene	

* AAJ Board

1 Laura Vartain Horn (SBN 258485)
2 **KIRKLAND & ELLIS LLP**
3 555 California Street, Suite 2700
San Francisco, CA 94104
4 Telephone: (415) 439-1625
laura.vartain@kirkland.com

5 Jessica Davidson (Admitted *Pro Hac Vice*)
6 Christopher D. Cox (Admitted *Pro Hac Vice*)
7 **KIRKLAND & ELLIS LLP**
8 601 Lexington Avenue
New York, NY 10022
Telephone: (212) 446-4800
jessica.davidson@kirkland.com
christopher.cox@kirkland.com

9 Allison M. Brown (Admitted *Pro Hac Vice*)
10 **KIRKLAND & ELLIS LLP**
11 2005 Market Street, Suite 1000
Philadelphia, PA 19103
Telephone: (215) 268-5000
alli.brown@kirkland.com

12 *Attorneys for Defendants*
13 UBER TECHNOLOGIES, INC., RASIER, LLC,
and RASIER-CA, LLC

14
15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

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

20 This Document Relates to:

21 *Jaylynn Dean v. Uber Technologies, Inc. et al.*,
22 Case No. 3:23-cv-06708-CRB

Case No. 3:23-md-03084-CRB (LJC)

CERTIFICATE OF SERVICE

Judge: Hon. Charles R. Breyer
Date: January 6, 2026
Time: 10:00 a.m.
Courtroom: 6 – 17th Floor

1 I, the undersigned, hereby certify that on December 2, 2025, I electronically filed the foregoing
2 documents with the Clerk of the Court, using the CM/ECF system, which will send notification of such
3 filing to the counsel of record in this matter who are registered on the CM/ECF system.
4

5

1. **DEFENDANTS UBER TECHNOLOGIES, INC., RASIER, LLC, AND RASIER-CA,
2. LLC'S NOTICE OF MOTION AND MOTION FOR (1) POSTPONEMENT OF FIRST
3. BELLWETHER TRIAL AND RELATED RELIEF, AND (2) THIRD-PARTY SUBPOENA
4. REGARDING MISLEADING AD CAMPAIGN**
5. **[PROPOSED] ORDER REGARDING DEFENDANTS' MOTION FOR (1)
6. POSTPONEMENT OF FIRST BELLWETHER TRIAL AND RELATED RELIEF, AND
7. (2) THIRD-PARTY SUBPOENA REGARDING MISLEADING AD CAMPAIGN**
8. **3. DECLARATION OF KRISTEN RENEE FOURNIER**

9

10 I declare under penalty of perjury under the law of the State of California that the foregoing is
11 true and correct. Executed on December 2, 2025 in San Francisco, California.

12

13 */s/ Laura Vartain Horn*
14 LAURA VARTAIN HORN

15
16
17
18
19
20
21
22
23
24
25
26
27
28