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 7

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

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

MDL No. 3084 CRB

Honorable Charles R. Breyer

JURY TRIAL DEMANDED

13 This Document Relates to:
 14 *Jane Doe QLF 001 v. Uber Technologies,*
Inc., et al.; C.A. No. 3:24-cv-08783

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

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

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

24 Plaintiff, by and through her undersigned counsel, alleges as follows:
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1 **I. DESIGNATED FORUM**¹

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

4 This cause was first filed in the 415th District Court of Parker County, Texas, CV23-1343.
5 On the date of the filing of this short-form complaint in the MDL, Plaintiff filed a motion to abate
6 that state court proceeding, pending further proceedings in the MDL.

7 In the event Plaintiff had filed a case in federal court, the likely venue would have been the
8 United States District Court, Northern District of Texas, Fort Worth Division.

9
10 (“Transferee District Court”)

11 **II. IDENTIFICATION OF PARTIES**

12 **A. PLAINTIFF**

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

16 Jane Doe QLF 001

17 (“Plaintiff”).

- 18 2. At the time of the filing of this *Short-Form Complaint*, Plaintiff resides at:
19 Fort Worth, Tarrant County, Texas.

- 20 3. Not applicable.
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27 ¹ See Pretrial Order No. 6, at II(C) (ECF No. 177).
28

B. DEFENDANT(S)

1. Plaintiff names the following Defendants in this action.

☒ 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 Tarrant County, Texas on June 9, 2020.

2. The Plaintiff 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 902 West Division Street, Arlington, Tarrant County, Texas. The requested destination of the relevant ride was

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.

104 East Bluebonnet Drive, Cresson, Parker County, Texas. The driver was named Victor Huynh Le.

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
☐	I	NEGLIGENCE (including Negligent Hiring, Retention, Supervision, and Entrustment)
☐	II	FRAUD AND MISREPRESENTATION
☐	III	NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
☐	IV	COMMON CARRIER'S NON-DELEGABLE DUTY TO PROVIDE SAFE TRANSPORTATION ⁵
☐	V	OTHER NON-DELEGABLE DUTIES TO PROVIDE SAFE TRANSPORTATION ⁶
☐	VI	VICARIOUS LIABILITY FOR DRIVERS' TORTS - EMPLOYEE
☐	VII	VICARIOUS LIABILITY FOR DRIVERS' TORTS - APPARENT AGENCY
☐	VIII	VICARIOUS LIABILITY FOR DRIVERS' TORTS - RATIFICATION
☐	IX	VICARIOUS LIABILITY FOR DRIVERS' TORTS - Cal. Public Utilities Code § 535

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**.

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**.

☐	X	STRICT PRODUCTS LIABILITY - DESIGN DEFECT
☐	XI	STRICT PRODUCTS LIABILITY - FAILURE TO WARN
☐	XII	STRICT PRODUCTS LIABILITY - PRODUCT LIABILITY ACTS
☐	XIII	UNFAIR COMPETITION LAW - Cal. Bus. & Prof. Code § 17200 et seq.

These claims are asserted subject to the Court's rulings, including, but not limited to, the order dated August 15, 2024 (Doc. 1044), and any subsequent pleadings of the parties and/or orders of the Court.

IV. ADDITIONAL CAUSES OF ACTION AND/OR ALLEGATIONS

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:

None at this time.

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:

None at this time.

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 Dated: December 5, 2024

Respectfully submitted,

2 By: /s/ M. Kevin Queenan

3 M. Kevin Queenan, TX SBN 16427150

Appearance pro hac vice

4 Carlos Lopez, TX SBN 24083414

Appearance pro hac vice

5 731 Station Drive

Arlington, Texas 76015

6 (817) 635-3333

7 (817) 635-4444 (fax)

8 ATTORNEYS FOR

PLAINTIFF JANE DOE QLF 001

9 OF COUNSEL:

10 **QUEENAN LAW FIRM, P.C.**

731 Station Drive

11 Arlington, Texas 76015

(817) 635-3333

12 (817) 635-4444 (fax)

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings 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. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. a PLAINTIFFS

Jane Doe QLF 001

(b) County of Residence of First Listed Plaintiff

Tarrant County, Texas

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

M. Kevin Queenan & Carlos Lopez
Queenan Law Firm, P.C., 731 Station Drive, Arlington, Texas 76015
(817) 635-3333

DEFENDANTS

Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC

County of Residence of First Listed Defendant

San Francisco County, California

(IN U.S. PLAINTIFF CASES ONLY)

NOTE:

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1

U.S. Government Plaintiff

3

Federal Question

(U.S. Government Not a Party)

2

U.S. Government Defendant

4

Diversity

(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State

PTF 1

DEF 1

Citizen of Another State

2

2

Citizen or Subject of a Foreign Country

3

3

Incorporated or Principal Place of Business In This State

PTF 4

DEF 4

Incorporated and Principal Place of Business In Another State

5

5

Foreign Nation

6

6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
110 Insurance	PERSONAL INJURY 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	PERSONAL INJURY 365 Personal Injury – Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability PRISONER PETITIONS HABEAS CORPUS 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty OTHER 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee– Conditions of Confinement	625 Drug Related Seizure of Property 21 USC § 881 690 Other LABOR 710 Fair Labor Standards Act 720 Labor/Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Employee Retirement Income Security Act IMMIGRATION 462 Naturalization Application 465 Other Immigration Actions	422 Appeal 28 USC § 158 423 Withdrawal 28 USC § 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 835 Patent–Abbreviated New Drug Application 840 Trademark 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY 861 HIA 1395ff 862 Black Lung 923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS–Third Party 26 USC § 7609	375 False Claims Act 376 Qui Tam (31 USC § 3729(a)) 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced Corrupt Organizations 480 Consumer Credit 485 Telephone Consumer Protection Act 490 Cable/Sat TV 850 Securities/Commodities/ Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes
140 Negotiable Instrument 150 Recovery of Overpayment Of Veteran's Benefits 151 Medicare Act 152 Recovery of Defaulted Student Loans Excludes Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property					

V. ORIGIN (Place an "X" in One Box Only)

1

Original Proceeding

2

Removed from State Court

3

Remanded from Appellate Court

4

Reinstated or Reopened

5

Transferred from Another District (specify)

6

Multidistrict Litigation–Transfer

8

Multidistrict Litigation–Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1332

Brief description of cause:

State law negligence cause of action

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.

DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: 8 Yes 9 No

VIII. RELATED CASE S, IF ANY (See instructions):

JUDGE Charles R. Breyer

DOCKET NUMBER 3:23-md-03084-CRB

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

1

SAN FRANCISCO/OAKLAND

2

SAN JOSE

3

EUREKA-MCKINLEYVILLE

DATE 12/05/2024

SIGNATURE OF ATTORNEY OF RECORD /s/ M. Kevin Queenan

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.