

Woman Raped By Driver In India Hits Uber With Privacy Suit

By **Linda Chiem**

Law360, New York (June 15, 2017, 3:49 PM EDT) -- Uber was hit with a California federal suit Thursday by a woman who was raped by her Uber driver in India in 2014, accusing company executives of mishandling her medical records and trying to discredit her account of the rape by peddling theories that a rival ride-hailing giant was behind it.

The woman, a Texas resident listed only as Jane Doe in the complaint, is going after Silicon Valley-based Uber Technologies Inc., CEO Travis Kalanick, who just this week **took an indefinite leave of absence** amid growing scandals at the company, as well as Eric Alexander, Uber's former vice president for business in Asia, and Emil Michael, Uber's former senior vice president for business.

It was just confirmed earlier this week that Michael **left the company** following multiple reports that said an investigation into workplace culture by Covington & Burling LLP recommended his exit.

Doe says she's bringing suit for intrusion into her private affairs, public disclosure of private facts, and defaming her character. She accuses the company and the named executives of focusing on "whether she was really raped at all," and painting her as an opportunist and a liar, and blasts them for trying to discredit her by peddling an "irrational and fictitious story about a rival ride-sharing company being involved in her rape account," according to the complaint.

"Uber executives duplicitously and publicly decried the rape, expressing sympathy for plaintiff, and shock and regret at the violent attack, while privately speculating, as outlandish as it is, that she had colluded with a rival company to harm Uber's business," the complaint says.

Doe alleges that after her sexual assault, Alexander went directly to Delhi, India, where he managed to obtain Doe's confidential, private medical records generated by physicians who examined her after the rape. Alexander showed the records to Kalanick and Michael, the suit alleges, and all three of them discussed the medical records among themselves as well as other Uber staff members, "speculating that plaintiff had made up the brutal rape in collusion with a rival of Uber in India in order to undermine Uber's business."

"Plaintiff was devastated when she learned that her extremely private, confidential medical records had been passed around Uber," the suit says.

In December 2014, Doe was sexually assaulted and raped by an Uber driver named Shiv Kumar Yadav, who had driven Doe off-route to a remote and secluded area of Delhi, India.

Two days after the incident, Kalanick, Uber's CEO, issued a public statement: "What happened over the weekend in New Delhi is horrific. Our entire team's hearts go out to the victim of this despicable crime. We will do everything, I repeat, everything to help bring this perpetrator to justice and to support the victim and her family in her recovery."

The Uber driver in India, Yadav, was convicted and sentenced to life in prison by a Delhi court in 2015 for the rape.

Doe's suit comes at a time when Uber is navigating a minefield of scandals surrounding its workplace culture and allegations of sexual harassment and misconduct that has resulted in the firing of at least 20 staffers and the company CEO taking an indefinite leave amid an ongoing reevaluation of his role and responsibilities.

The company also is down one board member after TPG Capital co-founder David Bonderman **resigned from Uber's board of directors** Wednesday, a day after making a disrespectful comment about women during an all-hands meeting that discussed a high-profile report on how the company can make its internal culture more inclusive.

Kalanick announced that he will take an indefinite leave of absence from Uber following the death of his mother after a recent boating accident, and a workplace culture report from Covington & Burling LLP released Tuesday that recommended the board of directors evaluate the CEO's responsibilities and role with the company.

Uber hired Covington's Eric Holder, the former U.S. attorney general under President Barack Obama, and Tammy Albarrán to review the company's policies and procedures in February just one day after ex-Uber engineer Susan Fowler posted a blog alleging systemic harassment and discrimination at the company. Their resulting recommendations were unanimously approved by Uber's board of directors on Sunday and released publicly Tuesday.

The first in a list of 12 pages of recommendations instructed Uber to "review and reallocate the responsibilities of Kalanick." In a staffwide email Kalanick sent to employees, he told the company it's difficult to put a timeline on the anticipated length of his absence as he grieves his mother, who was buried Friday, and broadly reflects.

Uber also confirmed earlier this week that Michael, the company's senior vice president for business, has since left the company, while **20 employees were fired** last week after a separate investigation from Perkins Coie LLP into allegations of harassment, discrimination and inappropriate behavior.

Press representatives for Uber did not immediately respond to a request for comment Thursday.

Jane Doe is represented by Douglas H. Wigdor, Jeanne M. Christensen and Elizabeth J. Chen of Wigdor LLP and by Jamie C. Couche of Anderson & Poole PC.

Counsel information for the Uber defendants was not immediately available Thursday.

The case is Jane Doe v. Uber Technologies Inc. et al., case number 3:17-cv-03470, in the U.S. District Court for the Northern District of California.

--Additional reporting by Melissa Daniels and John Kennedy. Editing by Orlando Lorenzo.