

OPEN LETTER

FROM: KATHERINE, LAUREN, SOPHIA, K.B., RACHEL, JANE DOE 6,
STEPHANIE, JOY, JENNIFER, SASHA, ANNIE, ELIZABETH, BRIANA
AND ADDISON

TO: BOARD OF DIRECTORS, UBER TECHNOLOGIES, INC.

DATE: APRIL 26, 2018

RE: WOMEN'S SAFETY AT UBER TECHNOLOGIES, INC.

Dear Board of Directors:

We write this open letter to request that Uber Technologies, Inc. ("Uber") voluntarily release us from the arbitration provision contained in the consumer agreement to the Uber app so that we are able to pursue our claims of sexual assault, rape, sexual harassment and gender-motivated violence through our court system, rather than in a confidential arbitration. The reason for our request is simple. Uber's messages to the public are:

- "We help improve access to transportation, and make streets safer."
- "We do the right thing, period."

Secret arbitration is the opposite of transparency. Forcing female riders, as a condition of using Uber's app, to pursue claims of sexual assault and rape in secret arbitration proceedings does not "make streets safer." In fact, **it does the opposite**. Silencing our stories deprives customers and potential investors from the knowledge that our horrific experiences are part of a widespread problem at Uber. This is not doing the "right thing." Secret arbitration takes away a woman's right to a trial by a jury of her peers and provides a dark alley for Uber to hide from the justice system, the media and public scrutiny.

We are not alone in holding this position. Since the dawn of the #MeToo movement, companies and legislatures across the country have recognized that forcing women into confidential arbitration proceedings is both tremendously harmful and contrary to all notions of justice. Many companies and firms, including Microsoft and Orrick, Herrington & Sutcliffe LLP, among others, are voluntarily doing away with arbitration agreements, particularly for claims of sexual harassment, simply in recognition that such agreements are wrong. When Microsoft decided to do away with forced arbitration for victims of sexual harassment, it issued the following statement: "The silencing of people's voices has clearly had an impact in perpetuating sexual harassment."

The United States Congress and New York State Senate have passed legislation that would, if enacted, prohibit employers from requiring victims of sexual harassment or assault to proceed in arbitration. The New York City Council recently passed legislation calling on the federal

government to enact legislation that would prohibit employers from requiring victims of sexual harassment or assault to proceed in arbitration.

The call for elimination of forced arbitration is even more compelling for female consumers like us. When we created Uber accounts, we believed Uber's promise to provide a "safe ride." We trusted a company operating in the space of transportation for hire to mean what it says, and we never thought that Uber would perpetuate physical violence against women. But that is exactly what Uber is doing and what it has been doing for years. In response to a lawsuit we filed in the United States District Court for the Northern District of California, Jane Doe, et al. v. Uber Technologies, Inc., Index. No. 17-cv-06571, Uber is aggressively trying to force our stories of sexual violence by Uber drivers into confidential arbitration.

Along with Uber's claim of "changing the logistical fabric of cities around the world" comes a moral obligation to lead by example and be at the forefront of social justice movements. We are sure you would agree with that proposition, as you said in recent public statements that Uber is:

"Building a company that every employee and shareholder can be proud of."

Uber claims that it is positioning itself for an epic IPO, but does Uber really believe that shareholders will stand by when they learn that sexual assaults and rapes as we experienced occur on a **near weekly basis**? Investors deserve to know the ugly truth that Uber is desperately trying to hide. We share only a few facts from our own personal experiences that rape kits, hospital records and police investigations verify:

- Miami, October 15, 2016: Uber driver Nimer Abdallah drove me home and, without my consent, used the opportunity to enter my apartment, remove my underwear and pants, kiss my breasts, digitally penetrate my vagina, and insert his penis into my vagina. When Abdallah was arrested and charged, he admitted to engaging in these abhorrent and violent acts. The pain, suffering and humiliation from this sexual violence haunt me each day. – **Katherine**
- Los Angeles, January 18, 2017: Uber driver Miguel Last Name Unknown ("LNU") was supposed to take me home when I suddenly woke up in a vacant area, in the backseat of the Uber, to realize that Miguel LNU was engaging in oral sex on me without my consent. He drove me home, entered my apartment and forced me to engage in intercourse against my will. Miguel LNU texted and called me multiple times the next day. It is not possible to describe the harm I experienced from what this Uber driver did to me. – **Lauren**
- Pasadena, December 16, 2017: My friend ordered an Uber on his app to take me home. During the ride, I drifted in and out of consciousness. I was jolted awake when my Uber driver began sexually assaulting me. My driver was arrested and charged with digital penetration and oral copulation. Uber's refusal to provide information to authorities has curtailed further criminal proceedings against the driver. This horrific crime has changed my life. – **Jane Doe 6**

- Brooklyn, July 17, 2017. I took an Uber Pool from Manhattan to Brooklyn. When I tried to exit the vehicle, the Uber driver jumped into the backseat, groped my body and forcibly tried to kiss me. I escaped only by hitting the driver in the face so that I had time to flee. He yelled and threatened me from his car as I frantically tried to unlock the door to my home. Although I immediately reported what happened to Uber, shockingly, this predator continues to drive for Uber to this day. I am 21 years old and will have to live with this the rest of my life. – **Stephanie**
- Los Angeles, March 7, 2018. I took an Uber from my boyfriend’s house to my sister’s apartment. After the Uber driver missed the exit for my sister’s apartment, he continued to drive and told me, “you’re coming home with me.” He forced me into his apartment complex, where I feared that he was going to kill me. Once in his apartment, the Uber driver grabbed me from behind, dragged me into his bedroom and forcibly raped me. As a result of the trauma this event has caused, I resorted to physically harming myself, and am currently seeking and receiving psychological treatment. – **Addison**
- San Jose, March 14, 2018. I took an Uber from my home to a job interview. During the course of the ride, my Uber driver made inappropriate comments, including that he was “very good at sex.” This vulgar driver then pulled out his penis and masturbated during the ride. Since this incident, I have seen the driver on five separate occasions lingering in his car on the street outside of my apartment complex. On two occasions, he has seen me and made a threatening gesture of sliding his thumb across his neck to imitate slicing my throat. I have sought an order of protection and I live in constant fear of this Uber driver and whether he will harm me in the future. – **Annie**

Board Directors, we, as women, think that forcing female riders that have suffered rape, sexual assault and gender-motivated violence to pursue their claims in arbitration rather than in court serves to facilitate more incidents of such crimes and victimizes women a second time. Silencing our stories and the stories of countless other female victims emboldens predators by failing to hold them accountable. This vicious cycle perpetuates senseless violence. Uber’s condition of forced arbitration makes future suffering by women like us a near certainty unless Uber decides to “do the right thing” and change.

If Uber is sincere about providing safe rides, then it must take the steps needed to assure female riders that accepting use of the Uber app is not tacit approval to be the victim of an unwanted sexual assault or rape. If Uber really means that it is building a company that shareholders can be proud of, then it needs to disclose the seriousness about the violence male drivers have inflicted on women like us. Uber needs to be transparent with the public about the frequency of these heinous crimes and the fact they happen in cities everywhere, domestically and abroad. If Uber is the great force of change it claims, then you, as the Board of the Directors, should jump at the opportunity to make positive changes for women who order rides with Uber. Our request to proceed with our case in an open, public forum, rather than behind the secret doors of arbitration, is just one such opportunity for Uber to “do the right thing.”

As you know, we are represented by Jeanne M. Christensen and Kenneth D. Walsh, attorneys at Wigdor LLP. However, for the reasons described above, we wanted to personally reach out to ask that you release us from the arbitration provision that Uber claims is enforceable so that we can pursue our claims in court – a constitutional and fundamental right.

We look forward to your response.

Sincerely,

Katherine, Lauren, Sophia, K.B., Rachel, Jane Doe 6, Stephanie, Joy, Jennifer, Sasha, Annie, Elizabeth, Briana and Addison