

New Delhi rape victim sues Uber, CEO Travis Kalanick for unlawfully obtaining medical records

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An Indian woman raped by an Uber driver in New Delhi in 2014 has filed a lawsuit against the ride-hailing company and its embattled CEO Travis Kalanick for "unlawfully" obtaining her medical records and engaging in offensive conspiracy theories about the brutal incident.

The woman, identified only as Jane Doe in the 18-page lawsuit filed in federal court in California yesterday, said Uber has taken start-up culture, in which "fierceness" and "always be hustling" are prioritised above people to a new extreme, "perpetuating rape culture and violating all bounds of decency as to customer privacy".

It is for the second time that the woman has sued Uber.

She said was "violated physically" when she was brutally raped in Delhi by her Uber driver Shiv Kumar Yadav in December 2014 and then a second time when her medical records stemming from the sexual assault were inappropriately obtained and shared by the company's top executives.

"Sadly, in the United States, Uber executives violated her a second time by unlawfully obtaining and sharing her medical records from that vicious sexual assault and have failed, as of the date of this filing, to apologise to her for this outrageous conduct," the lawsuit said.

The lawsuit has been filed against Uber, Kalanick, who has taken an indefinite leave of absence, Uber's former Vice President for Business in Asia Eric Alexander and the company's then-Senior Vice President for Business Emil Michael.

In the wake of the December 2014 incident, Kalanick had said his company would do "everything" to help bring the perpetrator to justice and to support the victim and her family in her recovery.

Douglas Wigdor, the lawyer representing the woman who currently lives in Texas, filed the suit on her behalf.

"It is shocking that Travis Kalanick could publicly say that Uber would do everything to support our client and her family in her recovery when he and other executives were reviewing illegally obtained medical records and engaging in offensive and spurious conspiracy theories about the brutal rape she so tragically suffered," Wigdor said in an email response to PTI on the lawsuit.

He added that rape denial is just another form of the "toxic gender discrimination" that is "endemic" at Uber and "ingrained" in its culture.

"Hopefully, this lawsuit coupled with the changes recommended by the independent counsel will create real change and reform at Uber and elsewhere," he said.

The lawsuit also takes strong objection to the speculation by Kalanick, Alexander and Michael on whether the woman had been raped at all and if she was colluding with rival Indian ride-hailing company Ola to "jettison" Uber's business in the country.

The lawsuit said that after the woman's sexual assault, Alexander went directly to Delhi where he managed to obtain her confidential, private medical records generated by physicians who examined her after the brutal rape.

Alexander then showed the records to Kalanick and Michael and the three "discussed the records among

themselves and with other staff at Uber, 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", a reference to Uber's rival taxi/ride-hailing company Ola.

"By focusing on 'whether she was really raped at all', and painting Plaintiff as an opportunist and a liar, defendants seemed to be assuring themselves that the only reason why a woman would report a sexual assault is for personal gain, rather than to prevent similar crimes from occurring again or to right an injustice," the lawsuit said.

It added that 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 woman had filed a lawsuit in January 2015 against Uber arguing that the company did not adequately screen its drivers and its "negligence and fraud" led to her being sexually assaulted and humiliated.

However, in February, the woman had "voluntarily" dismissed the lawsuit.

Last week, Uber terminated Alexander and it also announced that it had fired 20 other employees over the last few months for harassment, discrimination and inappropriate behavior.

Facing allegations of sexual harassment and a toxic work environment, Uber unveiled this week a list of recommendations from a law firm that investigated Uber's work culture.

The recommendations include that Uber should establish key metrics to which its leaders will be held accountable in the performance review process.

Kalanick announced he will take an indefinite leave of absence, saying in an email to employees that he would take time off to work on himself and reflect on building a "world-class leadership team" for the company.