

Uber filed a motion to compel alleged sexual assault victims to settle some claims under arbitration

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Uber announced today that it would no longer force plaintiffs alleging sexual assault to arbitrate their litigation against the company, but it still plans to enforce arbitration in other cases — which includes preventing riders from filing class action claims.

Uber has specifically attempted to compel the nine women who first called on Uber to waive arbitration after filing a class action suit against the company to arbitrate some of their claims.

Those women allege that they were assaulted by their drivers and are suing the company for false advertising, among other things. Uber is asking a judge to prohibit the women from pursuing in open court the claims that are not related explicitly to the alleged sexual assaults.

Before today, riders had to litigate all their issues against the company in a closed forum or arbitration. Today, Uber made an exception for anyone who seeks to file individual claims relating to sexual assault.

Here's the limitation of that flexibility: It does not apply to class action claims.

“While this change won’t apply to class actions, we do think it impacts the vast majority of assault claims we see on our platform,” Uber’s Chief Legal Officer Tony West told **Recode**. “We’ve heard over and over from the dozens of advocacy groups we’ve spoken with that few experiences deprive an individual of control more than sexual assault or sexual harassment. And we’ve heard what’s most important is for us to restore some sense of control to survivors.”

The nine women allege that they were misled to believe Uber would “safely transport” them, and the company therefore violated the Unfair Competition Law and Consumer Legal Remedies Act. Both of those are class action claims, so Uber is still seeking to arbitrate those. To be clear, the company is not seeking to arbitrate the individual sexual assault-related claims.

The motion reads:

“Plaintiffs’ 86-page First Amended Complaint combines putative false advertising consumer class action claims with inherently individualized personal injury claims stemming from alleged sexual assaults by independent transportation providers that occurred during or after rides arranged through the Uber software application. Uber seeks enforcement of its arbitration agreement with Plaintiffs with respect to the false advertising claims under the Unfair Competition Law and Consumer Legal Remedies Act...The arbitration agreements that Plaintiffs agreed to do not require that arbitration to be confidential.”

If the women choose to continue to pursue all claims, they would each have to individually sue the company over their allegations of sexual assault in open court and separately pursue the other issues, like false advertising, in a closed forum.

These women previously wrote an open letter to Uber CEO Dara Khosrowshahi asking him to waive the arbitration agreement for their lawsuit. That letter was followed by a public plea from Susan Fowler, the former Uber engineer and the author of a bombshell first-person account of sexism and sexual harassment at the company; an open letter from Sen. Richard Blumenthal asked Khosrowshahi to do the same.

Uber wasn't alone in mandating their riders arbitrate any issues against the company. Today, hours after Uber announced it was doing away with forced arbitration, Lyft followed suit.