

United States District Court
Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA



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

MDL No. 3084 CRB

PRETRIAL ORDER NO. 1

_____/

This Order Relates To:
ALL ACTIONS

The Judicial Panel on Multidistrict Litigation (“the Panel”) has transferred certain lawsuits brought by passengers who were allegedly sexually assaulted by Uber drivers to this Court for coordinated pretrial proceedings. As the number and complexity of these actions warrant holding a single, coordinated initial case management conference for all actions, the Court ORDERS as follows:

1. **APPLICABILITY OF ORDER**—Prior to the initial conference and entry of a comprehensive order governing all further proceedings in this case, the provisions of this Order shall govern the practice and procedure in those actions that were transferred to this Court by the Panel. This Order applies to all related cases filed in the Northern District of California and all “tag-along actions” later filed in, removed to, or transferred to this Court.

2. **CONSOLIDATION**—The civil actions transferred to this Court and related actions already pending before this Court are consolidated for pretrial purposes. Any “tag-along actions” transferred to this Court, or directly filed in the Northern District of California, will automatically be consolidated with this action without the necessity of future motions or orders. This consolidation does not constitute a determination that the

1 actions should be consolidated for trial, nor does it have the effect of making any entity a
 2 party to any action in which he, she, or it has not been named, served or added in
 3 accordance with the Federal Rules of Civil Procedure.

4 **3. DATE OF INITIAL CONFERENCE AND CONFERENCE AGENDA—**

5 The Court will conduct an initial conference on ***Friday, November 3, 2023 at 11:00 a.m.***
 6 ***PST*** in Courtroom No. 6, 17th Floor, 450 Golden Gate Avenue, San Francisco California.
 7 On or before ***Friday, October 27, 2023***, Defendants shall submit a written submission
 8 advising the Court as to the status of all litigation pending in this MDL matter. The
 9 submission shall also advise the Court of the steps Defendants have taken to preserve
 10 relevant evidence, including electronically stored information. Defense counsel shall be
 11 prepared at the November 3, 2023 conference to answer questions from the Court
 12 regarding the written submission, litigation status, and evidence preservation. Plaintiffs’
 13 counsel will be permitted to respond in writing.

14 **4. LISTENING LIVE TO THE STATUS CONFERENCE—**While any

15 counsel is permitted to appear at the November 3, 2023 conference in person, counsel may
 16 instead appear over Zoom and thus need not incur the expense and burden of attending in
 17 person. See Fed. R. Civ. P. 1 (commanding that courts and parties construe, administer,
 18 and employ the Rules “to secure the just, speedy, and inexpensive determination of every
 19 action and proceeding”). Should counsel appearing over Zoom wish to address the Court,
 20 they must register by ***October 31, 2023*** by sending an email that identifies the party they
 21 represent to CRBCRD@cand.uscourts.gov. Otherwise, Zoom participants may only listen
 22 to the proceedings. Counsel may access the conference over Zoom using the following
 23 link: <https://cand-uscourts.zoomgov.com/j/1611472837?pwd=cy81NUdINWZmeEpFUjlHRXM3djZ5QT09>.
 24

25 **5. APPOINTMENT OF PLAINTIFFS’ STEERING COMMITTEE(S)—**The

26 Court intends to appoint a Plaintiffs’ Steering Committee(s) to conduct and coordinate the
 27 pretrial stage of this litigation with the defendants’ representatives or committee. The Court
 28 will issue a further order governing the schedule and procedure for the appointment of

1 Plaintiffs' Steering Committee(s) and anticipates that the applications for appointment will be
2 due Wednesday, November 29, 2023, responses/objections due Tuesday, December 5, 2023,
3 with a hearing scheduled for December 8, 2023, although this schedule may change.

4 6. **MASTER DOCKET FILE**—The Clerk of Court will maintain a master docket
5 case file under the style “In re: Uber Technologies, Inc., Passenger Sexual Assault Litigation”
6 and the identification “MDL 3084.” When a pleading is intended to apply to all actions, this
7 shall be indicated by the words: “This Document Relates to ALL ACTIONS.” When a
8 pleading is intended to apply to fewer than all cases, this Court’s docket number for each
9 individual case to which the document number relates shall appear immediately after the words
10 “This Document Relates to.”

11 7. **FILING**—Each attorney of record is obligated to become a Northern District of
12 California ECF User and be assigned a user ID and password for access to the system. If she or
13 he has not already done so, counsel shall register forthwith as an ECF User and be issued an
14 ECF User ID and password. Forms and instructions can be found on the Court’s website at
15 www.cand.uscourts.gov/cm-ecf. All documents shall be e-filed in the Master file, 23-MD-
16 3084. Documents that pertain to one or only some of the pending actions shall also be e-filed
17 in the individual case(s) to which the document pertains. Registration instructions for pro se
18 parties who wish to e-file can be found on the Court’s website at www.cand.uscourts.gov/
19 ECF/proseregistration.

20 8. **APPEARANCES**—Counsel who are not admitted to practice before the Northern
21 District of California must file an application to be admitted pro hac vice. See N.D. Cal. Civil
22 Local Rule 11-3. The requirement that pro hac vice counsel retain local counsel, see N.D. Cal.
23 Civil Local Rule 11-3(a)(3) and 11-3(f), is waived and does not apply to this MDL action.

24 9. **RESPONSE EXTENSION AND STAY**—Defendants are granted an extension of
25 time for responding by motion or answer to the complaints until a date to be set by this Court.
26 Pending further order of this Court, all outstanding discovery proceedings are stayed, and no
27 further discovery shall be initiated. Moreover, all pending motions must be renoticed for
28 resolution once the Court sets a schedule for any such motions.

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1 **10. PRESERVATION OF EVIDENCE**—All parties and counsel are reminded of
2 their duty to preserve evidence that may be relevant to this action, including electronically
3 stored information. Any evidence preservation order previously entered in any of the
4 transferred actions shall remain in full force and effect until further order of the Court. Until
5 the parties reach an agreement on a preservation plan for all cases or the Court orders
6 otherwise, each party shall take reasonable steps to preserve all evidence that may be relevant
7 to this litigation. Counsel, as officers of the court, are obligated to exercise all reasonable
8 efforts to identify and notify parties and non-parties, including employees of corporate or
9 institutional parties, of their preservation obligations.

10 **11. SETTLEMENT MASTER**—All parties are invited to file any suggestions of
11 person(s) to appoint as Special Settlement Master. The submissions must be filed on or before
12 November 3, 2023, and each submission shall not exceed three pages. Any responses,
13 objections, and/or support for persons suggested by other parties shall be filed on or before
14 November 15, 2023.

15 **12. CASE WEBSITE**—The Court will maintain a website accessible to counsel,
16 parties, the public, and the press free of charge at cand.uscourts.gov/crb/ubermdl. The website
17 will include a list of dates and times of upcoming proceedings, along with significant court
18 orders and other documents.

19 **IT IS SO ORDERED.**

20 Dated: October 6, 2023



CHARLES R. BREYER
United States District Judge

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