

SEP 04 2019

*[Signature]*  
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JUDICIAL COUNCIL OF CALIFORNIA  
CHAIR OF THE JUDICIAL COUNCIL

IN RE: LYFT SEXUAL ASSAULTS

JILL BERQUIST, an individual,

Plaintiff,

v.

LYFT, INC., a Delaware Corporation; and  
DOES 1 through 50, Inclusive,

Defendants.

MARGARITA BICANA, an individual,

Plaintiff,

v.

LYFT, INC., a Delaware Corporation; and  
DOES 1 through 50, Inclusive,

Defendants.

MARIANNE DITRANI, an individual,

Plaintiff,

) Judicial Council Coordination Proceeding

) JCCP NO.

**5061**

) **San Francisco Superior Court Case No.**  
) **CGC-19-578643**

) **San Francisco Superior Court Case No.**  
) **CGC-19-578645**

) **San Francisco Superior Court Case No.**  
) **CGC-19-578933**

) **San Francisco Superior Court Case No.**  
) **CGC-19-578124**

) **San Francisco Superior Court Case No.**  
) **CGC-19-578122**

) **San Francisco Superior Court Case No.**  
) **CGC-19-578278**

) **San Francisco Superior Court Case No.**  
) **CGC-19-578286**

) **San Francisco Superior Court Case No.**  
) **CGC-19-578878**

1 v.

2 LYFT, INC., a Delaware Corporation; and  
3 DOES 1 through 50, Inclusive,

4 Defendants.

5 JANE DOE 1, an individual,

6 Plaintiff,

7 v.

8 LYFT, INC., a Delaware Corporation; and  
9 DOES 1 through 50, Inclusive,

10 Defendants.

11 JANE DOE 2,

12 Plaintiff,

13 v.

14 LYFT, INC., a Delaware Corporation; and  
15 DOES 1 through 50, Inclusive,

16 Defendants.

17 JANE DOE 3, an individual,

18 Plaintiff,

19 v.

20 LYFT, INC., a Delaware Corporation; and  
21 DOES 1 through 50, Inclusive,

22 Defendants.

23 JANE DOE 4, an individual,

24 Plaintiff,

25 v.

) San Francisco Superior Court Case No.  
) CGC-19-578282

) San Francisco Superior Court Case No.  
) CGC-19-578280

) San Francisco Superior Court Case No.  
) CGC-19-578647

) San Francisco Superior Court Case No.  
) CGC-19-578123

) San Francisco Superior Court Case No.  
) CGC-19-578640

) APPLICATION TO FOR COMPLEX  
) DESIGNATION, PETITION FOR  
) COORDINATION, AND REQUEST  
) FOR STAY OF ALL INCLUDED  
) ACTIONS; SUPPORTING  
) MEMORANDUM OF POINTS AND  
) AUTHORITIES

) [Filed concurrently with Declaration of  
) Rachel Abrams]

1 LYFT, INC., a Delaware Corporation; and )  
2 DOES 1 through 50, Inclusive, )

3 Defendants. )

4 JANE DOE 5, an individual, )

5 Plaintiff, )

6 v. )

7 LYFT, INC., a Delaware Corporation; and )  
8 DOES 1 through 50, Inclusive, )

9 Defendants. )

10 MARY ESPINOSA, an individual, )

11 Plaintiff, )

12 v. )

13 LYFT, INC., a Delaware Corporation; and )  
14 DOES 1 through 50, Inclusive, )

15 Defendants. )

16 JENNIFER HARDIN, an individual, )

17 Plaintiff, )

18 v. )

19 LYFT, INC., a Delaware Corporation; and )  
20 DOES 1 through 50, Inclusive, )

21 Defendants. )

22 JUSTIN KRAN, an individual, )

23 Plaintiff, )

24 v. )

25 LYFT, INC., a Delaware Corporation; and )  
26 DOES 1 through 50, Inclusive, )

Defendants.

INDIA MATHESON, an individual,

Plaintiff,

v.

LYFT, INC., a Delaware Corporation; and  
DOES 1 through 50, Inclusive,

Defendants.

STEPHANIE NAN, an individual,

Plaintiff,

v.

LYFT, INC., a Delaware Corporation; and  
DOES 1 through 50, Inclusive,

Defendants.

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1        **APPLICATION TO FOR COMPLEX DESIGNATION, PETITION FOR**  
2        **COORDINATION, AND REQUEST FOR STAY OF ALL INCLUDED ACTIONS**  
3        **TO THE HONORABLE TANI CANTIL-SAKAUYE, CHAIR OF THE JUDICIAL**  
4        **COUNCIL, CHIEF JUSTICE OF CALIFORNIA, TO THE SUPERIOR COURTS,**  
5        **THE PARTIES TO THE ACTIONS, AND TO THEIR COUNSEL OF RECORD**

6        PLEASE TAKE NOTICE that, pursuant to California Code of Civil Procedure section  
7        404, *et seq.*, and California Rules of Court 3.500, *et seq.*, Plaintiffs and Petitioners JANE DOE 1,  
8        JANE DOE 2, JANE DOE 3, JANE DOE 4, MARY ESPINOSA, JENNIFER HARDIN, and  
9        INDIA MATHESON, et al., by and through their counsel, Levin Simes Abrams LLP, 1700  
10        Montgomery Street, Suite 250, San Francisco, California 94111, respectfully submit this  
11        Application for Complex Designation and Petition for all pretrial purposes only, to the Chair of  
12        the Judicial Council to coordinate the actions listed below and order an immediate stay of all  
13        included actions while the herein petition is under consideration.

14        PLEASE TAKE FURTHER NOTICE that any written opposition or response to the  
15        herein Application and Petition must be filed and served at least nine (9) court days before the  
16        hearing date set on this Application and Petition. A hearing on this Application and Petition for  
17        coordination is hereby requested.

18        Judicial Coordination is warranted for the following reasons:

- 19            1. All of the thirteen cases allege the identical corporate misconduct the virtually  
20            identical causes of action are common to all of the complaints.
- 21            2. Additional cases with the same factual and legal issue will be filed in San  
22            Francisco in the coming days, weeks and months.
- 23            3. LYFT's corporate headquarters is located in San Francisco so that it is the  
24            logical focus for this litigation in terms of venue and jurisdiction.
- 25            4. All of the petitioners are LYFT passengers who were sexually assaulted by  
26            LYFT drivers.
- 27            5. All of the cases will involve identical factual discovery with respect to the  
28            corporate witnesses and documents on the core issue of LYFT's failure to



adequately address the fact that a subset of LYFT drivers are sexual predators who have been assaulting LYFT passengers for years. LYFT has been on notice of the sexual assaults, but has failed to adopt the type of hiring, monitoring and surveillance procedures which are necessary to protect its passengers.

Petitioners seek to coordinate the cases listed below as well as similar cases filed in and to be filed in the State of California that constitute the subject of the herein petition.

- *JILL BERQUIST, an individual v. LYFT, INC., a Delaware Corporation; and DOES 1 through 50, Inclusive*, San Francisco Superior Court Case No. CGC-19-578643, filed August 23, 2019;
- *MARGARITA BICANA, an individual v. LYFT, INC., a Delaware Corporation; and DOES 1 through 50, Inclusive*, San Francisco Superior Court Case No. CGC-19-578645, filed August 23, 2019;
- *MARIANNE DITRANI, an individual v. LYFT, INC., a Delaware Corporation; and DOES 1 through 50, Inclusive*, San Francisco Superior Court Case No. CGC-19-578933, filed September 3, 2019;
- *JANE DOE 1, an individual v. LYFT, INC., a Delaware Corporation; and DOES 1 through 50, Inclusive*, San Francisco Superior Court Case No. CGC-19-578124, filed August 1, 2019;
- *JANE DOE 2, an individual v. LYFT, INC., a Delaware Corporation; and DOES 1 through 50, Inclusive*, San Francisco Superior Court Case No. CGC-19-578122, filed August 1, 2019;
- *JANE DOE 3, an individual v. LYFT, INC., a Delaware Corporation; and DOES 1 through 50, Inclusive*, San Francisco Superior Court Case No. CGC-19-578278, filed August 8, 2019;
- *JANE DOE 4, an individual v. LYFT, INC., a Delaware Corporation; and DOES 1 through 50, Inclusive*, San Francisco Superior Court Case No. CGC-19-578286, filed August 8, 2019;
- *JANE DOE 5, an individual v. LYFT, INC., a Delaware Corporation; and DOES 1 through 50, Inclusive*, San Francisco Superior Court Case No. CGC-578878, filed August 30, 2019;

- 1 • *MARY ESPINOSA, an individual v. LYFT, INC., a Delaware Corporation; and DOES 1*  
2 *through 50, Inclusive*, San Francisco Superior Court Case No. CGC-19-578282, filed  
3 August 8, 2019;
- 4 • *JENNIFER HARDIN, an individual v. LYFT, INC., a Delaware Corporation; and DOES 1*  
5 *through 50, Inclusive*, San Francisco Superior Court Case No. CGC-19-578280, filed  
6 August 8, 2019;
- 7 • *JUSTIN KRAN, an individual v. LYFT, INC., a Delaware Corporation; and DOES 1*  
8 *through 50, Inclusive*, San Francisco Superior Court Case No. CGC-19-578647, filed  
9 August 23, 2019;
- 10 • *INDIA MATHESON, an individual v. LYFT, INC., a Delaware Corporation; and DOES 1*  
11 *through 50, Inclusive*, San Francisco Superior Court Case No. CGC-19-578123, filed  
12 August 1, 2019; and
- 13 • *STEPHANIE NAN, an individual v. LYFT, INC., a Delaware Corporation; and DOES 1*  
14 *through 50, Inclusive*, San Francisco Superior Court Case No. CGC-19-578640, filed  
15 August 23, 2019.

16 Petitioners seek to coordinate their own cases with the following similar cases filed in the  
17 State of California.

- 18 • *GILLIAN C. vs. LYFT, INC.; MATIN MAHDAVI; and DOES 1 through 20, inclusive*, Los  
19 Angeles Superior Court Case No. 19STCV13758, filed April 22, 2019;
- 20 • *JANE DOE 1, JANE DOE 2, JANE DOE 3, individually and on behalf of all others*  
21 *similarly situated vs. LYFT, INC.; JASON LAMONT FENWICK; and DOES 1-100*, San  
22 Luis Obispo Superior Court Case No. 19CV-0434, filed July 24, 2019;

23 Petitioners are not currently aware of any other similar actions filed in the State of  
24 California, but Petitioners are aware of nearly identical cases which will be filed in San Francisco  
25 in the coming weeks and months. Petitioners respectfully request the San Francisco Superior Court  
26 Complex Division be assigned to determine whether coordination of these actions is appropriate.

27 This Petition for Coordination (the “Petition”) is made pursuant to Section 404 of the  
28 California Code of Civil Procedure (“CCP”) and California Rules of Court 3.521 (“CRC”) on the  
ground that one judge hearing all actions for all pretrial purposes only in the Superior Court for  
the County of San Francisco will promote the ends of justice for the following reasons:

- All of the petitioners are LYFT passengers who allege identical or virtually identical legal and factual theories;
- The cases are all brought against LYFT, a San Francisco based company;
- Coordination will further the efficient utilization of judicial resources and avoid the unnecessary duplication and waste of judicial resources;
- Coordination will further the convenience of the parties, witnesses, and counsel;
- Coordination will avoid duplicative or inconsistent rulings and orders; and
- Coordination will increase the possibility of settlement of the disputed matters.

Satisfaction of such grounds is more particularly set forth in the accompanying Declaration of Rachel Abrams, the Memorandum of Points and Authorities, and other supporting documents submitted herewith. The actions sought to be coordinated fall within the definition of “complex litigation” under Section 19 of the Standards of Judicial Administration and Rule 3.400 et seq., of the CRC. (See the Declaration of Rachel Abrams, filed herewith.)

Proof of filing in each included action of a Notice of Application for Complex Designation and Submission of Petition for Coordination and a copy of this Application and Petition pursuant to Rule 3.522 of the CRC, and any documents to be submitted pursuant to Rule 3.523 of the CRC, will be submitted to the Chair of the Judicial Council within the time frames provided by Rules 3.522 and 3.523.

Dated: September 4, 2019

Respectfully Submitted,



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*Attorney for Plaintiffs*

## MEMORANDUM OF POINTS AND AUTHORITIES

### I. INTRODUCTION

California law authorizes the coordination of complex cases pending in different courts whenever they share a common question of law or fact. (CCP § 404.) The statute seeks to coordinate these types of cases to promote the efficient use of judicial resources and to facilitate resolution of all actions. (CCP § 404.1 (factors to be considered).)

Petitioners seek to designate as complex and coordinate the following actions in San Francisco Superior Court Complex Division:

- *JILL BERQUIST, an individual, v. LYFT, INC., a Delaware Corporation; and DOES 1 through 50, Inclusive*, filed August 23, 2019;
- *MARGARITA BICANA, an individual, v. LYFT, INC., a Delaware Corporation; and DOES 1 through 50, Inclusive*, filed August 23, 2019;
- *GILLIAN C. vs. LYFT, INC.; MATIN MAHDAVI; and DOES 1 through 20, inclusive*, filed April 22, 2019;
- *MARIANNE DITRANI, an individual, v. LYFT, INC., a Delaware Corporation; and DOES 1 through 50, Inclusive*, filed September 3, 2019;
- *JANE DOE 1, JANE DOE 2, JANE DOE 3, individually and on behalf of all others similarly situated vs. LYFT, INC.; JASON LAMONT FENWICK; and DOES 1-100*, filed July 24, 2019;
- *JANE DOE 1, an individual, v. LYFT, INC., a Delaware Corporation; and DOES 1 through 50, Inclusive*, filed August 1, 2019;
- *JANE DOE 2, an individual, v. LYFT, INC., a Delaware Corporation; and DOES 1 through 50, Inclusive*, filed August 1, 2019;
- *JANE DOE 3, an individual, v. LYFT, INC., a Delaware Corporation; and DOES 1 through 50, Inclusive*, filed August 8, 2019;
- *JANE DOE 4, an individual, v. LYFT, INC., a Delaware Corporation; and DOES 1 through 50, Inclusive*, filed August 8, 2019;
- *JANE DOE 5, an individual, v. LYFT, INC., a Delaware Corporation; and DOES 1 through 50, Inclusive*, filed August 30, 2019;

- 1 • *MARY ESPINOSA, an individual, v. LYFT, INC., a Delaware Corporation; and*  
2 *DOES 1 through 50, Inclusive*, filed August 8, 2019;
- 3 • *JENNIFER HARDIN, an individual, v. LYFT, INC., a Delaware Corporation;*  
4 *and DOES 1 through 50, Inclusive*, filed August 8, 2019;
- 5 • *JUSTIN KRAN, an individual v. LYFT, INC., a Delaware Corporation; and*  
6 *DOES 1 through 50, Inclusive*, filed August 23, 2019;
- 7 • *INDIA MATHESON, an individual, v. LYFT, INC., a Delaware Corporation; and*  
8 *DOES 1 through 50, Inclusive*, filed August 1, 2019; and
- 9 • *STEPHANIE NAN, an individual v. LYFT, INC., a Delaware Corporation; and*  
10 *DOES 1 through 50, Inclusive*, filed August 23, 2019.

11 These cases all are premised on the same operative facts. The Petitioners are all LYFT  
12 passengers who were sexually assaulted by sexual predators driving for LYFT after LYFT had  
13 been on actual notice of ongoing, sexual assaults by its drivers. All of the cases hinge on the same  
14 evidence with respect to LYFT's failure to respond to these sexual assaults by adopting and  
15 implementing the requisite hiring, monitoring and surveillance systems and procedures. The  
16 corporate witnesses and documents are located in San Francisco where LYFT maintains its  
17 corporate headquarters.

18 Coordinating the actions "will promote the ends of justice" as required under CCP §§ 404  
19 and 404.1. All of the cases involve nearly identical allegations and will likely seek similar  
20 discovery against LYFT. Coordination will save the court and parties significant resources by  
21 avoiding duplicative motions and discovery and will prevent inconsistent rulings.

22 Finally, CCP § 404 authorizes coordination of these actions because all are complex  
23 pursuant to CRC 3.400(b). The cases will include the following: (1) numerous pretrial motions  
24 raising difficult or novel legal issues that will be time-consuming to resolve; e.g. the scope of  
25 LYFT's duties to its passengers under California law; the status of LYFT's drivers as employees  
26 or contractors and the resulting impact on the scope of their duties; (2) management of a large  
27 number of witnesses or a substantial amount of documentary evidence; and (3) coordination with  
28 related actions pending in one or more courts in other counties. Therefore, Petitioners respectfully

request that the cases be coordinated and San Francisco Superior Court, Complex Division be designated as the appropriate venue.

## **II. FACTUAL BACKGROUND**

### **A. The *BERQUIST* Action**

Petitioner Jill Berquist filed her complaint on August 23, 2019, in San Francisco Superior Court. Petitioner Berquist was sexually assaulted by her LYFT driver. She alleges LYFT is liable under the following causes of action:

1. General Negligence;
2. Negligent Hiring, Retention, and Supervision;
3. Common Carrier Negligence;
4. Negligent Failure to Warn;
5. Vicarious Liability for Sexual Assault;
6. Vicarious Liability for Sexual Battery;
7. Vicarious Liability for False Imprisonment;
8. Intentional Misrepresentation;
9. Negligent Misrepresentation;
10. Negligent Infliction of Emotional Distress;
11. Breach of Contract; and
12. Punitive Damages.

*See Abrams Decl., Exhibit A.*

Petitioner Berquist is represented by Laurel L. Simes, Rachel Abrams, and Meghan E. McCormick of LEVIN SIMES ABRAMS LLP, 1700 Montgomery Street, Suite 250, San Francisco, CA 94111. All Defendants have been served with the aforementioned complaint.

### **B. The *BICANA* Action**

Petitioner Margarita Bicana filed her complaint on August 23, 2019, in San Francisco Superior Court. Plaintiff Bicana was sexually assaulted by her LYFT driver. She alleges LYFT is liable under the following causes of action:

1. General Negligence;
2. Negligent Hiring, Retention, and Supervision;
3. Common Carrier Negligence;
4. Negligent Failure to Warn;

5. Vicarious Liability for False Imprisonment;
6. Intentional Misrepresentation;
7. Negligent Misrepresentation;
8. Negligent Infliction of Emotional Distress;
9. Breach of Contract; and
10. Punitive Damages.

*See Abrams Decl., Exhibit B.*

Petitioner Bicana is represented by Laurel L. Simes, Rachel Abrams, and Meghan E. McCormick of LEVIN SIMES ABRAMS LLP, 1700 Montgomery Street, Suite 250, San Francisco, CA 94111. All Defendants have been served with the aforementioned complaint.

### **C. The *DITRANI* Action**

Petitioner Marianne DiTrani filed her complaint on September 3, 2019, in San Francisco Superior Court. Plaintiff DiTrani was assaulted by her LYFT driver. She alleges LYFT is liable under the following causes of action:

1. General Negligence;
2. Negligent Hiring, Retention, and Supervision;
3. Common Carrier Negligence;
4. Negligent Failure to Warn;
5. Vicarious Liability for Assault;
6. Vicarious Liability for Battery;
7. Vicarious Liability for False Imprisonment;
8. Intentional Misrepresentation;
9. Negligent Misrepresentation;
10. Negligent Infliction of Emotional Distress;
11. Breach of Contract; and
12. Punitive Damages.

*See Abrams Decl., Exhibit C.*

Petitioner DiTrani is represented by Laurel L. Simes, Rachel Abrams, and Meghan E. McCormick of LEVIN SIMES ABRAMS LLP, 1700 Montgomery Street, Suite 250, San Francisco, CA 94111. Defendants have not yet been served with the aforementioned complaint, but it is presumed that Defendants will be represented by the same counsel.

1                   **D. The JANE DOE 1 Action**

2           Petitioner Jane Doe 1 filed her complaint on August 1, 2019, in San Francisco Superior  
3 Court. Petitioner Jane Doe 1 was sexually assaulted by her LYFT driver. She alleges LYFT is  
4 liable under the following causes of action:

- 5           1. General Negligence;  
6           2. Negligent Hiring, Retention, and Supervision;  
7           3. Common Carrier Negligence;  
8           4. Negligent Failure to Warn;  
9           5. Vicarious Liability for Sexual Assault;  
10          6. Vicarious Liability for Sexual Battery;  
11          7. Vicarious Liability for False Imprisonment;  
12          8. Intentional Misrepresentation;  
13          9. Negligent Misrepresentation;  
14          10. Negligent Infliction of Emotional Distress;  
15          11. Breach of Contract; and  
16          12. Punitive Damages.

17           *See Abrams Decl., Exhibit D.*

18           Petitioner Jane Doe 1 is represented by Laurel L. Simes, Rachel Abrams, and Meghan E.  
19 McCormick of LEVIN SIMES ABRAMS LLP, 1700 Montgomery Street, Suite 250, San  
20 Francisco, CA 94111. All Defendants have been served with the aforementioned complaint.

21                   **E. The JANE DOE 2 Action**

22           Petitioner Jane Doe 2 filed her complaint on August 1, 2019, in San Francisco Superior  
23 Court. Petitioner Jane Doe 2 she was sexually assaulted by her LYFT driver. She alleges LYFT  
24 is liable under the following causes of action:

- 25           1. General Negligence;  
26           2. Negligent Hiring, Retention, and Supervision;  
27           3. Common Carrier Negligence;  
28           4. Negligent Failure to Warn;  
            5. Vicarious Liability for Sexual Assault;  
            6. Vicarious Liability for Sexual Battery;  
            7. Vicarious Liability for False Imprisonment;  
            8. Intentional Misrepresentation;  
            9. Negligent Misrepresentation;  
            10. Negligent Infliction of Emotional Distress;  
            11. Breach of Contract; and



12. Punitive Damages.

*See Abrams Decl., Exhibit E.*

Petitioner Jane Doe 2 is represented by Laurel L. Simes, Rachel Abrams, and Meghan E. McCormick of LEVIN SIMES ABRAMS LLP, 1700 Montgomery Street, Suite 250, San Francisco, CA 94111. All Defendants have been served with the aforementioned complaint.

**F. The JANE DOE 3 Action**

Petitioner Jane Doe 3 filed her complaint on August 8, 2019, in San Francisco Superior Court. Petitioner Jane Doe 3 was sexually assaulted by her LYFT driver. She alleges LYFT is liable under the following causes of action:

1. General Negligence;
2. Negligent Hiring, Retention, and Supervision;
3. Common Carrier Negligence;
4. Negligent Failure to Warn;
5. Vicarious Liability for Sexual Assault;
6. Vicarious Liability for Sexual Battery;
7. Intentional Misrepresentation;
8. Negligent Misrepresentation;
9. Negligent Infliction of Emotional Distress;
10. Breach of Contract; and
11. Punitive Damages.

*See Abrams Decl., Exhibit F.*

Petitioner Jane Doe 3 is represented by Laurel L. Simes, Rachel Abrams, and Meghan E. McCormick of LEVIN SIMES ABRAMS LLP, 1700 Montgomery Street, Suite 250, San Francisco, CA 94111. All Defendants have been served with the aforementioned complaint.

**G. The JANE DOE 4 Action**

Petitioner Jane Doe 4 filed her complaint on August 8, 2019, in San Francisco Superior Court. Petitioner Jane Doe 4 was sexually assaulted by her LYFT driver. She alleges LYFT is liable under the following causes of action:

1. General Negligence;
2. Negligent Hiring, Retention, and Supervision;
3. Common Carrier Negligence;
4. Negligent Failure to Warn;

5. Vicarious Liability for Sexual Assault;
6. Vicarious Liability for Sexual Battery;
7. Vicarious Liability for False Imprisonment;
8. Intentional Misrepresentation;
9. Negligent Misrepresentation;
10. Negligent Infliction of Emotional Distress;
11. Breach of Contract; and
12. Punitive Damages.

*See Abrams Decl., Exhibit G.*

Petitioner Jane Doe 4 is represented by Laurel L. Simes, Rachel Abrams, and Meghan E. McCormick of LEVIN SIMES ABRAMS LLP, 1700 Montgomery Street, Suite 250, San Francisco, CA 94111. All Defendants have been served with the aforementioned complaint.

#### **H. The JANE DOE 5 Action**

Petitioner Jane Doe 5 filed her complaint on August 30, 2019, in San Francisco Superior Court. Petitioner Jane Doe 5 was sexually assaulted by her LYFT driver. She alleges LYFT is liable under the following causes of action:

1. General Negligence;
2. Negligent Hiring, Retention, and Supervision;
3. Common Carrier Negligence;
4. Negligent Failure to Warn;
5. Vicarious Liability for Sexual Assault;
6. Vicarious Liability for Sexual Battery;
7. Vicarious Liability for False Imprisonment;
8. Intentional Misrepresentation;
9. Negligent Misrepresentation;
10. Negligent Infliction of Emotional Distress;
11. Breach of Contract; and
12. Punitive Damages.

*See Abrams Decl., Exhibit H.*

Petitioner Jane Doe 5 is represented by Laurel L. Simes, Rachel Abrams, and Meghan E. McCormick of LEVIN SIMES ABRAMS LLP, 1700 Montgomery Street, Suite 250, San Francisco, CA 94111. Defendants have not yet been served with the aforementioned complaint, but it is presumed that Defendants will be represented by the same counsel.

1                   **I. The *ESPINOSA* Action**

2           Petitioner Mary Espinosa filed her complaint on August 8, 2019, in San Francisco Superior  
3 Court. Petitioner Espinosa was sexually assaulted by her LYFT driver. She alleges LYFT is liable  
4 under the following causes of action:

- 5           1. General Negligence;  
6           2. Negligent Hiring, Retention, and Supervision;  
7           3. Common Carrier Negligence;  
8           4. Negligent Failure to Warn;  
9           5. Vicarious Liability for Sexual Assault;  
10          6. Vicarious Liability for Sexual Battery;  
11          7. Vicarious Liability for False Imprisonment;  
12          8. Intentional Misrepresentation;  
13          9. Negligent Misrepresentation;  
14          10. Negligent Infliction of Emotional Distress;  
15          11. Breach of Contract; and  
16          12. Punitive Damages.

17           *See* Abrams Decl., Exhibit I.

18           Petitioner Espinosa is represented by Laurel L. Simes, Rachel Abrams, and Meghan E.  
19 McCormick of LEVIN SIMES ABRAMS LLP, 1700 Montgomery Street, Suite 250, San  
20 Francisco, CA 94111. All Defendants have been served with the aforementioned complaint.

21                   **J. The *HARDIN* Action**

22           Petitioner Jennifer Hardin filed her complaint on August 8, 2019, in San Francisco Superior  
23 Court. Petitioner Hardin was sexually assaulted by her LYFT driver. She alleges LYFT is liable  
24 under the following causes of action:

- 25           1. General Negligence;  
26           2. Negligent Hiring, Retention, and Supervision;  
27           3. Common Carrier Negligence;  
28           4. Negligent Failure to Warn;  
            5. Vicarious Liability for Sexual Assault;  
            6. Vicarious Liability for Sexual Battery;  
            7. Intentional Misrepresentation;  
            8. Negligent Misrepresentation;  
            9. Negligent Infliction of Emotional Distress;  
            10. Breach of Contract; and  
            11. Punitive Damages.

1 See Abrams Decl., Exhibit J.

2 Petitioner Hardin is represented by Laurel L. Simes, Rachel Abrams, and Meghan E.  
3 McCormick of LEVIN SIMES ABRAMS LLP, 1700 Montgomery Street, Suite 250, San  
4 Francisco, CA 94111. All Defendants have been served with the aforementioned complaint.

5 **K. The *KRAN* Action**

6 Petitioner Justin Kran filed his complaint on August 23, 2019, in San Francisco Superior  
7 Court. Petitioner Kran was sexually assaulted by his LYFT driver. He alleges LYFT is liable  
8 under the following causes of action:

- 9
- 10 1. General Negligence;
  - 11 2. Negligent Hiring, Retention, and Supervision;
  - 12 3. Common Carrier Negligence;
  - 13 4. Negligent Failure to Warn;
  - 14 5. Vicarious Liability for Sexual Assault;
  - 15 6. Vicarious Liability for Sexual Battery;
  - 16 7. Intentional Misrepresentation;
  - 17 8. Negligent Misrepresentation;
  - 18 9. Negligent Infliction of Emotional Distress;
  - 19 10. Breach of Contract; and
  - 20 11. Punitive Damages.

21 See Abrams Decl., Exhibit K.

22 Petitioner Kran is represented by Laurel L. Simes, Rachel Abrams, and Meghan E.  
23 McCormick of LEVIN SIMES ABRAMS LLP, 1700 Montgomery Street, Suite 250, San  
24 Francisco, CA 94111. All Defendants have been served with the aforementioned complaint.

25 **L. The *MATHESON* Action**

26 Petitioner India Matheson filed her complaint on August 1, 2019, in San Francisco Superior  
27 Court. Petitioner Matheson was sexually assaulted by her LYFT driver. She alleges LYFT is  
28 liable under the following causes of action:

1. General Negligence;
2. Negligent Hiring, Retention, and Supervision;
3. Common Carrier Negligence;
4. Negligent Failure to Warn;
5. Vicarious Liability for Sexual Assault;

6. Intentional Misrepresentation;
7. Negligent Misrepresentation;
8. Negligent Infliction of Emotional Distress;
9. Breach of Contract; and
10. Punitive Damages.

*See Abrams Decl., Exhibit L.*

Petitioner Matheson is represented by Laurel L. Simes, Rachel Abrams, and Meghan E. McCormick of LEVIN SIMES ABRAMS LLP, 1700 Montgomery Street, Suite 250, San Francisco, CA 94111. All Defendants have been served with the aforementioned complaint.

#### **M. The NAN Action**

Petitioner Stephanie Nan filed her complaint on August 23, 2019, in San Francisco Superior Court. Petitioner Nan was sexually assaulted by her LYFT driver. She alleges LYFT is liable under the following causes of action:

1. General Negligence;
2. Negligent Hiring, Retention, and Supervision;
3. Common Carrier Negligence;
4. Negligent Failure to Warn;
5. Vicarious Liability for Sexual Assault;
6. Vicarious Liability for Sexual Battery;
7. Vicarious Liability for False Imprisonment;
8. Intentional Misrepresentation;
9. Negligent Misrepresentation;
10. Negligent Infliction of Emotional Distress;
11. Breach of Contract; and
12. Punitive Damages.

*See Abrams Decl., Exhibit M.*

Petitioner Nan is represented by Laurel L. Simes, Rachel Abrams, and Meghan E. McCormick of LEVIN SIMES ABRAMS LLP, 1700 Montgomery Street, Suite 250, San Francisco, CA 94111. All Defendants have been served with the aforementioned complaint.

#### **N. The GILLIAN C. Action**

Non-petitioning Plaintiff Gillian C. filed her complaint on April 22, 2019, in Los Angeles Superior Court. Plaintiff Gillian C. was sexually assaulted by her LYFT driver. She alleges LYFT is liable under the following causes of action:

1. Negligent Supervision and Retention;
2. Fraud
3. Intentional Misrepresentation;
4. Negligent Misrepresentation;
5. Assault;
6. Sexual Battery;
7. Forcible and Violent Sodomy (Penal Code § 286);
8. Violation of Ca Civ. Code § 51.7 (Ralph Act);
9. Violation of Ca Civ. Code § 52.1 (Bane Act);
10. Intentional Infliction of Emotional Distress;
11. Negligent Infliction of Emotional Distress;
12. Negligence; and
13. Violation of Business Professions Code § 17200 et seq.

See Abrams Decl., Exhibit N.

Plaintiff Gillian C. is represented by Anna H. Cronk and Michael V. Greenslade of GREENSLADE CRONK, LLP, 145 South Fairfax Avenue, Second Floor, Los Angeles, CA 94111. All Defendants have been served with the aforementioned complaint.

**O. The *JANE DOE* Class Action**

Non-petitioning Plaintiffs Jane Doe 1, Jane Doe 2, and Jane Doe 3 (collectively, the “Jane Doe Class Plaintiffs” filed their complaint on July 24, 2019, in San Luis Obispo Superior Court. The Jane Doe Class Plaintiffs were sexually assaulted. They allege LYFT is liable under the following causes of action:

1. Negligent Supervision and Retention;
2. Trespass;
3. Fraud;
4. Intentional Misrepresentation;
5. Negligent Misrepresentation;
6. Assault;
7. Sexual Battery;
8. Violation of Ca Civ. Code § 51.7 (Ralph Act);
9. Violation of Ca Civ. Code § 52.1 (Bane Act);
10. Intentional Infliction of Emotional Distress;
11. Negligent Infliction of Emotional Distress;
12. Negligence; and
13. Violation of Business & Professions Code § 17200 et seq.

See Abrams Decl., Exhibit O.

1 The Jane Doe Class Plaintiffs are represented by James McKiernan of James McKiernan  
2 Lawyers, 755 Santa Rosa Street, Suite 200, San Luis Obispo, CA 93401.

3 **III. COORDINATION IS PROPER AND WILL PROMOTE THE ENDS OF**  
4 **JUSTICE**

5 Coordination promotes “judicial efficiency and economy by providing for the unified  
6 management of both pretrial and trial phases of the coordinated cases.” (*Citicorp North Am., Inc.*  
7 *v. Sup. Ct.* (1989) 213 Cal. App. 3d 563, 565 n.3.) Coordination is the joinder of two or more  
8 complex actions sharing a common question of law or fact that are pending in different courts.  
9 (CCP § 404.) Put another way, before cases can be coordinated, they must be deemed “complex”  
10 as defined by the Judicial Council, and the actions – which must share a common question of fact  
11 or law – must meet the criteria of CCP §404.1.

12 Section 404.1 provides a number of factors to be considered by the Court before  
13 coordinating cases. For cases to be properly coordinated, the factors must, when taken together,  
14 weigh in favor of coordination. (CCP § 404.1.) These factors are (1) whether the ends of justice  
15 will be promoted, (2) whether the common question of fact or law is predominating and significant  
16 to the litigation, (3) the convenience of the parties, witnesses, and counsel, (4) the efficient  
17 utilization of judicial resources, (5) the calendar of the courts, (6) the disadvantages of duplicative  
18 and inconsistent rulings, orders, or judgments, and (7) the likelihood of settlement should  
19 coordination of the cases be denied. (*Id.*) Petitioners respectfully assert that the factors weigh in  
20 favor of coordination.

21  
22 **A. The Actions Are Complex**

23 Petitioners’ claims should be designated complex because the cases are likely to involve  
24 numerous pretrial motions raising difficult or novel issues<sup>1</sup> and management of a large number of  
25 witnesses or substantial documentary evidence. Based on these facts, Petitioners anticipate similar  
26

27 <sup>1</sup> Petitioners expect Defendant Lyft, Inc. to argue that the drivers who raped or sexually assaulted  
28 Petitioners are independent contractors rather than employees.

1 claims filed throughout California, including those yet to be filed by undersigned counsel, are  
2 likely to be designated complex. Pursuant to California Rule of Court 3.400(b), a case is  
3 considered complex if it “requires exceptional judicial management to avoid placing unnecessary  
4 burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote  
5 effective decision making by the court, the parties, and counsel.” (*Id.*)

6 The cases discussed herein and those filed by similarly situated plaintiffs throughout  
7 California are complex because they will include (1) numerous pretrial motions raising difficult or  
8 novel legal issues that will be time-consuming to resolve, and (2) management of a large number  
9 of witnesses or a substantial amount of documentary evidence. For these reasons, Petitioners  
10 respectfully request that these cases be designated complex, be coordinated, and that the Complex  
11 Division of San Francisco County Superior Court be deemed the appropriate venue.  
12

13 **B. The Cases Satisfy Coordination Requirements Pursuant to California**  
14 **Code of Civil Procedure, Section 404.1**

15 A court must consider various factors before cases can properly be coordinated. These  
16 factors are (1) whether the common question of fact or law is predominating and significant to the  
17 litigation, (2) the convenience of the parties, witnesses, and counsel, (3) the efficient utilization of  
18 judicial resources, (4) the calendar of the courts, (5) the disadvantages of duplicative and  
19 inconsistent rulings, orders, or judgments, and (6) the likelihood of settlement should coordination  
20 of the cases be denied. (CRC 3.400(b).) A court must weigh and balance all of these factors when  
21 considering a petition for coordination. (*Pesses v. Sup. Ct.* (1980) 107 Cal. App. 3d 117, 125-26.)  
22 Coordination of Petitioners’ cases is proper.

23 **1. Plaintiffs in All Actions Allege Common Question of Fact and Law**  
24 **That Predominate and Are Significant To The Litigation**

25 All of these cases will turn on the same factual evidence as to whether LYFT adequately  
26 addressed the ongoing sexual assault problem posed by sexual predators while driving for LYFT.  
27 The witnesses and documents pertinent to LYFT’s hiring practices, LYFT’s handling of drivers  
28



1 who act inappropriately, and its driver monitoring and surveillance will be common to every case.  
2 The legal issues regarding the scope and extent of LYFT's duty to its passengers and the causes of  
3 action in each complaint are the same. The only differences in each Petitioners' case are the facts  
4 specific to their individual assault and the damages stemming therefrom. Those facts, while  
5 important, are secondary to the theories of liability that predominate Petitioners' claims against  
6 LYFT. Put simply, Petitioners' theories of liability are nearly identical and stem from the acts and  
7 omissions of LYFT regardless of any dissimilarities present in the actual assaults.

8  
9 **2. Coordination Will Promote the Efficient Use of Judicial Resources  
10 and Will Advance the Convenience of the Parties, Witnesses, and  
11 Counsel**

12 Coordination will promote the efficient use of judicial resources and accommodate the  
13 convenience of all counsel by preventing adjudication of the same or substantially similar motions,  
14 such as demurrers, judgment on the pleadings, and summary judgment. Further, coordination will  
15 avoid duplicative testimony at trial and during depositions.

16 Many witnesses are likely to be identical given that the same Defendants are named in all  
17 11 complaints. Thus, coordination will benefit the probable witnesses. Coordination also will  
18 advance the convenience of counsel by conserving their resources through joint discovery that will  
19 benefit all parties. As one court stated, "[t]he preparation for trial in terms of depositions,  
20 interrogatories, admissions ... will be better achieved if done in a coordinated manner." (*McGhan*  
21 *Med Corp. v. Sup. Ct.* (1992) 11 Cal. App. 4th 804, 814.) Judicial resources will also be conserved  
22 in overseeing settlement negotiations.

23 **3. The Relative Development of the Actions Weigh in Favor of  
24 Coordination**

25 A petition for coordination "may be made at any time after filing of the complaint." (CRC  
26 3.521(a)). Coordination is particularly appropriate under the present circumstances given the  
27 infancy of Petitioners' claims. No depositions have been taken nor has discovery been conducted.  
28

1 Similar discovery will be at issue in all of Petitioners' cases, as all of the cases revolve around  
2 Defendants' policies regarding driver retention, training, and supervision.

3  
4 **4. Coordination Will Ease The Courts' Calendar**

5 Petitioners' claims are pending in San Francisco County Superior Court and will  
6 presumably be assigned to the Complex Division. Other related cases are pending in Los Angeles  
7 County Superior Court and San Luis Obispo County Superior Court. Coordination will unburden  
8 the judicial system and the various courts in which similar claims are filed by avoiding repeated  
9 adjudication of common questions of law and fact involving the same Defendants and same  
10 theories of liability.

11 **5. Coordination Will Prevent Duplicative and Inconsistent Rulings**

12 Petitioners' cases and similar cases filed throughout California will likely involve  
13 significant motion practice. Coordination will promote uniform, consistent rulings.

14 If coordination were not permitted and the various cases were to proceed independently,  
15 the chances of inconsistent rulings significantly increase. Moreover, should the inconsistent  
16 rulings damage a plaintiff's case and benefit another despite the shared questions of fact and law,  
17 there is the potential for the Court of Appeals to be inundated with divergent, trial court opinions.  
18 Coordination will assist in achieving uniformity. *McGhan Med. Corp., supra*, 11 Cal. App. 4th at  
19 814.

20 **6. If Coordination is Denied, It is Unlikely These Cases Will Settle**  
21 **Without Further Litigation**

22 The final factor to be considered is "the likelihood of settlement of the actions without  
23 further litigation should coordination be denied." Here, if coordination is denied, it would likely  
24 impede efforts to settle the cases because, when cases are coordinated, the parties - at the Court's  
25 urging - are required to create organized plans for mediation or settlement. As such, coordination  
26 should lead to more sufficient and successful settlement discussions.

1       **IV.    SAN FRANCISCO COUNTY SUPERIOR COURT IS THE APPROPRIATE**  
2       **VENUE FOR THE COORDINATION PROCEEDINGS**

3           Should this application Complex Designation and Petition for Coordination be granted,  
4       Petitioners assert San Francisco County Superior Court is the appropriate venue for the coordinated  
5       proceedings. San Francisco County has a Complex Civil Department. Petitioners' cases are  
6       already filed in San Francisco County and will presumably be assigned to Superior Court's  
7       complex civil department.

8           Additionally, Defendant Lyft, Inc. maintains its corporate headquarters in San Francisco,  
9       California. Therefore, the majority of corporate witnesses and corporate documents are likely  
10      located in San Francisco County.

11       **V.    CONCLUSION**

12           For all of the reasons contained herein, Petitioners respectfully request that the Application  
13       and Petition be granted, that Petitioners' cases be designated as complex and coordinated, and that  
14       San Francisco County Superior Court be deemed the proper venue for coordination.  
15

16       Dated: September 4, 2019

17                               Respectfully Submitted,

18                               

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