

1 MARY-LEE SMITH – Cal. Bar No. 239086
JULIA MARKS – Cal. Bar No. 300544
2 DISABILITY RIGHTS ADVOCATES
2001 Center Street, Fourth Floor
3 Berkeley, California 94704-1204
Telephone: (510) 665-8644
4 Facsimile: (510) 665-8511
TTY: (510) 665-8716
5 Email: msmith@dralegal.org

6 TIMOTHY ELDER – Cal. Bar No. 277152
TRE LEGAL PRACTICE
7 4226 Castanos Street
Fremont, California 94536
8 Telephone: (410) 415-3493
Facsimile: (888) 718-0617
9 Email: telder@trelegal.com

10 MICHAEL W. BIEN – Cal. Bar No. 096891
MICHAEL S. NUNEZ – Cal. Bar No. 280535
11 ROSEN BIEN GALVAN & GRUNFELD LLP
50 Fremont Street, 19th Floor
12 San Francisco, California 94105-2235
Telephone: (415) 433-6830
13 Facsimile: (415) 433-7104
Email: mbien@rbgg.com
14 mnunez@rbgg.com

15 Attorneys for Plaintiffs

16

17

UNITED STATES DISTRICT COURT

18

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

19

20 NATIONAL FEDERATION OF THE
BLIND, NATIONAL FEDERATION OF
21 THE BLIND OF CALIFORNIA,
MICHAEL KELLY, MICHAEL
22 HINGSON, and MICHAEL PEDERSON,

23

Plaintiffs,

24

v.

25

UBER TECHNOLOGIES, INC.,

26

Defendant.

27

28

Case No. 3:14-cv-04086-NC

**DECLARATION OF KIRK ADAMS IN
SUPPORT OF PLAINTIFFS' MOTION
FOR FEES AND COSTS**

Judge: Hon. Magistrate Nathaniel Cousins
Date: November 10, 2016
Time: 10:00 AM
Crtrm.: D, 450 Golden Gate Avenue, San
Francisco, CA 94102

1 I, Kirk Adams, declare,

2 1. I make this Declaration of my own personal knowledge and, if called to
3 testify, I could and would testify competently to the matters stated herein.

4 2. I am generally familiar with this litigation, an action to challenge
5 discriminatory treatment that blind persons with service animals encounter when
6 attempting to use transportation arranged through the Uber mobile software application
7 (“Uber rider app”). I understand that the parties have proposed a class settlement on behalf
8 of a national class of blind and low-vision persons who travel with service animals and
9 who have used, attempted to use, or been deterred from using transportation arranged
10 through the Uber rider app.

11 **Background**

12 3. I earned my Bachelor of Arts in Economics from Whitman College. I earned
13 my master’s degree in non-for-profit leadership from Seattle University.

14 4. I have been a leader in the blind community for years. I have been the
15 President and CEO of the American Foundation for the Blind (“AFB”) since May 2016.
16 The AFB is a national not-for-profit corporation based in New York. The AFB works to
17 broaden access to technology, improve the quality of information and tools for
18 professionals who serve blind and low-vision persons, and provide resources to blind and
19 low-vision persons to promote independent and healthy living.

20 5. Prior to joining the AFB, I was the president and CEO of the Lighthouse for
21 the Blind, Inc. in Seattle, Washington. I held that position since 2008. Under my
22 management, the Lighthouse expanded to eleven different locations across the nation,
23 increased its revenue, and the number of its employees, many of whom are blind, deaf
24 blind, and blind with other disabilities. Prior to that position, I was the General Manager
25 of Administration and Director of Public Relations and Resource Development at the
26 Lighthouse.

27 6. Since 2013, I have served on the Washington State Governor’s Disability
28 Employment Task Force. I am a former treasurer and member of the Board of the

1 National Association for the Employment of People Who are Blind.

2 **The Settlement**

3 7. Uber has become a critical transportation option for blind persons for several
4 reasons. Because blind people do not drive, blind people often rely more heavily on
5 demand-responsive transportation services such as Uber to travel about their communities.
6 Although many blind people successfully and regularly travel using public transportation,
7 Uber may be the only transportation option due to limited public transit routes in some
8 regions or due to service outages. In addition, Uber's mobile software application, which
9 allows riders to contact drivers directly, view receipts compatible with screen access
10 technology, and automatically charges riders' credit cards, can provide a much more
11 streamlined and accessible transportation experience compared with other similar options
12 such as taxis. Furthermore, blind riders may need to use door-to-door transportation due to
13 time constraints or a lack of familiarity with local public transportation routes, particularly
14 while traveling in unfamiliar areas, and Uber rides are often more affordable than the fares
15 that its competitors charge.

16 8. In fact, Uber's affordability is a critical benefit to the blind community
17 because, on average, blind persons have lower incomes than the overall population and
18 often live on tight budgets. Blind and low-vision people have lower incomes on average
19 due to a variety of systemic issues, including accessibility barriers to education and limited
20 employment opportunities resulting from widespread stereotypes and a lack of
21 understanding of the abilities of blind and low-vision people.

22 9. I am aware that Uber drivers have refused to transport blind riders with
23 service animals and their companions because of their service animals.

24 10. I have reviewed the proposed settlement in *National Federation of the Blind*
25 *v. Uber Technologies, Inc.*, and it is an exceptional and unprecedented victory for blind
26 persons and others who use service animals across the nation. The settlement is significant
27 for several reasons, including its national scope, the new enforcement practices, the
28 comprehensive monitoring, the required follow-up on service animal complaints, and its

1 flexibility to tackle new problems. The settlement would not only ensure reliable access
2 for blind persons and others with service animals to Uber's transportation services, but
3 through this improved access, it will enhance the ability of these individuals to participate
4 in their communities and integrate into society more generally.

5 11. The national scope of this settlement is unprecedented. I am not aware of
6 any taxi company or other demand-responsive transportation service that agreed to take
7 steps to comprehensively improve access for blind people with service animals, or any
8 other group of persons with disabilities, on a national basis before this settlement. In fact,
9 before Uber, blind individuals with guide dogs and other service animal users fought for
10 access to taxi services one locality at a time because most taxi companies were local
11 businesses serving only a single city or metropolitan area.

12 12. The express elimination of allergies as an exception to the obligation to
13 transport riders with service animals is extremely significant. Based on my discussions
14 with members of the blind community concerning discriminatory treatment by Uber
15 drivers and taxis, I understand that drivers have asserted on many occasions that they have
16 dog allergies to avoid transporting riders with service animals. A blind rider hearing this
17 has no way to determine whether a driver actually has the alleged allergy, and a blind rider
18 in this situation may not know whether possessing a dog allergy legally entitles a driver to
19 decline to transport a rider with a service animal. By clarifying that drivers must transport
20 riders with service animals even if they have dog allergies, the settlement eliminates this
21 ambiguity and potential confusion. Under the settlement, drivers will be informed through
22 multiple channels that dog allergies do not excuse them from transporting riders with
23 service animals, and the class notice and NFB and its attorneys' efforts to publicize the
24 settlement will educate the blind community that dog allergies do not permit drivers to
25 refuse to transport riders with service animals.

26 13. In addition, the requirement in the settlement that Uber follow up with
27 individuals who file service animal complaints regarding the outcome of those complaints
28 and the enforcement actions taken against involved drivers is another critical improvement.

1 Informing these riders about the outcome of their complaints provides transparency
2 concerning Uber's enforcement practices. It will allow complaining riders to know when
3 Uber has enforced its service animal policy by terminating its contractual relationship with
4 drivers or by recording plausible complaints in drivers' records. It will also allow riders to
5 know when Uber has concluded that their complaints are not plausible, enabling riders
6 who wish to pursue the matter further to take additional action such as contacting NFB and
7 its legal team to report the issue. Informing riders about the outcome of their complaints is
8 also a rare and significant recognition by a large corporation of the dignity and value of
9 customers with disabilities. As a blind person and someone who has worked with the blind
10 community for much of my professional career, I have observed that both public and
11 private entities too often brush aside concerns raised by persons with disabilities as low-
12 priority niche issues.

13 14. The settlement will benefit many people in addition to the thousands of blind
14 persons who use guide dogs. Blind persons with guide dogs and other service animal users
15 are members of the community who often travel with colleagues, classmates, friends,
16 spouses, children, and other family members. When Uber drivers refuse to transport blind
17 persons with guide dogs or other service animal users traveling with companions, these
18 companions are also denied service and experience frustration and humiliation. By
19 adopting measures to ensure that blind riders with service animals receive reliable access
20 to Uber transportation, the settlement will ensure that their companions, other members of
21 the community, receive reliable access to Uber's transportation services as well.

22 15. The settlement's flexibility to adapt to changes in Uber's services or
23 evolving discriminatory tactics deployed by drivers is also both impressive and reassuring.
24 Many services offered by technology companies often evolve quickly, and ensuring that
25 those services remain accessible to people with disabilities as they change is often
26 forgotten. The ability to further change Uber's policies and practices to adapt to changes
27 in Uber's services and the experiences of riders with service animals will ensure that
28 Uber's services remain accessible as those services evolve. It is common knowledge that

1 over the past several years, Uber has supplanted traditional taxis as the predominant
2 demand responsive transportation service in many metropolitan areas across the country.
3 Given that Uber is now a dominant player in this industry, it is very reassuring to know
4 that the settlement will ensure that Uber's services will remain accessible over time.

5 I declare under penalty of perjury under the laws of the United States of America
6 that the foregoing is true and correct.

7 Executed this 13th day of September, 2016, at New York, New York.

8
9
10 By: 
11 Kirk Adams

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28