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15 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT

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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 CURTIS L.  
DECKER IN SUPPORT OF  
PLAINTIFFS' MOTION FOR FEES  
AND COSTS**

Judge: Hon. Magistrate Nathanael  
Cousins

Date: November 10, 2016

Time: 10:00 AM

Crtrm.: D, 450 Golden Gate Avenue, San  
Francisco, CA 94102

1 I, Curtis L. Decker, declare:

2 1. I have personal knowledge of the matters set forth herein, and if called as a  
3 witness, I could and would competently so testify. I make this declaration in support of  
4 Plaintiffs' Motion For Fees And Costs.

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

12 **Background**

13 3. I earned my Bachelor's degree from Hamilton College, and I earned my J.D.  
14 from Cornell Law School.

15 4. I have spent much of my career advocating for people with disabilities. I  
16 have been the Executive Director of the National Disability Rights Network ("NDRN")  
17 since 1986. NDRN is the membership network for the Protection and Advocacy agencies  
18 nationwide. The federally mandated Protection and Advocacy agencies provide direct  
19 legal services to people with disabilities. Collectively, NDRN is the largest provider of  
20 legal advocacy services to people with disabilities in the United States. NDRN and its  
21 member agencies advocate for people with all types of disabilities, including blindness.  
22 As Executive Director, I oversee all activities related to training, technical assistance,  
23 membership services, and legislative advocacy. Before cofounding NDRN, I was the  
24 Director of the Maryland Disability Law Center, Maryland's Protection and Advocacy  
25 organization, from 1979 to 1982.

26 5. I am the immediate past chair of the Consortium for Citizens with  
27 Disabilities (CCD), a coalition of over 100 national disability groups. I have also served as  
28 a legislative consultant for numerous groups, including the American Association on

1 Mental Retardation, the National Public Law Training Center, and the Maryland Academy  
2 of Physician's Assistants.

### 3 **The Settlement**

4 6. There are many different types of service animals in addition to guide dogs.  
5 For example, signal dogs are trained to alert deaf people about relevant sounds. Mobility  
6 assistance dogs can serve as braces for people with balance issues or assist people by  
7 opening doors and retrieving objects. Seizure dogs are trained to take actions to protect  
8 people while they are experiencing seizures. Thousands of people in the United States use  
9 these other types of service animals.

10 7. Uber has become a critical transportation option for people with mobility  
11 disabilities and blind people for several reasons. First, Uber is an essential transportation  
12 option for people with mobility impairments who may need to use door-to-door  
13 transportation rather than public transportation due to their disabilities' impact on their  
14 ability to use public transportation. Although paratransit services can provide door-to-door  
15 transportation, paratransit transportation is sometimes not a viable option because such  
16 transportation must be arranged hours or days in advance, and a traveler's time constraints  
17 may foreclose using paratransit, which can be slower because paratransit vehicles often  
18 commit to pickups and drop offs during time windows rather than at specific times. In  
19 addition, Because blind people do not drive, blind people often rely more heavily on  
20 demand-responsive transportation services such as Uber to travel about their communities.  
21 Furthermore, although blind people regularly successfully travel using public  
22 transportation, Uber may be the only transportation option due to limited public transit  
23 routes in some regions or due to service outages. Blind riders may also need to use door-  
24 to-door transportation due to time constraints or a lack of familiarity with local public  
25 transportation routes, particularly while traveling in unfamiliar areas.

26 8. Uber's relative affordability compared to its competitors is also a key benefit  
27 to the disability community. On average, people with disabilities have lower incomes than  
28 the overall population for several reasons, including limited access to education, limited

1 employment opportunities resulting from widespread stereotypes and a lack of  
2 understanding of the abilities of people with disabilities, and the impact of certain  
3 disabilities on the ability to work. Thus, Uber is critical to the disability community  
4 because its affordability provides more people with disabilities with meaningful access to  
5 transportation.

6 9. I am aware that Uber drivers have refused to transport riders with service  
7 animals and their companions because of their service animals. I understand that, in  
8 addition to guide dog users, people with other types of service animals have encountered  
9 this discrimination.

10 10. I have reviewed the proposed settlement in *National Federation of the Blind*  
11 *v. Uber Technologies, Inc.*, and it is an exceptional and unprecedented victory for people  
12 with disabilities who use service animals nationwide. The settlement is remarkable for  
13 several reasons, including its national scope, its improvements for all people who use  
14 service animals, the new enforcement practices, the comprehensive monitoring, the  
15 required follow-up on service animal complaints, and its flexibility to tackle new  
16 problems. The settlement would not only ensure reliable access for people with service  
17 animals to Uber's transportation services, but through this improved access, it would  
18 enhance the ability of these individuals to participate in their communities and integrate  
19 into society more generally.

20 11. The national scope of this settlement is a landmark achievement. I am not  
21 aware of any taxi company or other demand-responsive transportation service that has  
22 agreed to take steps to comprehensively improve access for people with service animals on  
23 a national basis before this settlement. Before Uber, people with service animals fought  
24 for access to taxi services one locality at a time because most taxi companies were local  
25 businesses serving only a single city, metropolitan area, or region.

26 12. The settlement is also impressive because it not only will benefit blind  
27 persons who use guide dogs, but it will also benefit the thousands of other service animal  
28 users across the country and those who travel with them. First, all of the new policies,

1 practices, and procedures that Uber would adopt under the proposed settlement would  
2 apply to all riders with service animals, not just blind persons with guide dogs. In  
3 addition, people with service animals often travel with colleagues, classmates, friends,  
4 spouses, children, and other family members. When Uber drivers refuse to transport  
5 people with service animals traveling with companions, these companions are also denied  
6 service and experience frustration and humiliation. By adopting measures to ensure that  
7 people with service animals receive reliable access to Uber transportation, the settlement  
8 will ensure that their companions receive reliable access to Uber's transportation services  
9 as well.

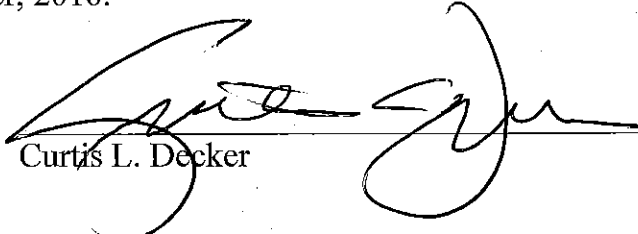
10 13. Regarding specifics of the settlement, the express elimination of allergies as  
11 an exception to the obligation to transport riders with service animals is a tremendous  
12 improvement. Based on my work with the disability community, I understand that drivers  
13 have asserted on many occasions that they have dog allergies to avoid transporting riders  
14 with service animals. A rider hearing this has no way to determine whether a driver  
15 actually has the alleged allergy, and a rider in this situation may not know whether  
16 possessing a dog allergy legally entitles a driver to decline to transport a rider with a  
17 service animal. By clarifying that drivers must transport riders with service animals even  
18 if they have dog allergies, the settlement eliminates this ambiguity and this discriminatory  
19 tactic. Under the settlement, drivers will be informed through multiple channels that dog  
20 allergies do not excuse them from transporting riders with service animals, and publicity of  
21 the settlement will educate people who use service animals that dog allergies do not permit  
22 drivers to refuse to transport them.

23 14. In addition, Uber's agreement to follow up with individuals who file service  
24 animal complaints regarding the outcome of those complaints and the enforcement actions  
25 taken against involved drivers is another key improvement. Informing these riders about  
26 the outcome of their complaints provides transparency concerning Uber's enforcement  
27 practices. It will allow complaining riders to know when Uber has enforced its service  
28 animal policy by terminating its contractual relationship with drivers or by recording

1 plausible complaints in drivers' records. It will also allow riders to know when Uber has  
2 concluded that their complaints are not plausible, enabling riders who wish to pursue the  
3 matter further to take additional action such as contacting NFB and its legal team to report  
4 the issue. Informing riders about the outcome of their complaints is also a rare and  
5 significant recognition by a large corporation of the dignity and value of customers with  
6 service animals. Based on my experience as a disability rights advocate, I have observed  
7 that both public and private entities too often disregard concerns raised by persons with  
8 disabilities as low-priority niche issues.

9       15. The settlement's adaptability to changes in Uber's services and evolving  
10 discriminatory tactics deployed by drivers is also both impressive and reassuring. Many  
11 services offered by technology companies often evolve quickly, and ensuring that those  
12 services remain accessible to people with disabilities as they change is often forgotten.  
13 The ability to further change Uber's policies and practices to adapt to changes in Uber's  
14 services and the experiences of riders with service animals will ensure that Uber's services  
15 remain accessible to riders with service animals as those services evolve. It is common  
16 knowledge that over the past several years, Uber has supplanted traditional taxis as the  
17 predominant demand responsive transportation service in many metropolitan areas across  
18 the country. Given this dominance, it is very reassuring to know that the settlement will  
19 ensure that Uber's services will remain accessible over time.

20       I declare under penalty of perjury under the laws of the United States and the State  
21 of California that the foregoing is true and correct, and that this declaration is executed at  
22 Washington, D.C. this 3 day of September, 2016.

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25 Curtis L. Decker  
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