

**ELDER
DECLARATION
EXHIBIT C**



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June 3, 2014

Sent by certified mail

Salle Yoo
General Counsel
Uber Technologies
405 Howard Street, Suite 550
San Francisco, CA 94105

Re: Access to Uber for blind individuals with service dogs

Dear Ms. Yoo:

I write on behalf of the California affiliate of the National Federation of the Blind (“NFB of California”) and several of its members concerning Uber drivers refusing to transport blind individuals with service animals. Blind individuals are able to use smart phones to request Uber rides, but many blind individuals with service dogs from cities across the United States, including members of NFB of California report that Uber drivers have refused to transport them with their service dogs.

The NFB of California is an association of blind Californians, and it is a state affiliate of the National Federation of the Blind. The NFB of California’s mission is to promote the vocational, cultural, and social advancement of the blind; to achieve the integration of the blind into society on a basis of equality with the sighted; and to take any other action which will improve the overall condition and standard of living of the blind.

Reliable access to modern publicly available transportation services such as Uber is critical to the NFB of California and its members. Services like Uber are now an essential method of transportation for many blind individuals. When Uber drivers refuse to transport blind individuals, blind individuals face potentially significant delays as they scramble to make alternative transportation arrangements. These delays are not abstract inconveniences; some blind individuals have missed important appointments such as job interviews due to this discrimination. In addition, being denied access to Uber’s service is degrading for blind persons, people who simply wish to use the same transportation services available to other members of the general public.

Uber drivers have refused to transport multiple members of NFB of California. To illustrate, Uber drivers have refused to transport Jamey Gump and Jonathan Lyens, two representative members of the NFB of California who are legally blind and use guide dogs. An Uber driver

refused to transport Mr. Gump in San Leandro, California on or about March 23, 2014. Another Uber driver refused to transport Mr. Gump in Menlo Park, California, on or about May 21, 2014.

Likewise, an Uber driver refused to transport Mr. Lyens in San Francisco on or about February 20, 2014.

Moreover, our office has received numerous complaints from other blind individuals from multiple jurisdictions across the country who all report similar problems and corroborate the systemic nature of this issue.

Other members of NFB of California who use service dogs are aware of this discrimination, and they have refrained from using Uber because they fear experiencing similar discrimination. For example, Michael Hingson is blind, a member of the NFB of California, and uses a service dog. He is aware that Uber drivers have refused to transport other blind individuals with service animals. Mr. Hingson would like to use Uber, but he has not done so because he fears that Uber drivers will refuse to transport him due to his service animal.

Because Uber controls access to Uber's customers and tracks data concerning both drivers and riders, Uber can adopt and enforce policies and procedures that would minimize discrimination against blind individuals with service dogs. For example, Uber could meaningfully discipline a driver who refuses to transport a blind individual with a service animal by temporarily prohibiting that driver from receiving requests for rides from other Uber customers. In addition, Uber could permanently terminate relations with a driver who refuses on more than one occasion to transport a blind individual with a service animal.

By failing to take effective steps thus far to prevent the pervasive discrimination that blind individuals with service dogs have faced from Uber drivers, Uber is violating both State and federal law. Specifically, Title III of The Americans with Disabilities Act prohibits discrimination against people with disabilities by private entities such as Uber that provide transportation services to the general public. In addition, California Civil Code sections 54-54.3 guarantee full and equal access for people with disabilities to all accommodations, advantages, facilities, and privileges of "all places of public accommodation" and "other places to which the general public is invited." Uber vehicles constitute "places of public accommodation" or "other places where the public is invited" within the meaning of California Civil Code §§ 54-54.3. Uber's failure to take the steps necessary to end discrimination against blind persons with service dogs also violates California's Unruh Civil Rights Act, Civil Code §§ 51, et seq., which guarantees equal access for people with disabilities to the accommodations, advantages, facilities, privileges, and services of all business establishments of any kind whatsoever.

Please let us know within thirty days of the date of this letter whether Uber will commit to adopt and enforce policies and procedures to minimize further discrimination by Uber drivers against blind individuals with service dogs. We request a specific proposal that includes the following:

- A plan to adopt and enforce policies and procedures that would minimize discrimination against blind individuals with service animals, including the following:
 - Mandatory specific training, developed through collaboration with the NFB of California, for all drivers concerning legal access requirements related to service dogs;

- An accessible method within Uber's smart phone applications by which blind individuals with service dogs can immediately and efficiently report instances where Uber drivers refuse to transport them;
 - A specific plan to investigate each complaint of denial of service submitted by blind guide dog users;
 - A specific plan to report back to complainants and the NFB of California the outcome of each investigation concerning refusal to transport blind individuals with service dogs, including the name of the driver under investigation and whether Uber has disciplined or permanently severed relations with that driver;
 - Specific procedures that Uber will implement to discipline drivers who refuse to transport service dogs;
 - A specific plan to monitor Uber drivers' compliance with disability access laws, such as by partnering with blind individuals with service dogs who would use Uber for the primary purpose of evaluating whether Uber drivers are providing service to blind individuals with service dogs; and
 - Specific procedures that Uber will implement to permanently remove Uber drivers who refuse on more than one occasion to transport blind individuals with service dogs.
- A specific and reasonable timeline for adopting the procedures outlined above.

The NFB of California sincerely hopes Uber will collaborate with us to negotiate a mutually agreeable solution to this systemic issue that would obviate the need for costly litigation. Resources would be better spent on making Uber more accessible to a broad and diverse customer pool, which would also support Uber's growth. That being said, the NFB of California will vigorously pursue all means of advocacy including litigation against any transportation provider that does not take meaningful and substantial steps to ensure that its transportation services are available to blind individuals with service dogs in accordance with the law. We look forward to hearing from you as soon as possible. If the NFB of California does not hear from Uber within the requested 30 day period, or if Uber fails to offer sufficient plans to remedy these deficiencies, the NFB of California will be forced to take further action which may result in the filing of a lawsuit. In addition, please take steps to place a litigation hold on all relevant documents from one year prior to the date of this letter going forward that relate to Uber service in any city within the United States for the following categories:

- Complaints or comments from drivers, passengers, or others regarding service animals;

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- Driver comments with any of the terms “blind,” “dog,” “animal,” “canine,” “disabled,” “disability,” “handicapped,” “fur,” “hair,” or “visually impaired”;
- Records of refunds and credits given to passengers who have made complaints or comments regarding service animals;
- Driver discipline policies;
- Driver ranking data;
- Driver discipline and termination records;
- Policies regarding service animals;
- Driver training materials; and
- Any other documents that may be discoverable in litigation on the above issues relating to service animals.

Sincerely,



Laurence Paradis (California Bar No. 122336)
Executive Director
Disability Rights Advocates

Enclosure: Important Advisory Information for Building Owners and Tenants (Disability Access Litigation)

CC: Timothy Elder, TRE Legal Practice
State Bar of California, Professional Competence
California Commission on Disability Access