

EMPOWERS
FILED
SAN FRANCISCO COUNTY
SUPERIOR COURT

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9 ANG JIANG LIU, HUAN HUA KUANG, ANTHONY LIU

10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

12 **UNLIMITED JURISDICTION**

13 ANG JIANG LIU, AS AN INDIVIDUAL
14 AND AS GUARDIAN AD LITEM FOR
15 ANTHONY LIU, AND SUCCESSOR IN
16 INTEREST ON BEHALF OF THE ESTATE
17 OF SOFIA LIU, HUAN HUA KUANG,
18 ANTHONY LIU

19 Plaintiffs,

20 v.

21 UBER TECHNOLOGIES, INC., RASIER
22 LLC, RASIER-CA LLC, SYED
23 MUZZAFAR, and DOES 1-30,

24 Defendants.

Case No. **C.G.C. - 14 - 536979**

**COMPLAINT FOR DAMAGES AND
DEMAND FOR TRIAL BY JURY**

1. **WRONGFUL DEATH**
2. **NEGLIGENCE - MOTOR VEHICLE**
3. **NEGLIGENT INFLECTION OF
EMOTIONAL DISTRESS**
4. **NEGLIGENCE**
5. **NEGLIGENCE PER SE**
6. **STRICT PRODUCTS LIABILITY**
7. **NEGLIGENT HIRING RETENTION
AND SUPERVISION**
8. **LOSS OF CONSORTIUM**
9. **WRONGFUL DEATH SURVIVAL
ACTION**

DEMAND FOR JURY TRIAL

1 **PARTIES**

2 1. Plaintiff ANG JIANG LIU is an adult male. He is the husband of Plaintiff HUAN
3 KUANG and father of Plaintiff ANTHONY LIU and decedent SOFIA LIU.

4 2. Plaintiff HUAN KUANG is an adult female. She is the wife of Plaintiff ANG JIANG
5 LIU, and Mother of Plaintiff ANTHONY LIU and decedent SOFIA LIU.

6 3. Plaintiff ANTHONY LIU is a minor. He is the brother of the decedent SOFIA LIU.

7 4. Defendant UBER TECHNOLOGIES, INC (hereinafter "UBER") is a Delaware
8 Corporation and or Does 1-10 are corporations and/or business entities of a form unknown,
9 which run a Transportation Network Company (TNC) known as UBER which provide a
10 number of transportation options and vehicles for users of their service, including a low cost
11 option called Uber X, through an online-enabled application (hereinafter "APP"). UBER has its
12 principal place of business in and conducts business in San Francisco, California.

13 5. Plaintiffs are informed and believe and on the basis of said information and belief allege
14 that RASIER LLC is a Delaware Limited Liability Company which is a wholly owned
15 subsidiary of UBER and the parent company of RASIER-CA LLC, a Delaware Limited
16 Liability Company. RASIER LLC & RASIER-CA LLC have their principal place of business
17 in and conducts business in San Francisco, California.

18 6. UBER and DOES 1-10, use RASIER LLC and/or RASIER-CA LLC and/or Does 21-30
19 to operate a TRANSPORTATION NETWORK COMPANY (TNC) known as Uber X, a
20 division of UBER and/or Does 1-10 and 21-30's commercial enterprise.

21 7. Plaintiffs are informed and believe, and on the basis of information and belief allege that
22 RASIER-CA LLC has been assigned Carrier ID PSG0032512 by the PUC and that UBER,
23 RASIER LLC and/or RASIER-CA LLC and/or Does 1-10 and 21-30 use Carrier ID
24 PSG0032512 to operate its TNC, Uber X in California.

25 8. Plaintiffs are informed and believe, and on the basis of information and belief allege that
26 RASIER-CA LLC is the insurance certificate holder for the insurance that UBER is required to
27 carry as a TNC by the PUC, which it uses for its Uber X operations.
28

1 9. Defendant SYED MUZZAFAR is an adult male. On December 31, 2013, he was the
2 driver of the vehicle which killed SOPHIA LIU, and injured HUAN KUANG and ANTHONY
3 LIU.

4 10. Plaintiffs are informed and believe, and the basis of said information and belief, allege,
5 that on December 31, 2013, at the time of this collision, Defendant MUZZAFAR was a
6 driver/transportation provider who was operating his vehicle utilizing the UBER APP and as
7 such was an agent and/or employee and/or partner of UBER, and/or RASIER LLC and/or
8 RAISER-CA LLC and/or Does 1-10 and/or Does 21-30.

9 11. Plaintiffs are informed and believe, and the basis of said information and belief, allege,
10 at all times material to this complaint, UBER and/or RASIER LLC and/or RAISER-CA LLC
11 and/or Does 1-10 and/or Does 21-30 were the employer of Defendant MUZZAFAR, and/or his
12 partner and/or an agency relationship existed between them.

13 12. Does 11-20 are believed to be the owners of the vehicle driven by MUZZAFAR at the
14 time of the collision.

15 13. Plaintiffs are ignorant of the names of the Defendants sued herein as DOES 1 through
16 30, inclusive, and therefore sue these Defendants by such fictitious names. Plaintiffs will
17 amend this complaint to allege their true names and capacities when ascertained. Plaintiffs are
18 informed and believe and thereon allege that each of said fictitiously named Defendants is
19 responsible in some manner for the occurrences herein alleged, and that Plaintiffs' injuries
20 herein alleged were caused by the aforementioned Defendants.

21 14. Plaintiffs are informed and believe, and on the basis of said information and belief
22 allege, that at all times herein material to this matters alleged in this Complaint, each of the
23 Defendants was the agent and/or employee and/or partner of each of the remaining Defendants
24 and, in doing the things herein alleged, was acting within the course and scope of such agency
25 and/or employment, and/or aided and/or abetted the others and/or ratified the acts of the others
26 so as to make them liable for the Plaintiffs' damages.

27 15. Plaintiffs are informed and believe, and on the basis of said information and belief
28 allege, that there is a unity of interest and operation between UBER, RAISER LLC, RAISER-

1 CA LLC and Does 1-10 and 21-30 such that their separate and independent classification is but
2 a fiction and that each is the alter-ego of the other.

3 16. Defendants are liable for the acts of each other through principals of *respondeat*
4 *superior*, agency, ostensible agency, partnership, alter-ego and other forms of vicarious liability.
5

6 VENUE AND JURISDICTION

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8 17. Venue in this court is appropriate as the injuries to the Plaintiffs occurred in San
9 Francisco County.

10 18. Jurisdiction is proper in this case in that the amount in controversy is in excess of the
11 statutory requirements of this court.
12

13 FACTS COMMON TO ALL CAUSES OF ACTION

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15 19. On December 31, 2013, at just before 8:00pm, HUAN KUANG was walking home in
16 San Francisco with her two children, ANTHONY LIU, who was 5 years old, and SOFIA LIU,
17 who was 6 years old.

18 20. They approached the intersection of Polk Street and Ellis Street. When the light was
19 green for them to walk, they began to cross Polk Street within the crosswalk.

20 21. As they were in the cross-walk, with the signal green for them to walk, a vehicle driven
21 by Defendant SYED MUZZAFAR turned right from Ellis Street and collided with HUAN
22 KUANG, ANTHONY LIU and SOFIA LIU.

23 22. The collision caused the wrongful death of SOFIA LIU, and caused serious and
24 significant physical and mental injuries to the other Plaintiffs in this action.

25 23. UBER, RAISER LLC, RAISER-CA LLC and Does 1-10 and 21-30 and their Uber X
26 service have been classified by the California Public Utilities Commission (hereinafter "PUC")
27 as a TNC.
28

1 24. UBER, RAISER LLC, RAISER-CA LLC and Does 1-10 and 21-30, through its
2 services, including Uber X, provides prearranged transportation services for compensation using
3 its APP or platform to connect persons wanting to procure transportation (hereinafter
4 “USERS”), with those who, utilizing their own personal vehicles, want to provide transportation
5 ion exchange for compensation (hereinafter “DRIVERS”).

6 25. Plaintiffs are informed and believe, and on the basis of said information and belief
7 allege, that MUZZAFAR was logged on to the UBER APP at the time that the collision
8 occurred and was appearing as a UBER and/or Uber X DRIVER available for providing
9 transportation services to USERS and/or was viewing, monitoring and/or interacting with his
10 wireless communications device/smartphone/GPS at or near the time of the collision.

11 26. Before USERS can utilize the APP, USERS must become “partners” of UBER, UBER,
12 RAISER LLC, RAISER-CA LLC and Does 1-10 and 21-30 by logging into UBER’s APP or
13 web based portal and provide information about themselves to UBER including their name, e-
14 mail, credit card number, mobile telephone number, etc. Only registered USERS can use
15 UBER’s APP to prearrange transportation service.

16 27. Before DRIVERS can participate in UBER’S, RASIER LLC’S, RAISER-CA LLC’S
17 and Does 1-10 and 21-30’s prearranged transportation service, including but not limited to Uber
18 X, they must apply to be a DRIVER by logging into UBER’s APP or web based portal and
19 providing information including but not limited to their name, phone number, address, e-mail,
20 banking information, vehicle registration, insurance, vehicle description, and have their vehicle
21 inspected. UBER, RASIER LLC and RAISER-CA LLC and Does 1-10 and 21-30 are required
22 to conduct a background investigation of their DRIVERS including but not limited to their
23 driving and criminal history (and thereafter conduct periodic reviews of their driving history).
24 UBER, RASIER LLC and RAISER-CA LLC and Does 1-10 and 21-30 then evaluate the driver
25 and only permit those drivers it finds suitable to become registered DRIVERS on its APP.
26 UBER, RASIER LLC and RAISER-CA LLC and Does 1-10 and 21-30 reserve the right to
27 remove or delete DRIVERS from their system at their discretion. Therefore UBER, RASIER
28

1 LLC and RAISER-CA LLC and Does 1-10 and 21-30 are entirely in control of who can use
2 their system as either a DRIVER or USER.

3 28. Only after USERS and DRIVERS have provided the information required by UBER,
4 RASIER LLC and RAISER-CA LLC and Does 1-10 and 21-30 can they participate in the pre-
5 arranged transportation service.

6 29. USERS seeking transportation services provided by UBER, RASIER LLC and
7 RAISER-CA LLC and Does 1-10 and 21-30, such as Uber x and its DRIVERS, log on to the
8 APP which is under the URL, www.uber.com, and arrive at a main screen that says UBER.
9 From that main screen they can navigate among different types of transportation services
10 (generally distinguished by type of vehicle) including Uber X which is touted as “the low cost
11 UBER.”

12 30. USERS who chose Uber X are shown a GPS looking screen which displays vehicles
13 available to provide transportation services in their area. After requesting a DRIVER, the APP
14 alerts nearby DRIVERS who must timely indicate their acceptance of the USER’S
15 transportation request by manually interfacing with the APP. Once the DRIVER accepts the
16 USER’s request that drivers name, photo, vehicle description, user rating, and time from pickup
17 are displayed to the USER.

18 31. DRIVERS, in order to be available to provide USERS transportation services in
19 exchange for compensation, must log on to the UBER and/or Uber X APP and indicate their
20 availability. Their location and information is then visible to USERS and DRIVERS can access
21 a screen on their electronic communication device/smart phone/GPS called a “God View”
22 which shows them a map of where others using the system are located.

23 32. The PUC has found that, “clearly, each TNC is receiving either an economic benefit or
24 a business benefit. At a minimum, they are receiving increased patronage with the growth of
25 their businesses.”

26 33. UBER and Uber X’s brand and value to USERS, and potential USERS, is enhanced by
27 having a significant number of DRIVERS registered, visible to the USERS on the UBER APP,
28 and available in close proximity to USERS so as to provide transportation services. Indeed

1 UBER states on its website "When you request a driver we'll find a driver and let track their
2 location on the map. Your driver's name and car details appear in the app and you can message
3 or call if you need to". "UBER'S, and/or RASIER LLC's and/or RAISER-CA LLC's and/or
4 Does 1-10 and 21-30's competitive advantage in the transportation industry is fostered by
5 having an APP that shows both DRIVERS and USERS where the other is, providing
6 information and reviews about the DRIVER and USER, permitting communication by text and
7 phone between DRIVER and USER and by demonstrating the large number of available
8 DRIVERS which are logged on to the UBER APP.

9 34. UBER, and/or RASIER LLC and/or RAISER-CA LLC and/or Does 1-10 and 21-30
10 derive an economic benefit from not only having USERS transported by DRIVERS collecting a
11 portion of the charge for transportation, it derives an economic benefit, and competitive
12 advantage, by displaying the location of available vehicles near the USER's location. USERS
13 seeing the ready supply of UBER and/or Uber X vehicles have greater consumer confidence
14 that they will be able to obtain one-to-one prearranged transportation services rapidly and are
15 therefore more likely to be repeat customers. In this way UBER, and/or RASIER LLC and/or
16 RAISER-CA LLC and/or Does 1-10 and 21-30 enhance their business by attracting a larger
17 number of USERS to their services and, therefore, increase their market share of the
18 transportation industry and commerce in the business sector in which they are providing service.
19 Therefore, regardless of whether a DRIVER actually has a USER in their car, is on the way to a
20 USER who has engaged the DRIVER through the APP, or simply is logged on to the APP as an
21 available DRIVER, UBER, and/or RASIER LLC and/or RAISER-CA LLC and/or Does 1-10
22 and 21-30 derives an economic benefit from having DRIVERS registered on the service.

23 35. The nature of the APP and its interface is both visual and tactile. Therefore, DRIVERS
24 must monitor their wireless communications device/smartphone/GPS so as to be aware of the
25 location of other UBER and/or Uber X vehicles so they can position themselves near areas of
26 high USER demand. The APP provides for texting and phone calling and instant messaging
27 between the DRIVER and the USER.
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1 36. UBER and/or Uber X DRIVERS must respond quickly to a USER request for service by
2 physically interfacing with the APP thereby leading to distraction while a DRIVER monitors
3 and/or uses the APP on their wireless communications device/smartphone/GPS. Defendants
4 UBER, and/or RASIER LLC and/or RAISER-CA LLC and/or Does 1-10 and 21-30 knew, or
5 should have known use of the APP by DRIVERS, including but not limited to MUZZARAF, in
6 the manner intended and actually required by UBER, and/or RASIER LLC and/or RAISER-CA
7 LLC and/or Does 1-10 and 21-30, would be in violation of California Vehicle Code 23123
8 which, in subsection (a) states "A person shall not drive a motor vehicle while using a wireless
9 telephone unless that telephone is specifically designed and configured to allow hands-free
10 listening and talking, and is used in that manner while driving."

11 37. Defendant UBER, and/or RASIER LLC and/or RAISER-CA LLC and/or Does 1-10
12 and 21-30 knew, or should have known that use of the APP by DRIVERS, including but not
13 limited to MUZZARAF, in the manner intended and actually required by UBER, and/or
14 RASIER LLC and/or RAISER-CA LLC and/or Does 1-10 and 21-30, and/or RASIER LLC
15 and/or RAISER-CA LLC and/or Does 1-10 and 21-30, would be in violation of California
16 Vehicle Code Section 23123.5 which, states "(a) A person shall not drive a motor vehicle while
17 using an electronic wireless communications device to write, send, or read a text-based
18 communication, unless the electronic wireless communications device is specifically designed
19 and configured to allow voice operated and hands-free operation to dictate, send, or listen to a
20 text-based communication, and it is used in that manner while driving. (b) As used in this
21 section "write, send, or read a text-based communication" means using an electronic wireless
22 communications device to manually communicate with any person using a text-based
23 communication, including, but not limited to, communications referred to as a text message,
24 instant message, or electronic mail."

25 38. Pursuant to California Vehicle Code Section 26708 any portable Global Positioning
26 System (GPS), may only be mounted in a seven-inch square in the lower corner of the
27 windshield farthest removed from the driver or in a five-inch square in the lower corner of the
28 windshield nearest to the driver and outside of an airbag deployment zone," **if the system is**

1 used only for door-to-door navigation while the motor vehicle is being operated.” The
2 UBER APP is, by its nature, a GPS.

3 39. Use by UBER and Uber X DRIVERS of a GPS while engaged in the business activity
4 of being a UBER or Uber X DRIVER is not door-to-door navigation and, therefore, violates
5 California Vehicle Code Section 26708.

6 40. Plaintiffs are informed and believe, and on the basis of said information and belief
7 allege that the status of MUZZARAF as an UBER and/or Uber X DRIVER, including but not
8 limited to the use and/or monitoring of the APP and its interface, was a proximate cause of this
9 collision including but not limited to its causing MUZZARAF to be distracted while driving.

10 41. Plaintiffs are informed and believe, and on the basis of said information and belief
11 alleges that the design of the UBER APP and DRIVER interface, requires drivers to use the
12 APP in such a manner as to violate the law, including but not limited to CA. Vehicle Code
13 Sections 23123, 23123.5 and/or 26708, the legislative history of which is discussed, in part, in
14 *People v. Spriggs*, (2013) 215 CalApp.4th Supp.1, thereby causing distraction to DRIVERS,
15 including MOZZARAF and, further, that MUZZARAF’s distraction was a substantial factor in
16 causing the subject accident and resultant harm.

17
18 **FIRST CAUSE OF ACTION**

19 **Wrongful Death**

20 **By Plaintiffs ANG JIAN LIU and HUAN KUANG**
21 **Against All Defendants**

22 42. Plaintiffs incorporate by reference, as though fully set forth herein, the contents of
23 Paragraphs 1 through 41.

24 43. Defendants and each of them owed Plaintiffs a duty of reasonable/due care as well as
25 statutory duties established in California Vehicle Codes, 21950, 23123, 23123.5 and/or 26708.

26 44. Defendants UBER, and/or RASIER LLC and/or RAISER-CA LLC and/or Does 1-10
27 and 21-30 were negligent in their development, implementation, and use of the APP in the
28 provision of prearranged transportation services in such a manner so as to lead to DRIVERS,
including MUZZARAF, to be distracted and/or inattentive, while driving.

1 45. Defendants UBER, and/or RASIER LLC and/or RAISER-CA LLC and/or Does 1-10
2 and 21-30 are, as more fully set forth below, liable in strict product liability, for the defective
3 APP and/or user interface.

4 46. Defendants UBER, and/or RASIER LLC and/or RAISER-CA LLC and/or Does 1-10
5 and 21-30, and each of them, through their wrongful acts, as set forth above, breached their
6 duties of care and said breach was the proximate cause of the death of SOFIA LIU.

7 47. As a proximate result the negligence of Defendants UBER, and/or RASIER LLC and/or
8 RAISER-CA LLC and/or Does 1-10 and 21-30, and each of them, Plaintiffs ANG LIU and
9 HUAN KUANG have suffered great loss and harm, including but not limited to funeral and
10 burial expenses, loss of love, companionship, comfort, care, assistance, protection, affection,
11 society and moral support in an amount to be established at the time of trial.

12
13 **SECOND CAUSE OF ACTION**

14 **Negligence –Motor Vehicle**

15 **By Plaintiffs HUAN KUANG and ANTHONY LIU**

16 **Against All Defendants**

17 48. Plaintiffs incorporate by reference, as though fully set forth herein, the contents of
18 Paragraphs 1 through 47.

19 49. Defendants and each of them owed Plaintiffs a duty of reasonable/due care as well as
20 statutory duties established in California Vehicle Codes, 21950, 23123, 23123.5 and/or 26708.

21 50. Defendant MUZZARAF, on December 31, 2013, while operating his vehicle in the
22 scope and course of his employment/agency/partnership with UBER, and/or RASIER LLC
23 and/or RAISER-CA LLC and/or Does 1-10 and 21-30, was negligent and did breach one or
24 more of those duties and said breach was the proximate cause of personal injuries to Plaintiffs
25 HUAN KUANG and ANTHONY LIU.

26 51. Defendants 11-20 were negligent in their entrustment of the vehicle being driven by
27 MUZZARAF on December 31, 2013.

28 52. As a proximate result the negligence of Defendants, and each of them, Plaintiffs have
suffered significant general and special damages in amounts to be determined at trial.

1 53. The conduct of the Defendants and each of them was engaged in with fraud, oppression
2 and/or malice, and was in conscious disregard of the rights and safety of others, including but
3 not limited to the Plaintiffs herein so as to warrant the imposition of punitive damages pursuant
4 to California Civil Code Section 3294.

5
6 **THIRD CAUSE OF ACTION**
7 **Negligent Infliction of Emotional Distress**
8 **By Plaintiffs HUAN KUANG and ANTHONY LIU**
9 **Against All Defendants**

10 54. Plaintiffs incorporate by reference, as though fully set forth herein, the contents of
11 Paragraphs 1-54.

12 55. Plaintiffs HUAN KUANG and ANTHONY LIU, mother and brother to decedent
13 SOFIA LIU, were with SOPHIA and, therefore, in the legally recognized "zone of danger"
14 created by the Defendants, and each of them, when they wrongfully caused the death of
15 decedent SOFIA LIU and the physical injuries to HUAN KUANG and ANTHONY LIU.

16 56. Plaintiffs HUAN KUANG and ANTHONY LIU were aware of, and did witness the
17 injuries sustained by each other and SOFIA LIU so as to suffer the negligent infliction of
18 emotional distress as recognized in the case of *Dillon v Legg*, (1968) 68 Cal.2nd 728.

19 57. As a proximate result the negligence of Defendants and each of them, Plaintiffs HUAN
20 KUANG and ANTHONY LIU have suffered significant general and special damages in
21 amounts to be determined at trial.

22 58. The conduct of the Defendants and each of them was engaged in with fraud, oppression
23 and/or malice, and was in conscious disregard of the rights and safety of others, including but
24 not limited to the Plaintiffs herein so as to warrant the imposition of punitive damages pursuant
25 to California Civil Code Section 3294.

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FOURTH CAUSE OF ACTION
Negligence
By all Plaintiffs
Against Defendants UBER, and/or RASIER LLC
and/or RAISER-CA LLC and/or Does 1-10 and 21-30

59. Plaintiffs hereby incorporate by reference, as though fully set forth herein, the contents of Paragraphs 1-58.

60. Defendants UBER, and/or RASIER LLC and/or RAISER-CA LLC and/or Does 1-10 and 21-30 and DOES 1-10 were negligent in their development, implementation, and use of the APP in the provision of prearranged transportation services in such a manner so as to lead to DRIVERS, including MUZZARAF, to be distracted and/or inattentive, while driving.

61. Defendants UBER, and/or RASIER LLC and/or RAISER-CA LLC and/or Does 1-10 and 21-30 required its DRIVERS to use a smartphone APP and/or GPS that causes, and did cause, driver distraction and inattention to the roadway, such that it was the proximate cause of the subject accident and resulting personal injuries to Plaintiffs HUAN KUANG and ANTHONY LIU.

62. As a proximate result the negligence of Defendant UBER, and/or RASIER LLC and/or RAISER-CA LLC and/or Does 1-10 and 21-30, and each of them, Plaintiffs have suffered significant special and general damages in amounts to be determined at trial.

63. As a proximate result the negligence of Defendants and each of them, Plaintiffs ANG JIANG LIU and HUAN KUANG suffered wrongful death damages.

64. The conduct of the Defendants and each of them was engaged in with fraud, oppression and/or malice, and was in conscious disregard of the rights and safety of others, including but not limited to the Plaintiffs herein so as to warrant the imposition of punitive damages pursuant to California Civil Code Section 3294.

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FIFTH CAUSE OF ACTION
Negligence Per Se
By Plaintiffs
Against ALL DEFENDANTS

65. Plaintiffs hereby incorporate by reference, as though fully set forth herein, the contents of Paragraphs 1-64.

66. California Vehicle Codes, 21950, 23123, 23123.5 and/or 26708 were laws implemented by the State of California to protect individuals from injury or death due to inattentive or distracted drivers. Plaintiffs and each of them were of the class of persons intended to be protected by these laws.

67. Defendants and each of them therefore owed Plaintiffs a duty to conduct their affairs in accordance with California Vehicle Codes, 21950, 23123, 23123.5 and/or 26708.

68. Defendants and each of them breached one or more of the duties established by California Vehicle Codes, 21950, 23123, 23123.5 and/or 26708. Such conduct constitutes *negligence per se*.

69. As a direct and proximate result, Plaintiffs, and each of them, suffered significant general and special damages in an amount to be determined at trial.

70. The conduct of the Defendants and each of them was engaged in with fraud, oppression and/or malice, and was in conscious disregard of the rights and safety of others, including but not limited to the Plaintiffs herein so as to warrant the imposition of punitive damages pursuant to California Civil Code Section 3294.

SIXTH CAUSE OF ACTION
Strict Products Liability- Bystander Theory
By All Plaintiffs
Against UBER, and/or RASIER LLC and/or
RAISER-CA LLC and/or Does 1-10 and 21-30

71. Plaintiffs hereby incorporate by reference, as though fully set forth herein, the contents of Paragraphs 1-70.

72. Plaintiffs are informed and believe, and based upon said information and belief allege, that Defendant UBER, and/or RASIER LLC and/or RAISER-CA LLC and/or Does 1-10 and

1 21-30 designed and/or distributed the APP and/or GPS interface/system that UBER DRIVERS,
2 including MUZZARAF, were required to use and furthermore trained or failed to adequately
3 train them on how to use the APP and interface.

4 73. In doing so UBER, and/or RASIER LLC and/or RAISER-CA LLC and/or Does 1-10
5 and 21-30 did place the APP and GPS system into use and on the market.

6 74. UBER, and/or RASIER LLC and/or RAISER-CA LLC and/or Does 1-10 and 21-30
7 had, or should have had, knowledge that the APP and/or GPS interface would be used without
8 inspection for defects and would be used in such a way as to violate one or more provisions of
9 the California Vehicle Code and/or to create a significant risk of the type of harm suffered by
10 the Plaintiffs in this action.

11 75. The defects in the APP and/or GPS interface were the direct and proximate cause of
12 harm to all of the Plaintiffs including the physical and emotional injuries suffered by HUAN
13 KUANG and ANTHONY LIU and the wrongful death of SOPHIA LIU and the injuries that
14 flow therefrom to all Plaintiffs. Strict liability extends not only in favor of the users and
15 consumers, but also in favor of bystanders such as pedestrians. (*Elmore v. American Motors*
16 *Corp.*, (1969) 70 Cal.2d 578, 585-587; *Baker v. Chrysler Corp.*, (1976) 55 Cal.App.3d 710,
17 715, *Preissman v. Ford Motor Co.*, (1969) 1 Cal.App.3d 841, 855.)

18 76. The APP and/or GPS interface was defective.

19 77. As a proximate result of the product defect, Plaintiffs, and each of them, suffered
20 significant general and special damages in an amount to be determined at trial.

21 78. The conduct of the Defendants and each of them was engaged in with fraud, oppression
22 and/or malice, and was in conscious disregard of the rights and safety of others, including but
23 not limited to the Plaintiffs herein so as to warrant the imposition of punitive damages pursuant
24 to California Civil Code Section 3294.

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2 **SEVENTH CAUSE OF ACTION**
3 **Negligent Hiring, Retention, Training and Supervision**
4 **By all Plaintiffs**
5 **Against UBER, and/or RASIER LLC and/or**
6 **RAISER-CA LLC and/or Does 1-10 and 21-30**

7 79. Plaintiffs incorporate by reference as if fully set forth herein Paragraphs 1-78.

8 80. UBER, and/or RASIER LLC and/or RAISER-CA LLC and/or Does 1-10 and 21-30
9 owed the general public a duty of reasonable care in the hiring, training and supervision of its
10 DRIVERS.

11 81. UBER, and/or RASIER LLC and/or RAISER-CA LLC and/or Does 1-10 and 21-30 did
12 breach that duty of care in the hiring, retention, training and/or supervision of Defendant
13 MUZZARAF who was unfit to be a provider of transportation, and who was not adequately
14 trained or supervised in his driving and/or use of the APP and the dangers inherent therein.
15 UBER, and/or RASIER LLC and/or RAISER-CA LLC and/or Does 1-10 and 21-30 knew or
16 should have known that Defendant MUZZARAF would be using the APP in a manner which
17 would distract him and lead to a risk of the very type of danger and harm that occurred on
18 December 31, 2013.

19 82. The breach of that duty was the proximate cause of harm to the Plaintiffs causing them
20 to suffer significant special and general damages in an amount to be proven at the time of trial.

21 83. The conduct of the Defendants and each of them was engaged in with fraud, oppression
22 and/or malice, and was in conscious disregard of the rights and safety of others, including but
23 not limited to the Plaintiffs herein so as to warrant the imposition of punitive damages pursuant
24 to California Civil Code Section 3294. Plaintiff incorporates by reference, as if fully set forth
25 herein, paragraphs 1-48 as if fully set forth herein.

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EIGHTH CAUSE OF ACTION
Loss of Consortium
By Plaintiff ANG JIAN LIU
Against all Defendants

84. Plaintiff hereby incorporates by reference, as though fully set forth herein, the contents of Paragraphs 1-83.

85. Plaintiff ANG JIANG LIU because of the wrongful acts of Defendants, and each of them, suffered a loss of consortium with his wife HUAN KUANG.

86. As a proximate result of the acts of Defendants, and each of them, Plaintiff ANG JIANG LIU suffered significant special and general damages in an amount to be determined at trial.

87. The conduct of the Defendants and each of them was engaged in with fraud, oppression and/or malice, and was in conscious disregard of the rights and safety of others, including but not limited to the Plaintiffs herein so as to warrant the imposition of punitive damages pursuant to California Civil Code Section 3294.

NINTH CAUSE OF ACTION
Wrongful Death - Survival Action
By ANG LIU AS SUCCESSOR IN INTEREST
Against all Defendants

88. Plaintiff ANG LIU, as Successor in Interest, on behalf of the Estate of Sophia Liu, hereby incorporates by reference paragraphs 1-87 as if fully set forth herein.

89. Prior to her death, Sofia Liu suffered losses and damages including but not limited to significant medical expense.

90. Pursuant to California Code of Civil Procedure Section 377.30 Plaintiff ANG LIU, as Successor in Interest on behalf of the Estate of Sophia Liu, seeks recovery of those damages provided for pursuant to California Code of Civil Procedure Section 377.34 including punitive damages allowable pursuant to California Civil Code Section 3294.

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PRAAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants as follows;

FIRST CAUSE OF ACTION

- 1. Those damages provided for in California Code of Civil Procedure Section 377.61;
- 2. For costs of suit herein incurred;
- 3. Prejudgment interest; and
- 4. For such other and further relief as the court may deem proper.

SECOND THROUGH EIGHTH CAUSES OF ACTION

- 1. For special and general damages as allowed by law;
- 2. For Punitive damages pursuant to California Civil Code Section 3294;
- 3. Prejudgment interest;
- 4. For costs of suit herein incurred; and
- 5. For such other and further relief as the court may deem proper.

NINTH CAUSE OF ACTION

- 1. For Damages provided for in California Code of Civil Procedure Section 377.34;
- 2. Punitive damages pursuant to California Civil Code Section 3294;
- 3. Prejudgment interest;
- 4. For costs of suit herein incurred; and

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5. For such other and further relief as the court may deem proper.

Dated: January 24, 2014

THE DOLAN LAW FIRM

By: 

Christopher B. Dolan Esq.
Attorney for Plaintiffs ANG JIAN LIU,
HUAN HUA KUANG, ANTHONY LIU
and the of ESTATE OF SOPHIA LIU

Plaintiff hereby demands trial by jury.

Dated: January 24, 2014

By: 

Christopher B. Dolan, Esq.
Attorney for Plaintiffs ANG JIAN LIU,
HUAN HUA KUANG, ANTHONY LIU
and the of ESTATE OF SOPHIA LIU