

Allison A. Davis (State Bar No. 139203)  
Sanjay M. Nangia (State Bar No. 264986)  
DAVIS WRIGHT TREMAINE LLP  
505 Montgomery Street, Suite 800  
San Francisco, California 94111  
Telephone: (415) 276-6500  
Facsimile: (415) 276-6599  
Email: allisondavis@dwt.com, sanjaynangia@dwt.com

Attorneys for Petitioner Uber Technologies, Inc.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN FRANCISCO  
UNLIMITED JURISDICTION

UBER TECHNOLOGIES, INC.,

Petitioner,

v.

CITY AND COUNTY OF SAN FRANCISCO  
OFFICE OF THE TREASURER-TAX  
COLLECTOR,

Respondent.

Case No.

**UBER TECHNOLOGIES, INC.'S  
PETITION TO QUASH TAX  
COLLECTOR'S SUBPOENA FOR  
DRIVER INFORMATION**

Petitioner Uber Technologies, Inc. (“Uber”) hereby petitions this Court to issue an order quashing the subpoena issued by Respondent the Tax Collector of the City and County of San Francisco (“Tax Collector”) pursuant to section 6.4-1 of the San Francisco Business and Tax Regulations Code.

1. Petitioner Uber is a corporation headquartered in San Francisco, California. Uber is registered to do business in California with the Secretary of State and has been doing business in the City and County of San Francisco since approximately 2009.

2. Uber is a ride-sharing transportation platform allowing passengers to connect with partner drivers.

3. Respondent is the Tax Collector of the City and County of San Francisco.

4. In February 2017, the Tax Collector issued and served a subpoena on Uber demanding that Uber produce the following information:

Please provide data identifying all drivers that use/used the technology of Uber Technologies, Inc. or any related entity (collectively, “Uber”) to provide transportation or delivery services during the period July 1, 2016 through December 31, 2016, where any part of the trip occurred in San Francisco. For each driver, please provide the driver’s most recent contact information (name, mailing address, street address if different, and driver’s license number). Please provide the data in Microsoft Excel format if available, or in native format.

A true and correct copy of the subpoena is attached as Exhibit A. The subpoena specified a response date of either February 17, 2017, if the requested records described in Exhibit A were produced with a completed declaration of a custodian of records, or February 21, 2017, if appearing in person.

5. On February 17, 2017, Uber served objections and requested a meet and confer with the Tax Collector.

6. On February 23, 2017, Uber conducted a meet and confer with the Tax Collector.

Uber proposed that the subpoena be modified in numerous ways, including, (1) limiting to drivers that the Tax Collector suspected were not in compliance; (2) limiting to drivers that the Tax Collector had not already contacted about registration; (3) excluding drivers who are already in compliance; and (4) providing notice to the affected drivers and providing an opportunity for them to object. Uber also requested a stay of enforcement of the subpoena until the Legislature considers Uber's proposed rule permitting drivers to register in one city and obtain reciprocity with others. The Tax Collector declined these proposals. Further, through the meet and confer process, Uber learned that the Tax Collector intends to reissue the subpoena every six or nine months.

7. Following another meet and confer on March 16, 2017, the Tax Collector issued a revised subpoena on Uber. While the Tax Collector characterized this updated subpoena as an "accommodation" to Uber's request to narrow the scope of the original subpoena, the revised subpoena suffers from the same issues as the original subpoena. The only difference between the original subpoena and the revised subpoena is that the revised subpoena modified the applicable date range for the requested information from July through December 2016 to July 2016 through March 2017 and clarified that the individuals the subpoena applied to were drivers who provided "transportation of delivery services . . . for seven or more days . . . [where] any part of the trip occurred in San Francisco." This alleged "accommodation" of Uber's request "limiting" the scope of the subpoena was also with the limitation that it was "without prejudice to [the Tax Collector's] right to ask for full data for subsequent periods." Thus, the revised "narrower" subpoena does not represent a genuinely narrowed subpoena. A true and correct copy of the revised subpoena is attached as Exhibit B. The revised subpoena specifies a response date of either April 27, 2017, if the requested records described in Exhibit B are produced with a

completed declaration of a custodian of records, or May 1, 2017, if appearing in person. ■

8. On April 27, 2017, Uber served objections. Uber subsequently conducted a final meet and confer via teleconference with the Tax Collector confirming the parties could not resolve their disagreement.

9. The subpoena is improper and unreasonable for a number of reasons, including, but not limited to, (1) under both administrative subpoena and civil discovery standards, it is overbroad, not relevant, burdensome and oppressive; (2) it exceeds the scope of the Tax Collector's authority; (3) it violates Fifth Amendment takings principles; and (4) it violates the drivers' privacy rights and fundamental due process.

10. For the reasons stated above, the Tax Collector's subpoena should be quashed.

WHEREFORE, Uber prays that:

1. The Court quash the subpoena entirely (or modify the subpoena such that production of information requested in the subpoena is sufficiently tailored and drivers are permitted notice and the opportunity to object to the subpoena);

2. The Court award Uber its fees and costs of bringing this Petition; and

3. The Court grant such other order or relief that the Court considers just and proper.

DATED: May 1, 2017

Respectfully Submitted,

DAVIS WRIGHT TREMAINE LLP

By: /s/ Allison A. Davis  
Allison A. Davis

Attorneys for Petitioner  
Uber Technologies, Inc.