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UBER TECHNOLOGIES, INC.

ELECTRONICALLY  
**FILED**

Superior Court of California,  
County of San Francisco

**08/12/2020**  
Clerk of the Court

BY: SANDRA SCHIRO  
Deputy Clerk

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **FOR THE COUNTY OF SAN FRANCISCO**

12 PEOPLE OF THE STATE OF CALIFORNIA,

13 Plaintiff,

14 v.

15 UBER TECHNOLOGIES, INC., a Delaware  
Corporation; LYFT, Inc., a Delaware  
16 Corporation; and DOES 1-50, Inclusive,

17 Defendants.

CASE NO. CGC-20-584402

**DECLARATION OF BRAD ROSENTHAL  
IN SUPPORT OF UBER'S *EX PARTE*  
APPLICATION FOR STAY OF  
PRELIMINARY INJUNCTION PENDING  
APPEAL**

Judge: Honorable Ethan P. Schulman  
Dept.: 302

**HEARING:**

Date: August 13, 2020  
Time: 11:00 a.m.  
19 Dept: 302

Action Filed: May 5, 2020  
Trial Date: None Set

**DECLARATION OF BRAD ROSENTHAL**

1  
2 1. I am currently employed as Director of Strategic Operational Initiatives at Defendant  
3 Uber Technologies, Inc. (“Uber”), in which I use my previous operations and insurance team  
4 experience to create and implement new company initiatives. Before taking on my current role,  
5 I served in several different roles with Uber from January 2014 until I left the company in October  
6 2018. I returned to Uber in my current role in November 2019.

7 2. I make this declaration in support of Uber’s *Ex Parte* Application for Stay of  
8 Preliminary Injunction Pending Appeal. I am authorized to make these statements on behalf of Uber.

9 3. The information set forth herein is true and based on my own personal knowledge  
10 (unless otherwise stated). The documents and records discussed in this declaration are maintained in  
11 the regular course of Uber’s business. If called as a witness, I could and would competently and  
12 truthfully testify thereto.

13 4. In my current position at Uber, I have personal knowledge of Uber’s business model,  
14 Uber’s software and other technology, and Uber’s contracts with the users of Uber’s technology.

15 **Changes to Uber’s Business Model Required to Comply with the Court’s Preliminary Injunction**

16 5. Uber’s business model is built around operating online platforms that connect users to  
17 each other through the platforms. To comply with the Court’s order requiring reclassification of drivers  
18 using the Rides platform as employees, Uber will have to entirely alter its current business model,  
19 which is not set up to onboard and manage drivers as classified employees or to provide transportation  
20 services.

21 6. Classifying drivers as employees will force Uber to dramatically restructure its entire  
22 business model and its relationships with drivers and riders. This will require various steps, all of  
23 which will require at least several months and potentially up to a year to complete.

24 7. Transitioning drivers to employees will require Uber to build a human resource  
25 information system to track and manage drivers. This includes tracking time and attendance, shifts,  
26 meal and rest break time, and wages and salaries. Building this system alone is likely to take months.

27 8. Uber will also need to hire hundreds of HR representatives, recruiters, finance and  
28 accounting staff, and management personnel to supervise drivers. That process likewise will take

1 months to complete.

2 9. Once Uber has management systems and personnel in place, it will have to onboard  
3 drivers. That process will require Uber to, among other things, train and orient the thousands of drivers  
4 who would become employees, collect and review I-9 Employment Eligibility Verification forms from  
5 each driver, prepare, issue, and update employee handbooks, manuals, and required policies, and  
6 develop and conduct formal training sessions for drivers. Just the completion of the I-9 Employment  
7 Eligibility Verification process will take months, given the individualized assessment of each driver's  
8 required identity and employment authorization documents.

9 10. Once drivers are onboarded, Uber will need to generate schedules that attempt to meet  
10 rider demand while accounting for overtime and other constraints. Uber's Rides platform cannot  
11 accommodate an immediate creation of an employed workforce. Uber will likely need to designate  
12 where drivers start each shift at a specific time in a specific location, rather than allowing them to drive  
13 whenever and wherever they want. Uber's platform is not currently set up to perform this function and  
14 will require the creation of new systems and software by Uber's engineering personnel. That process  
15 will take at least several months and potentially a year to complete.

16 11. To reclassify drivers as employees, Uber will need to limit substantially the number of  
17 drivers who access the Uber Rides platform and exert significant control over the manner and means  
18 of their performance (which it does not currently do). Uber will need to require drivers to maintain a  
19 certain minimum number of hours per week to justify the additional fixed costs. Hundreds of thousands  
20 of drivers in California who spend far less than 40 hours per week on the Uber Driver App would no  
21 longer be able to drive using Uber.

22 12. The reorganization will require many months (likely more than a year) given the  
23 magnitude of the changes to the business and, absent a stay of enforcement, Uber will almost certainly  
24 need to shut down the Rides platform in California during that period.

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1 I declare under penalty of perjury that the foregoing is true and correct. Executed on August  
2 11, 2020, at San Francisco, California.

3 DocuSigned by:  
4 *brad rosenthal*  
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Brad Rosenthal