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12 Attorneys for Plaintiffs

13 **IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
14 **IN AND FOR THE COUNTY OF ALAMEDA**

15 TARA AYRES and JUDITH SMITH,  
16 individuals, on behalf of themselves and all  
17 others similarly situated; and INDEPENDENT  
LIVING RESOURCE CENTER OF SAN  
18 FRANCISCO, a California non-profit  
corporation,

19 Plaintiffs,

20 v.

21 LYFT, Inc., a Delaware corporation, and DOES  
22 1-20, individuals,

23 Defendants.

**ENDORSED  
FILED  
ALAMEDA COUNTY**

MAR 13 2018

CLERK OF THE SUPERIOR COURT  
By CURTIYAH GANTER

Deputy

) Case No.: RG18896443

) **CLASS ACTION**

) **COMPLAINT FOR INJUNCTIVE AND  
DECLARATORY RELIEF**

1 **INTRODUCTION**

2 1. Plaintiffs bring this action to remedy ongoing discrimination against people with  
3 mobility disabilities who want to, but cannot, use the on-demand transportation service operated  
4 by Lyft, Inc. (“Lyft”). Since launching its transportation service in San Francisco in May 2012,  
5 Lyft has rapidly grown into the second largest ridesharing company in the United States, seizing  
6 an ever-expanding market share from taxi companies. It is becoming a major provider of  
7 individual transportation services in over 200 cities around the United States, and now provides  
8 375.5 million rides per year.<sup>1</sup> Unfortunately, in this rapid growth, Lyft has ignored its legal  
9 responsibility to provide its transportation service to individuals who use wheelchair accessible  
10 vehicles (“WAVs”).

11 2. Lyft is one of the leading companies in the new “sharing economy.” It provides  
12 on-demand rides to individuals through its network of over 700,000 drivers globally.<sup>2</sup> Lyft  
13 provides transportation services to riders, who pay for their rides through Lyft’s smart phone  
14 application with their credit cards, and Lyft splits the payments with its drivers. The phenomenal  
15 growth of Lyft and other “rideshare” companies has upended traditional taxi service, and Lyft has  
16 invested heavily in what it considers to be transportation technologies of the future, including  
17 autonomous vehicles. Lyft’s market value is over \$10 billion.<sup>3</sup>

18 3. Meanwhile, Lyft has carefully crafted an image as a conscientious company with  
19 strong progressive values, in contrast to its main rival, Uber. According to Lyft’s president, Lyft  
20 is “a responsible company that takes care of everyone that’s involved.”<sup>4</sup> However, Lyft has  
21 excluded people who need WAVs from being able to use its service, and will continue to exclude  
22 them unless this Court forces Lyft to comply with its obligations under California law.

23 4. As detailed below, Lyft’s acts and practices deny individuals who use motorized  
24 wheelchairs or scooters and need vehicles equipped with lifts or ramps from having equal access

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26 <sup>1</sup> See Available Lyft Cities, Lyft (Mar. 2, 2018), <https://www.lyft.com/cities>;

<https://www.theringer.com/tech/2018/2/22/17039018/lyft-uber-ridesharing-autonomous-cars-travel-ban>

27 <sup>2</sup> Michal Lev-Ram, How Lyft Could Defeat Uber (July 19, 2017), <http://fortune.com/2017/07/19/uber-vs-lyft-race/>.

28 <sup>3</sup> Mike Isaac and Katie Benner, Lyft Is Said to Explore I.P.O. as It Raises \$1 Billion Led by Alphabet, N.Y. Times (Oct. 19, 2017), <https://www.nytimes.com/2017/10/19/technology/lyft-capitalg-alphabet.html>; Lyft, SharesPost.com (Mar. 2, 2018), <https://sharespost.com/companies/lyft/>.

<sup>4</sup> <https://www.theringer.com/tech/2018/2/22/17039018/lyft-uber-ridesharing-autonomous-cars-travel-ban>

1 to Lyft's transportation service, and prevent them from obtaining the benefits of this service. Such  
2 conduct directly violates the Unruh Civil Rights Act, California Civil Code §§ 51 *et seq.*, which is  
3 California's principal bulwark against all forms of discrimination including discrimination on the  
4 basis of a disability, and the Disabled Persons Act, California Civil Code §§ 54, *et seq.*, which  
5 guarantees individuals with disabilities the same access as other members of the public to all  
6 advantages and privileges of public facilities, including transportation services.

7 5. It is fully within Lyft's power to provide accessible service. Lyft tightly controls  
8 all aspects of how both its drivers and riders use the service, mediating all payments, regulating  
9 the types of vehicles the drivers use, and offering financial incentives to ensure that there are  
10 enough drivers on the road to meet the demand for rides. Lyft could end its discrimination against  
11 people in California who use wheelchair accessible vehicles if it chose to do so.

12 6. This is not a case about money. This litigation is intended to halt Lyft's ongoing  
13 discrimination against individuals with mobility disabilities. Plaintiffs seek only injunctive and  
14 declaratory relief to redress Lyft's violations of California law. Because Defendants' practices  
15 adversely impact thousands of disabled individuals, Plaintiffs ask the Court to certify their claims  
16 for class treatment and to order relief that will benefit all members of the Class.

17 7. Plaintiffs seek no monetary relief (apart from attorneys' fees and costs) in this  
18 action. The amount in controversy does not exceed \$5,000,000 in the aggregate or \$74,999 for  
19 any Plaintiff or for any member of the proposed Class.

20 8. Plaintiffs do not specifically seek an order requiring Lyft to purchase vehicles as a  
21 way of putting an end to its discriminatory conduct. Given Lyft's extensive control over the  
22 operation of the drivers, including through its fare structure, there are many ways Lyft can  
23 provide relief.

## 24 **PARTIES**

25 9. Plaintiff Tara Ayres is an individual residing in Contra Costa County and working  
26 in San Francisco County. She uses a motorized wheelchair and would use Lyft but for the  
27 unavailability of wheelchair accessible Lyfts. Because Ms. Ayres has heard about and witnessed  
28

1 the unavailability of the service, she has not downloaded Lyft’s application because she knows  
2 trying to use Lyft would be futile.

3 10. Plaintiff Judith Smith is an individual residing in Alameda County. She uses a  
4 motorized wheelchair and would use Lyft but for the unavailability of wheelchair accessible  
5 Lyfts. Because Ms. Smith has heard about and witnessed the unavailability of the service, she has  
6 not downloaded Lyft’s application because she knows trying to use Lyft would be futile.

7 11. Plaintiff Independent Living Resource Center of San Francisco (“ILRC”) is a  
8 disability rights organization that advocates for people with disabilities and supports them in  
9 living independent and active lives. ILRC’s board, staff, and the consumers of its services include  
10 people with mobility disabilities who have been deterred from downloading and using Lyft  
11 because of Lyft’s failure to make its service accessible to them. Lyft’s discriminatory policies and  
12 practices regularly impose economic harms on ILRC, frustrate the organization’s efforts to  
13 engage in its core advocacy work, and force it to divert resources that it needs to spend on other  
14 work. Plaintiff ILRC sues on behalf of itself and in furtherance of its mission of ensuring that  
15 people with disabilities are fully integrated into the social and economic fabric of their  
16 communities.

17 12. Defendant Lyft, Inc. (“Lyft”) is a for-profit corporation that provides on-demand  
18 transportation services throughout California, including in Alameda, Contra Costa, and San  
19 Francisco Counties. Lyft is registered in Delaware and its principal place of business is San  
20 Francisco, California.

21 13. Defendants Does 1 through 20 are persons or entities whose true names and  
22 capacities are unknown to Plaintiffs, who therefore sue them by such fictitious names. Plaintiffs  
23 are informed and believe, and on that basis allege, that each of the fictitiously named Defendants  
24 perpetrated or is responsible for some or all of the wrongful acts and omissions alleged herein.  
25 Plaintiffs will seek leave of court to amend this complaint to state the true names and capacities of  
26 such fictitiously named Defendants if and when they are ascertained.





1 “drivers perform services only for their riders, while Lyft is an uninterested bystander of sorts,  
2 merely furnishing a platform that allows drivers and riders to connect.” *Cotter v. Lyft, Inc.*, 60 F.  
3 Supp. 3d 1067, 1078 (N.D. Cal. 2015). The California Public Utilities Commission also agrees,  
4 concluding in a 2013 rulemaking that rideshare companies like Lyft are engaged in the business  
5 of providing “passenger transportation for compensation.” See *Decision Adopting Rules and*  
6 *Regulations to Protect Public Safety While Allowing New Entrants to the Transportation*  
7 *Industry*, California Public Utilities Commission, Decision 13–09–045, pp. 63–68 (Sept. 19,  
8 2013).

9         24. Lyft not only clearly provides transportation services, but has been integral to the  
10 creation of a new form of transportation that has rapidly and drastically transformed for-hire  
11 transportation. It was the first to provide peer-to-peer transportation, in which drivers use their  
12 own personal vehicles to drive Lyft’s customers, and was so successful that its rival, Uber,  
13 adopted the model.

14         25. Far from being a passive by-stander, Lyft actively creates and manages the  
15 network of drivers and riders who make its on-demand transportation system function. Both  
16 riders and drivers must enter into contractual agreements with Lyft that detail the terms and  
17 conditions specified by Lyft for participating in its service. Lyft actively recruits and retains  
18 drivers, who contractually agree to provide rides to Lyft’s customers in accordance with terms  
19 and conditions specified by Lyft. Similarly, Lyft’s customers must enter into contracts with Lyft  
20 to utilize its service on terms and conditions specified by Lyft. In all material respects, including  
21 the financial terms, the transactions between the drivers and the customers are dictated, mediated,  
22 and controlled by Lyft. There are no negotiations between Lyft’s drivers and its customers. And  
23 Lyft takes a large cut of the revenues generated in the transactions.

24         26. Lyft provides different levels of transportation service around the country. In  
25 California, the company offers Lyft (its basic rideshare option), Line (a carpool option), Plus  
26 (larger cars), Premier (high end), Lux (black car), and Lux SUV (6 seat-black SUV). Lyft also  
27 gives its riders the option of activating “access” mode to let Lyft know that they would like to  
28 request a vehicle that can accommodate a wheelchair with a lift or ramp. However, when access

1 mode is activated, the user receives a text message stating that Lyft has no wheelchair accessible  
2 vehicles available, and Lyft provides the user with a list of public transit, paratransit, and taxi cab  
3 phone numbers around the country. This is all but an admission that Lyft has a policy of not  
4 providing wheelchair accessible service.

5 27. Lyft has created a genuinely new mode of transportation, generating both the  
6 demand for rides and the supply of drivers by incentivizing both the riders and the drivers to  
7 participate in the service. Without Lyft, this new mode of transportation would not exist.

8 28. Lyft perceives itself as creating and participating in a new transportation market  
9 that transcends technology. Its goal is to bring “new solutions to old transportation problems with  
10 the goal of improving people’s quality of life.”<sup>5</sup> For example, in 2016 Lyft began working with  
11 health care providers, health insurers, hospital systems, and medical transport systems to provide  
12 transportation to and from medical appointments.<sup>6</sup> Lyft views its transportation service as having  
13 big implications for the future of transportation, with the power to solve problems like urban  
14 congestion and climate change and bring greater prosperity to all.<sup>7</sup> It has done nothing to include  
15 people with mobility disabilities in this vision of the future.

16 **LYFT DISCRIMINATES AGAINST INDIVIDUALS WITH MOBILITY DISABILITIES**  
17 **BY FAILING TO PROVIDE WHEELCHAIR ACCESSIBLE VEHICLES**

18 29. Lyft purports to offer accessible service to its users by allowing them to activate its  
19 “access” mode. According to Lyft, “access” mode allows passengers to “request a vehicle that is  
20 specially outfitted to accommodate wheelchairs.”<sup>8</sup> In reality, “access” mode is a sham and a  
21 completely inadequate substitute for actual accessible transportation. Instead of connecting a rider  
22 in access mode with an accessible vehicle, Lyft sends the rider a text message with a link to a  
23 website listing phone numbers for paratransit, public transportation agencies, and local taxi

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25 <sup>5</sup> John Zimmer and Logan Green, “The End of Traffic: Increasing American Prosperity and Quality of Life,”  
<https://medium.com/@johnzimmer/the-end-of-traffic-6d255c03207d>, January 17, 2017.

26 <sup>6</sup> Chicago Tribune, “Uber, Lyft try solving one of medicine’s biggest problems: getting people to appointments,”  
<http://www.chicagotribune.com/lifestyles/health/ct-uber-lyft-doctor-appointment-rides-20180302-story.html>, March  
27 2, 2018.

27 <sup>7</sup> John Zimmer and Logan Green, “The End of Traffic: Increasing American Prosperity and Quality of Life,”  
<https://medium.com/@johnzimmer/the-end-of-traffic-6d255c03207d>, January 17, 2017.

28 <sup>8</sup> Lyft.com, Accessible vehicle dispatch Accessibility Settings in the App, [https://help.lyft.com/hc/en-  
us/articles/115013081668-Accessible-vehicle-dispatch](https://help.lyft.com/hc/en-us/articles/115013081668-Accessible-vehicle-dispatch).

1 companies around the country. For California, Lyft’s website provides links to listings by region  
2 for taxi companies on the yellow pages website, the websites of public transportation agencies,  
3 and phone numbers for paratransit companies.<sup>9</sup> Almost a quarter of the links do not work, or are  
4 to websites that are irrelevant to people needing accessible transportation. One links to a pdf of a  
5 90-page transit resource guide from 2009.<sup>10</sup>

6 30. This effort is as laughable as it is inadequate, and clearly demonstrates Lyft’s lack  
7 of commitment to making its service accessible to people who need vehicles with lifts or ramps.  
8 Paratransit does not offer an even remotely comparable service to that of Lyft. For one thing, it  
9 may take months to complete the application process to use it – if one is eligible for it in the first  
10 place. Eligible users must schedule their rides at least a day in advance, and most systems are  
11 plagued by delays and unreliability. If a wheelchair user were out and found there were no Lyfts  
12 available, they could not simply use Lyft’s list of phone numbers to call paratransit for a ride  
13 home. And Lyft does not supply riders who do not use wheelchairs with a list of local public  
14 transit websites and local cab companies.

15 31. Lyft exercises substantial control over drivers to incentivize them to drive for Lyft  
16 and to drive at particular times. However, it appears to do nothing to incentivize drivers to drive  
17 wheelchair accessible Lyfts. Lyft refers often to its drivers and customers as its “community” and  
18 highlights civic-minded projects it undertakes. This does not excuse it from its legal obligations to  
19 provide accessible transportation. Just as it has carefully positioned itself to avoid regulations in  
20 other contexts<sup>11</sup>, Lyft has intentionally avoided complying with anti-discrimination laws,  
21 including California’s, by taking no steps to make full and equal access to Lyft’s transportation  
22 service a reality.

### 23 **LYFT’S DISCRIMINATION RESULTS IN REAL HARM**

24 32. Lyft’s failure to make accessible vehicles available through its service denies  
25 people who use wheelchairs access to reliable, on-demand transportation that could drastically

26 \_\_\_\_\_  
27 <sup>9</sup> <https://help.lyft.com/hc/en-us/articles/115013081668-Accessible-vehicle-dispatch#ca>

<sup>10</sup> [http://www.sbcag.org/uploads/2/4/5/4/24540302/transit\\_resource\\_guide\\_santa\\_barbara\\_county.pdf](http://www.sbcag.org/uploads/2/4/5/4/24540302/transit_resource_guide_santa_barbara_county.pdf)

<sup>11</sup> See, e.g., PandoMonthly Presents: A Fireside Chat With Lyft's John Zimmer, YouTube.com (Feb. 20, 2015),  
28 <https://www.youtube.com/watch?v=Y0ED63gy7iI>. 28:29-29:25 (Lyft’s president stating that Lyft did not contract  
with professional drivers in part to avoid regulations).

1 improve their lives, enabling them to travel to a wider variety of destinations without having to  
2 rely on transportation via expensive taxis, unreliable paratransit, and limited public transit. It  
3 would enable them to travel spontaneously, without having to schedule transportation hours or  
4 even days in advance. Unfortunately, Plaintiffs and members of the class are excluded from these  
5 benefits, and suffer real harm as a result.

6 33. People who use wheelchairs face the denigrating experience of being denied a  
7 basic service that is available to all other paying customers. Due to distances between  
8 destinations and the severe limitations of public transportation and paratransit, many persons with  
9 disabilities must use private transportation services to travel from one place to another. The  
10 private options are severely lacking as well. Wheelchair accessible taxis are rare or nonexistent.  
11 Paratransit is extremely unreliable and often requires lengthy waits.

12 34. As described below, the lack of access to this new mode of transportation means  
13 that Plaintiffs may lose employment opportunities or jobs to those with access to more reliable  
14 transportation, and may experience social isolation and other harms, including the stigma  
15 associated with not being able to use Lyft's transportation system.

16 **TARA AYRES**

17 35. Plaintiff Tara Ayres lives in Richmond, California, and works in San Francisco,  
18 California. She uses a motorized wheelchair. She has a smartphone but has been deterred  
19 from downloading Lyft's app because she knows that there are never any accessible vehicles  
20 on the app, so downloading it would be pointless. The inaccessibility of Lyft's service is  
21 widely known in the community of people with mobility disabilities. For example, an article  
22 in New Mobility magazine, a publication widely read by wheelchair users including Ms.  
23 Ayres, described how neither Uber nor Lyft had made their service wheelchair accessible.<sup>12</sup>

24 36. There are many situations in which Ms. Ayres would use Lyft if she knew she  
25 could count on being able to request a vehicle with a ramp or lift. For example, she frequently  
26 has medical appointments in San Francisco's UCSF Mt. Zion facility. Although Ms. Ayres  
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28 <sup>12</sup> Josie Byzek, New Mobility, "Uber: Does the Transportation Revolution Include Us?,"  
<http://www.newmobility.com/2016/05/uber-transportation-access/>, May 2, 2016.

1 drives, the hospital is in a location in San Francisco where parking is extremely scarce and the  
2 terrain is hilly. In order to park her van, she must find a flat parking spot where the sidewalk  
3 is wide and unobstructed in order to use her van's ramp. Her alternative is to take public  
4 transportation, which requires a round-trip journey of over four hours. If she had the option of  
5 taking Lyft to connect to the hospital from BART, the trip would be much less time  
6 consuming and stressful. She is deterred from attending events in San Francisco because of  
7 the difficulty of getting there on public transportation and finding parking for her van there.

8 37. Ms. Ayres was invited by friends to join a Thanksgiving dinner in 2017. She  
9 drove her van to her friends' house in San Francisco and circled the neighborhood for almost  
10 an hour, but was unable to find a parking spot she could use. She considered trying to find a  
11 parking spot near mass transit that she could use to get to her friend's house, but was not  
12 familiar enough with the city to do so. If she could have simply called a Lyft (as one of the  
13 other Thanksgiving dinner guests did) she would have been able to attend, but instead she had  
14 to miss the meal and go home.

15 **JUDITH SMITH**

16 38. Plaintiff Judith Smith lives and works in Oakland, California. She uses a motorized  
17 wheelchair because of a mobility disability.

18 39. Ms. Smith would and could use Lyft if she knew she could count on it for service.  
19 She has a smartphone, but she has not downloaded Lyft's app. Early in Lyft's existence she was  
20 excited by the prospect of finding transportation more easily but she quickly learned from friends  
21 and colleagues about the lack of accessible vehicles on Lyft. Since then, she has watched several  
22 people attempt to call a wheelchair accessible Lyft, and none has ever succeeded. As a result of  
23 such incidents, she has concluded it would be futile to download the app.

24 40. Ms. Smith is the Founder and Artistic Director Emerita of Axis Dance Company, a  
25 group of contemporary dancers with and without physical disabilities. Several members of the  
26 company, including Marc Brew, the group's Artistic Director, use power wheelchairs. Ms. Smith  
27 and her colleagues frequently share their frustrations about their transportation options, and  
28

1 specifically about their inability to access the convenience of Lyft. For example, Mr. Brew shared  
2 the following frustrating experience from his visit to the Bay Area in 2017.

3 41. Mr. Brew attended a dance performance at Berkeley’s Zellerbach Hall. After the  
4 performance, Mr. Brew needed to get home, but it was after midnight and he had missed the last  
5 BART train. There were no accessible vehicles on Lyft, and all of his friends who had vehicles  
6 with wheelchair lifts were either out of town or asleep. Stranded, and with his chair nearly out of  
7 power, he ultimately decided to roll to the home of a friend, who was kind enough to put him up  
8 for the night.

9 42. There are many situations in which Ms. Smith would use Lyft if WAVs were  
10 available. For example, one evening in 2017, Ms. Smith was in San Francisco’s Mission District  
11 and wanted to go home to Oakland. The battery on her power wheelchair was running low, and if  
12 she could have called a Lyft to pick her up, she could have made it home without the stress of  
13 running out of power. Instead, she rolled to the 16<sup>th</sup> Street and Mission BART station, but the  
14 elevator there was broken. As she rolled to the 24<sup>th</sup> Street station, the battery on her chair reached  
15 critically low levels. She managed to get to her train, but by the time she arrived in Oakland, her  
16 battery was so depleted that she could not independently roll up the ramp of her home and had to  
17 ask a neighbor to assist her.

18 43. If they were accessible to her, Ms. Smith would call Lyfts in exactly the same way  
19 as would someone who does not need a wheelchair accessible vehicle. She would order Lyfts to  
20 and from the airport, when she is out late at night, when she wants to travel to high-density places  
21 like San Francisco where parking is limited, or to places that are far from public transportation, in  
22 inclement weather, or when health reasons prevent her from driving.

23 44. In these situations, Ms. Smith is left without any alternative transportation and  
24 therefore must stay at home or suffer arduous transportation delays and other indignities from not  
25 having access to the same service as Lyft users who do not use accessible vehicles.

26 **INDEPENDENT LIVING RESOURCE CENTER OF SAN FRANCISCO**

27 45. Independent Living Resource Center of San Francisco (“ILRC”) is a disability  
28 rights organization that advocates for people with disabilities and supports them in living

1 independent and active lives. Lyft's discriminatory policies and practices regularly impose  
2 economic harms on ILRC, frustrate its efforts to engage in its core advocacy work, and force it to  
3 divert resources that it needs to spend on other work. Additionally, many members of its board,  
4 staff, and constituency are harmed by Lyft's discriminatory policies and practices.

5 46. In recent decades, ILRC has worked to ensure that transportation options are  
6 available to people with disabilities. The continued inaccessibility of Lyft transportation is thus an  
7 issue of concern for ILRC. ILRC has expended time and resources on advocacy work to improve  
8 access, including transportation options, for disabled residents of San Francisco. This work has  
9 included advocacy and engagement with a wide variety of entities including the San Francisco  
10 Metropolitan Transportation Agency, the Mayor's Office on Disability, and San Francisco  
11 Paratransit. For example, ILRC has worked with BART to ensure that all aspects of the system,  
12 from paying the fare to riding the train, are accessible to people with disabilities, and has  
13 advocated for BART to incorporate accessible design principles in its selection of its new train  
14 cars.

15 47. On the issue of ride-sharing services specifically, ILRC has been monitoring the  
16 growth of these services, and engaging in advocacy work to encourage ride-sharing services to  
17 provide wheelchair accessible vehicles. ILRC has devoted staff time and resources to collecting  
18 information about the experiences of people with disabilities using rideshare services, to aid them  
19 in their advocacy efforts.

20 48. ILRC itself has been injured as a direct result of Lyft's failure to provide a service  
21 that is accessible to people who use wheelchair accessible vehicles. ILRC's interests are adversely  
22 affected because it must expend resources, as it has done in its organizing and advocacy efforts,  
23 advocating for its consumers who are harmed by Lyft's policies and practices. ILRC has suffered  
24 injury in the form of diversion of these resources and frustration of its mission.

25 49. Members of ILRC's board and staff have mobility disabilities, use power  
26 wheelchairs, and therefore need a wheelchair accessible vehicle if they are traveling in a car. For  
27 example, Staff Attorney Jessie Carver uses a motorized wheelchair, and would use Lyft to  
28 commute to work or to off-site meetings, speaking engagements, and other important work-

1 related events. Without the option of a reliable, convenient on-demand mode of transportation,  
2 she is often late, gets stuck in inclement weather, or is vulnerable to outages on public  
3 transportation. Each such instance imposes a direct economic harm on the ILRC, in the form of  
4 lost employee work-time and productivity.

5 50. Additionally, consumers of ILRC's services, including Tara Ayres, Julie Fuller,  
6 and Sascha Bittner, have been injured as a direct result of Lyft's discriminatory policies and  
7 practices and would have standing to sue in their own right. ILRC can bring this action on behalf  
8 of its consumers because the interests at stake are germane to the organization's purpose and only  
9 injunctive and declaratory relief are requested, which do not require the participation of individual  
10 consumers in the lawsuit.

11 **LYFT CONTROLS THE TRANSPORTATION SERVICE IT HAS CREATED**

12 51. Lyft has created a revolutionary new mode of on-demand transportation that has  
13 changed the way millions of Americans get around. Lyft tries to distance itself from the  
14 fundamental role it has played in creating this system by insisting on describing itself as a  
15 "platform," merely facilitating connections between drivers and riders which might happen  
16 anyway, rather than creating and sustaining a transportation system. Nothing could be further  
17 from the truth. Lyft has created and controls its transportation system in every material respect.

18 **LYFT CONTROLS THE DRIVERS AND VEHICLES**

19 52. Lyft has created an on-demand transportation service which enables a rider to  
20 order a car from anywhere in most urban areas and reliably be picked up within minutes and  
21 taken to a specific destination, without having to exchange cash. Lyft has carefully created this  
22 service by recruiting, retaining, and training a network of drivers who enter into contracts with  
23 Lyft agreeing to provide rides to Lyft's customers under terms and conditions determined by Lyft.  
24 Individuals who wish to drive for Lyft must be at least 21 and have had a US driver's license  
25 for at least one year, undergo a driving record check, background check, present their driver's  
26 license, vehicle registration, and driver's insurance. *See* Lyft.com, [https://help.lyft.com/hc/en-](https://help.lyft.com/hc/en-us/articles/115012925687-Driver-requirements)  
27 [us/articles/115012925687-Driver-requirements](https://help.lyft.com/hc/en-us/articles/115012925687-Driver-requirements). Lyft sets standards for which makes, models,  
28 and age of vehicle can be driven in the Lyft network, including the condition of the vehicle,

1 number of seatbelts, whether the body has damage or dents, and the condition of the tires,  
2 windshield wipers, climate control, tailpipe, and muffler. *See* Lyft.com,  
3 <https://help.lyft.com/hc/en-us/articles/115013077448>.

4 53. These standards are detailed – but nowhere do they mention wheelchair  
5 accessible vehicles. Lyft-authorized vehicles include a number of vans. Models must be at  
6 least 2002 or later, depending on the location within California. *See* Lyft.com,  
7 <https://www.lyft.com/driver-application-requirements/california> Lyft also sets standards for  
8 which makes, models, and age of vehicle can be driven for each class of Lyft vehicle, such as  
9 Plus, Lux, and Lux SUV. Drivers with large or luxury cars may be drive for Lyft’s premium  
10 services for additional money.

11 54. Lyft also makes vehicles available to drivers for rental through its Express Drive  
12 program (*see* Lyft.com, <https://www.lyft.com/expressdrive>) and through partnerships with  
13 dealerships.<sup>13</sup> Lyft offers bonuses to drivers to offset the cost of weekly rental fees to incentivize  
14 them to drive more for Lyft. Additionally, drivers who rent cars through Express Drive are  
15 limited to driving for Lyft, and cannot drive for another rideshare company using an Express  
16 Drive car.

17 55. Lyft also provides very detailed guidelines regarding how its drivers are to conduct  
18 themselves and maintain their vehicles (“The inside of your car should be 100% clear at all  
19 times.”<sup>14</sup>) Lyft prohibits its drivers from smoking while driving for Lyft and requires its drivers  
20 to ensure that the vehicles they drive are free from the smell of smoke. Lyft requires that its  
21 drivers meet or exceed the estimated time-of-arrival that Lyft generates and provides to each  
22 customer.

23 56. Lyft prohibits its drivers from discriminating against people based on race,  
24 religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age or  
25 any other characteristic protected under applicable federal or state law. It could and should adopt  
26 a similar policy barring discrimination against individuals with mobility disabilities.

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28 <sup>13</sup> The Drive, “GM’s Maven Gig Car Rental Service Launches in Austin,” <http://www.thedrive.com/tech/18935/gms-maven-gig-car-rental-service-launches-in-austin>, March 2, 2018.

<sup>14</sup> Lyft.com, <https://help.lyft.com/hc/en-us/articles/115013081708-Keeping-your-car-clean>

1           57.     In addition, Lyft instructs its drivers that the share of trip requests that they accept  
2 should be consistently high, and that Lyft drivers may not accept street hails from potential  
3 passengers.

4           58.     Lyft uses incentives to encourage certain behaviors in its drivers. For example, it  
5 offers incentives called “Power Driver Bonus” and “Average Hourly Guarantees” to encourage  
6 drivers to drive more, and to accept a high percentage of the ride requests Lyft sends them.<sup>15</sup> Lyft  
7 also lets drivers know about “Power Zones,” where they can receive a bonus for driving in an area  
8 where there is particularly high demand.<sup>16</sup>

9           59.     Lyft controls the pricing for its service, and mediates payment through its app. It  
10 levies fees, such as service fees, cancellation fees, damage fees, as well as higher fares during  
11 times of high demand. The Terms of Service strictly forbid cash payments to drivers.

12           60.     Through its Terms of Service, Lyft dictates whether, when, where, and how  
13 frequently Drivers choose to offer Lyft rides. Lyft exercises exclusive control over termination of  
14 its drivers, and routinely terminates drivers for several reasons, including for poor ratings from  
15 customers or discriminatorily refusing to provide service to customers.

16           61.     Lyft controls which trip requests it transmits to each of its drivers.

17           62.     Lyft controls the safety and quality of the service the drivers provide by closely  
18 monitoring its drivers. It issues training and directives concerning other requirements to Lyft  
19 drivers.

20           63.     Lyft records extensive details about the demand-responsive transportation services  
21 that its drivers provide, including for each trip: (1) the pickup location, (2) the time of pickup, (3)  
22 the drop off location, (4) the time of drop off, (5) the distance traveled, (6) the trip route, (7) the  
23 trip duration, and (8) the customer’s identity. Lyft also collects data when Drivers or Riders call  
24 Lyft’s “Trust and Safety” hotline with complaints or questions, and it monitors the contents, date,  
25 and time of text messages, and monitors and/or records the calls made using its app.<sup>17</sup> Lyft  
26

27 \_\_\_\_\_  
<sup>15</sup> Lyft.com, <https://help.lyft.com/hc/en-us/categories/115002006508-Earnings-and-Promos>

28 <sup>16</sup> Lyft.com, <https://help.lyft.com/hc/en-us/articles/115012926807-Power-Zones-for-drivers>

<sup>17</sup> Lyft.com, <https://www.lyft.com/privacy>

1 employees who supervise drivers have easy access to this data. Lyft's Terms of Service permit its  
2 expansive use of this data.<sup>18</sup>

3 64. Lyft monitors its drivers' performance by asking customers for written feedback,  
4 including a driver "rating" of between 1 and 5, via the app, after every ride that a driver provides,  
5 and Lyft routinely follows up with customers who express dissatisfaction. Lyft regularly  
6 terminates or suspends drivers whose average customer rating falls below a certain threshold.

7 65. In addition, Lyft maintains general commercial liability insurance to cover claims  
8 concerning incidents that occur while drivers are providing Lyft transportation services.

9 66. Lyft tightly controls payment for its Lyft transportation services.

10 67. Lyft controls the fare charged for each trip through an algorithm which takes  
11 account of the distance traveled and duration of the trip, along with the intensity of demand for  
12 rides at the time of the ride request.

13 68. Lyft controls the supply of drivers by encouraging them to work at particular times  
14 (by increasing fares when there is increased demand), by offering them financial rewards for  
15 accumulating a large number of trips, and by providing them with information about where they  
16 are likely to get more trips or preferential fares. Lyft exerts control over how many vehicles  
17 provide its service at a given time through carefully calibrated adjustments in its service's  
18 financial incentives. For example, Lyft charges higher fares during "peak" times to ensure that  
19 supply of rides meets demand.

20 69. Lyft actively recruits drivers and riders, offering them promotions and referral  
21 rewards for referring new riders and drivers.

### 22 **LYFT CONTROLS WHO CAN RIDE IN A LYFT AND HOW**

23 70. In addition to carefully controlling the drivers, Lyft also controls who may use  
24 Lyft's transportation service. In order to use Lyft, customers must download Lyft's app and  
25 create an account, which requires them to agree to Lyft's terms of service. The customer can then  
26 order a ride for themselves or someone else. The entire ride is mediated by Lyft from start to  
27

28 \_\_\_\_\_  
<sup>18</sup> See Lyft.com, "7. Your Information," <https://www.lyft.com/terms>

1 finish. A rider could request a Lyft, travel to their destination, and pay for it, all without ever  
2 speaking to the driver.

3 71. To call a Lyft, the customer opens the Lyft app, selects which class of vehicle they  
4 want and then submits a request to Lyft for a vehicle through the app, either for their own use or  
5 for other passengers.

6 72. Lyft then identifies a close, available Lyft vehicle and then notifies the requester  
7 either by text message or the Lyft app that a driver has been assigned. The notification includes  
8 the driver's name, customer rating, phone number, vehicle license plate number, make and model  
9 of the vehicle, and the driver's estimated time of arrival. If the customer submitted a desired trip  
10 destination, then Lyft will provide a fare estimate. The customer can then track the location of the  
11 Lyft as the driver navigates to the customer's identified pick-up address. The driver and customer  
12 can communicate with each other through Lyft's app.

13 73. Once the Lyft arrives, the Lyft app notifies the customer, and they and any other  
14 associated passengers may then board the vehicle. The driver then begins the trip in the Lyft  
15 software app and proceeds to the desired destination. If the requesting customer submitted the  
16 destination address, the app will supply the driver with turn-by-turn directions to the desired  
17 destination.

18 74. When the Lyft arrives at the desired destination, the driver ends the trip in the Lyft  
19 app. Lyft then charges the customer's credit card for the trip fare. No cash is exchanged. Lyft  
20 allows the rider and the driver to provide ratings of each other in the app after the ride has  
21 concluded.

22 75. Fares for Lyft's transportation services are based on the duration and distance of  
23 each trip and other factors such as demand at the time and place of the ride, as determined by  
24 Lyft's algorithms. Lyft keeps a percentage of each fare.

25 76. Lyft compensates its Lyft drivers based on the duration and distance of the trips  
26 that they provide to customers. Payments are not transferred directly from customers to drivers;  
27 rather, Lyft collects and holds customer payments, deducts fees, and then later transfers money to  
28

1 drivers. Customers who dispute the fare for a particular trip must contact Lyft customer service  
2 representatives to request an adjustment to their fares.

3 77. Lyft closely monitors and controls interactions between Lyft drivers and  
4 customers.

5 **LYFT INTENTIONALLY DISCRIMINATES AGAINST PEOPLE WHO NEED**  
6 **WHEELCHAIR ACCESSIBLE LYFTS.**

7 78. Lyft provides a valuable transportation alternative to thousands of Bay Area  
8 residents, allowing people to more easily travel to work, social events, community engagements,  
9 appointments, and other destinations, yet Lyft excludes people with mobility disabilities from  
10 these same benefits of its convenient transportation.

11 79. Lyft has made WAVs available in Philadelphia in response to a law passed by the  
12 Pennsylvania legislature, and rolled out a fleet of WAVs in June of 2017.<sup>19</sup> It is working on a  
13 similar program in response to legislation in Texas.

14 80. However, Lyft has taken no steps to provide wheelchair accessible Lyfts in a way  
15 which would make Lyft's transportation service fully and equally accessible in the Bay Area.

16 **FIRST CAUSE OF ACTION**

17 **Discrimination Prohibited by the Unruh Civil Rights Act**

18 **(California Civil Code §§ 51-52)**

19 81. Plaintiffs incorporate by reference as though fully set forth herein the preceding  
20 and subsequent paragraphs of this Complaint.

21 82. The Unruh Civil Rights Act guarantees, *inter alia*, that persons with disabilities  
22 are entitled to full and equal accommodations, advantages, facilities, privileges, and services in all  
23 business establishments of any kind whatsoever within the jurisdiction of the state of California.  
24 Cal. Civ. Code § 51(b).

25 83. Plaintiffs and all members of the class are persons with "disabilities" entitled to  
26 protection under the Unruh Civil Rights Act.

27 \_\_\_\_\_  
28 <sup>19</sup> Philly.com, "Uber and Lyft's wheelchair access grows, with room to improve,"  
<http://www.philly.com/philly/business/transportation/ubers-wheelchair-accessibility-grows-with-room-for-improvement-20170706.html>, July 6, 2017.

1           84.     Consumers of Plaintiff ILRC’s services, including Tara Ayres, Sascha Bittner, and  
2 Julie Fuller, are aware of Defendant’s unlawful actions, and their knowledge of this  
3 discrimination has deterred them from using Lyft’s transportation service. Moreover, members of  
4 Plaintiff ILRC’s staff, board, and its consumers, and other wheelchair users, including Plaintiff  
5 Judith Smith, have been and continue to be denied access to Lyft’s transportation service on  
6 multiple occasions when a friend or colleague has attempted to order a Lyft ride for them and  
7 found there are no wheelchair accessible Lyfts available.

8           85.     Plaintiff ILRC’s mission includes advocating for greater transportation  
9 accessibility on behalf of its consumers, and has expended resources in this advocacy and  
10 providing services to its consumers to help them with transportation issues. Defendants, and each  
11 of them, have harmed ILRC through their failure to provide wheelchair accessible service.

12           86.     Defendants, and each of them, provide transportation services to the general public  
13 in California, are business establishments within the jurisdiction of the state of California, and as  
14 such are obligated to comply with the provisions of the California Unruh Civil Rights Act,  
15 California Civil Code §§ 51, *et seq.*

16           87.     Defendants, and each of them, have failed and refused to provide Plaintiffs with  
17 full and equal access to and enjoyment of the benefits of their goods, services, facilities, benefits,  
18 advantages, and accommodations, and have done so with intent and by reason of Plaintiffs’  
19 disabilities. For example, Defendants, and each of them, have intentionally failed or refused to  
20 make wheelchair accessible vehicles reliably available through their service on a basis which  
21 would make Defendants’ service fully and equally accessible to people with disabilities who use  
22 wheelchair accessible vehicles.

23           88.     In addition, Defendants, and each of them, are violating California Civil Code §§  
24 51, *et seq.* in that they are violating the Americans with Disabilities Act (42 U.S.C. §§ 12181, *et*  
25 *seq.*) *See* Cal. Civ. Code §51(f). Defendants, and each of them, are private entities operating a  
26 place of public accommodation and/or providing specified public transportation services.  
27 Defendants, and each of them, discriminate against Plaintiffs and members of the putative class  
28 by denying them full and equal enjoyment of Lyft’s goods, services, facilities, privileges,

1 advantages, and/or accommodations. Defendants, and each of them, have failed to make  
2 reasonable modifications to their policies, practices, or procedures in order to afford full and  
3 equal access to their service to Plaintiffs and members of the putative class.

4 89. Therefore Plaintiffs are entitled to declaratory and injunctive relief remedying the  
5 discrimination pursuant to California Civil Code § 52. Unless the Court issues injunctive and  
6 declaratory relief to halt defendants' unlawful practices, Plaintiffs will continue to suffer  
7 irreparable harm.

8 90. Plaintiffs are also entitled to reasonable attorneys' fees, costs and expenses.

9 91. WHEREFORE, Plaintiffs pray for relief as set forth below.

10 **SECOND CAUSE OF ACTION**

11 **Discrimination Prohibited by the California Disabled Persons Act**

12 **(California Civil Code §§ 54-55)**

13 92. Plaintiffs incorporate by reference all foregoing and subsequent allegations as  
14 though fully set forth herein.

15 93. California Civil Code §§ 54-55 (the "Disabled Persons Act") guarantees, *inter*  
16 *alia*, that persons with disabilities are entitled to full and equal access, as other members of the  
17 general public receive, to accommodations, advantages, facilities, and privileges of all "common  
18 carriers," "motor vehicles," "any other public conveyances or modes of transportation (whether  
19 private, public, franchised, licensed, contracted, or otherwise provided), "places of public  
20 accommodation" and "other places to which the general public is invited" within the jurisdiction  
21 of California. Cal. Civ. Code §54.1(a)(1).

22 94. Plaintiffs and all members of the proposed Class are "individuals with disabilities"  
23 who are entitled to protection under the Disabled Persons Act, and are aggrieved or potentially  
24 aggrieved by violations of the Disabled Persons Act.

25 95. Consumers of Plaintiff ILRC's services, including Tara Ayres, Sascha Bittner, and  
26 Julie Fuller, are aware of Defendant's unlawful actions, and their knowledge of this  
27 discrimination has deterred them from using Lyft's transportation service. Moreover, members of  
28 Plaintiff ILRC's staff, board, and its consumers, and other wheelchair users, including Plaintiff

1 Judith Smith, have been and continue to be denied access to Lyft's transportation service on  
2 multiple occasions when a friend or colleague has attempted to order a Lyft ride for them and  
3 found there are no wheelchair accessible Lyfts available.

4 96. Plaintiff ILRC's mission includes advocating for greater transportation  
5 accessibility on behalf of its consumers, and has expended resources in this advocacy and  
6 providing services to its consumers to help them with transportation issues. Defendants, and each  
7 of them, have harmed ILRC through their failure to provide wheelchair accessible service.

8 97. Defendants, and each of them, provide services, advantages, accommodations and  
9 privileges to the general public.

10 98. Defendants, and each of them, provide transportation services to the general public  
11 via common carriers, motor vehicles, a mode of transportation (whether private, public,  
12 franchised, licensed, contracted, or otherwise), and/or are places of public accommodation or  
13 other places to which the general public is invited under California Civil Code §54.1(a)(1).

14 99. Defendants, and each of them, are violating the rights of Plaintiffs to full and equal  
15 access to common carriers, motor vehicles, places of public accommodation, or other places to  
16 which the general public is invited under California Civil Code §§54-54.3 by denying individuals  
17 with mobility disabilities access to its transportation services.

18 100. In addition, Defendants, and each of them, are violating California Civil Code §§  
19 54-54.3 in that they are violating the Americans with Disabilities Act (42 U.S.C. §§ 12181, *et*  
20 *seq.*) See Cal. Civ. Code §54.1(d). Defendants, and each of them, are private entities operating a  
21 place of public accommodation and/or providing specified public transportation services.

22 Defendants, and each of them, discriminate against Plaintiffs and members of the putative class  
23 by denying them full and equal enjoyment of Lyft's goods, services, facilities, privileges,  
24 advantages, or accommodations. Defendants, and each of them, have failed to make reasonable  
25 modifications to their policies, practices, or procedures in order to afford full and equal access to  
26 their service to Plaintiffs and members of the putative class.

27 101. Plaintiffs thus seek declaratory relief based on Defendants' violation of Plaintiffs'  
28 rights under California Civil Code §§ 54-54.3.





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JUDITH SMITH

*Judith Ann Smith*

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TARA AYRES

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JUDITH SMITH

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TARA AYRES



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A handwritten signature in cursive script, appearing to read "Tara Ayres", is written over a horizontal line. The signature is fluid and extends slightly above and below the line.