

STATE OF MICHIGAN
IN THE 9th CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO
150 Crosstown Center, Kalamazoo, MI 49001
(269) 383-8837

ANGELINE MOORE, individually,
and as Next Friend to TERIAHNA DUCKETT
and SALINAH DUCKETT, minor children,

Plaintiff,

File No.: 19- 0071 NO
Honorable: ALEXANDER C. LIPSEY

v

JAMES B. DALTON,
RASIER, LLC, and UBER
TECHNOLOGIES, INC.,

Defendants.

Matthew R. Cooper (P43072)
Schuitmaker, Cooper & Cypher, P.C.
Attorneys for Plaintiff
181 W. Michigan Avenue, Suite 1
P. O. Box 520
Paw Paw, MI 49079
(269) 657-3177

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge. I do not know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this court.

PLAINTIFF'S COMPLAINT AND DEMAND FOR TRIAL BY JURY

NOW COMES the Plaintiff, ANGELINE MOORE, Individually, and as Next Friend of TERIAHNA DUCKETT and SALINAH DUCKETT, by and through her Attorney, Matthew R. Cooper, and for her Complaint against the Defendants, JASON B. DALTON, RASIER, LLC and UBER TECHNOLOGIES, INC., state as follows:

JURISDICTION AND GENERAL ALLEGATIONS

1. Plaintiff, ANGELINE MOORE, is an individual residing in the County of Kalamazoo, State of Michigan.
2. At all times pertinent hereto, ANGELINE MOORE is the mother of TERIAHNA DUCKETT and SALINAH DUCKETT and has petitioned for and / or has been appointed as NEXT OF FRIEND of TERIAHNA DUCKETT and SALINAH DUCKETT.
3. Defendant, Uber Technologies, Inc., is a Delaware corporation, headquartered in San Francisco, California, who is registered in the State of Michigan, and is authorized to and is conducting business in the County of Kalamazoo, State of Michigan.
4. Defendant, Rasier, LLC is a Delaware Corporation, headquartered in San Francisco, California, who is registered in the State of Michigan, and is authorized to and is conducting business in the County of Kalamazoo, State of Michigan.
5. Defendants, Uber Technologies, Inc., and Rasier, LLC (collectively "Defendants Uber"), provide transportation services / a mobile phone application that allows individuals / consumers to obtain transportation services from Uber drivers.
6. At all times pertinent hereto, Defendants Uber asserts the following on its website:

- a. All potential drivers in the US must complete a screening before becoming an Uber driver-partner, and current drivers continue to be vetted for criminal offenses;
 - b. Through our joint efforts with cities and safety experts and by working together, we're helping to create safe journeys for everyone;
 - c. Before anyone can drive with Uber, they must undergo a multi-point review of driving history and criminal history. Screening check for moving violations, drinking- and drug-related offenses, violent crimes, and felonies. If a potential driver qualifies, they still have to remain in good standing with the law to stay in the Uber Community;
 - d. Criminal and motor vehicle checks are proactively run each year, regardless of whether there's a legal obligation in the city to do so;
 - e. If a driver is charged with a new offense, we have technology that can notify us of that so we can remove access to the app. This helps to ensure that all drivers continue to meet our screening standards; and
 - f. All Uber rides are tracked by GPS from start to finish so there's a record of your trip if something happens.
7. Defendant JASON B. DALTON ("Defendant Dalton") is a resident of the County of Kalamazoo, State of Michigan and at all times pertinent hereto, was a driver, employed by Defendants Uber and was providing transportation services for individuals / consumers using transportation services / mobile phone application directed and controlled by Defendants Uber.

8. At all times pertinent hereto, Defendant Dalton was considered an employee of Defendants Uber as Defendants Uber:
- a. Directed and controlled the course and scope of Defendant Dalton's employment through demanding use of Defendants Uber's specific and exclusive mobile application;
 - b. Directed and controlled the fares charged by Defendant Dalton in the course of his employment with Defendants Uber;
 - c. Directed and controlled the collection of payments from each individual / consumer / rider who utilizes Defendant Dalton's services through Defendants Uber technology / service / app;
 - d. Require its drivers to adhere to Uber's policy concerning tipping from individuals / consumers / riders;
 - e. Provided Defendant Dalton with a weekly direct deposit representing payment for services performed, which represented only a certain percentage of the fees charged;
 - f. Directed and controlled the vehicle's mechanical shape, cleanliness of the vehicle and use through mandatory display of Uber logo on said vehicle;
 - f. Directed and set time standards by which its drivers must respond to requests;
 - g. Prohibit drivers from calling passengers who have requested a ride at a rate and frequency that Uber deems "excessive"; and
 - h. Does not allow Uber drivers to negotiate, adjust or accept other forms of payment should the Uber application malfunction.

- 9 On or about February 20, 2016, Defendant Dalton was on the clock and in the course of performing transportation duties for Defendants Uber.
10. With Uber passengers in his vehicle, Defendant Dalton began driving in an erratic fashion, running red lights, side-swiping vehicles and creating a unsafe, unpredictable hazard to himself, Uber passengers and the public at large.
11. Based upon information and belief, witnesses and Uber passengers dialed 911 and called Uber directly to report Defendant Dalton's erratic, illegal and unsafe driving and placed Uber Defendants on notice that Dalton was / had become a danger to society.
12. Following his episodes of erratic, illegal and unsafe driving, Defendant Dalton continued in his capacity as an Uber Driver and responded to a request for transportation, which took him into Plaintiff's neighborhood and led Defendant Dalton to have contact with an individual from Plaintiff's neighborhood.
- 13 Defendant Dalton engaged in a verbal conversation with an individual from Plaintiff's neighborhood and in his capacity as an Uber driver, asked for directions and / or the location of a certain person.
14. Without warning and without provocation, Defendant Dalton intentionally and recklessly fired excessive rounds of ammunition in the direction of TERIAHNA DUCKETT and SALINAH DUCKETT, endangering their lives and the lives of other children in the neighborhood.

15. Plaintiff's minor children and other children sought shelter in a neighbor's home. While they laid terrified and face down on the floor of a neighbor's home, excessive rounds of ammunition ricocheted, shattered and destroyed the home around them.
16. TERIAHNA DUCKETT and SALINAH DUCKETT witnessed the personal assault against not only themselves, but also many other children, all of whom feared for their own lives, as well as the life of their neighbor, whom she had left behind in an attempt to survive the attack.
17. Following the violent, unprovoked attack, Defendant Dalton continued in his capacity as a Uber driver and continued to perform transportation duties for Defendant Uber.
18. At all times pertinent hereto, Defendant Dalton knew / had knowledge that something was wrong with his mental status as the Uber Application used during the course of his employment with Uber did not appear normal; Defendant Dalton was negligent when he failed and / or refused to contact Uber Defendants, remedy the situation or disengage his employment with Uber.
19. Throughout the evening of February 20, 2016 and during the course of his employment with Defendants Uber, Defendant Dalton continued to commit heinous crimes and random acts of violence in between picking up and dropping off individuals / consumers / passengers until the time he was arrested.

20. At all times pertinent hereto, Defendant Dalton and Defendants Uber were compensated and / or profited from the transportation services being provided by Defendant Dalton on the evening of February 20, 2016 prior to and after Defendant Dalton's heinous crimes and random acts of violence.
21. Defendant Dalton's heinous crimes and random acts of violence were seemingly random, yet all occurred in or around the locations where Defendant Dalton was picking up and / or dropping off individuals / consumers / passengers that were clients of Defendants Uber; as such, the actions present clear and concise evidence that Defendant Dalton's assault arose from and occurred as a result of Defendant Dalton's employment with Defendants Uber.
22. Defendants Uber were negligent in preventing Defendant Dalton's behaviors when Defendants Uber failed and / or refused to properly screen, evaluate, continue to evaluate, supervise, provide additional outreach, assistance and training, to conduct appropriate background investigations, monitor the rides via GPS capabilities and timely and properly respond to 911 phone calls about Uber Driver, Jason Dalton and in general, all of Uber's employees / agents / representatives.
23. Based upon information and belief, rather than following the clear standards set forth on their website, Uber drivers undergo only a minimal screening- as required by the jurisdiction the Uber driver is operating in, may not even be subject to an in-person interview as part of the hiring process and do not receive any in-person training.

24. As a direct and proximate result of the acts and omissions set forth herein, Plaintiff and her minor children suffered serious, life-long injuries and damages in excess of twenty-five thousand dollars (\$25,000.00).

COUNT I - ASSAULT & ATTEMPTED BATTERY
(DEFENDANT DALTON)

25. Plaintiff herein repeats, re-alleges and incorporates by reference each and every paragraph above as if fully restated herein, and further states as follows:

26. Defendant Dalton intentionally and wrongfully attempted to make physical contact with TERIAHNA DUCKETT and SALINAH DUCKETT when he intentionally and recklessly fired excessive rounds of ammunition in their direction.

27. As a direct and proximate result of the actions and omissions set forth herein, Plaintiff and her minor children have suffered serious, life-long injuries, some of which injuries are more particularly, but not exclusively described severe mental and emotional anguish, including Posttraumatic Stress Disorder.

28. That as a direct and proximate result of the Defendant Dalton's assault and attempted battery against TERIAHNA DUCKETT and SALINAH DUCKETT, Plaintiff and her children have suffered damages, past, present and future, including but not limited to:

- a. Emotional Anxiety;
- b. Depression / crying spells;
- c. Headaches;

- d. Loss of enjoyment of life;
- e. Extreme mental anguish;
- f. Fright;
- g. Shock;
- h. Humiliation;
- i. Mortification;
- j. Nightmares / Sleep disturbance;
- k. Medical expenses - past, present and future;
- l. Attorney fees and costs; and
- m. Other damages to be disclosed throughout the course of discovery.

WHEREFORE, Plaintiff demands a judgment against the Defendant, JASON B. Dalton, in an amount over and above Twenty-Five Thousand (\$25,000.00) Dollars, which Plaintiff is found to be entitled, plus costs, interest and attorney fees.

COUNT II - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(DEFENDANT DALTON)

- 29. Plaintiff herein repeats, re-alleges and incorporates by reference each and every paragraph above as if fully restated herein, and further states as follows:
- 30. Defendant Dalton's conduct, as outlined above was intentional, extreme and outrageous.
- 31. Defendant Dalton knew, or should have known, that said actions would cause extreme, perhaps permanent mental anguish and extreme, perhaps permanent emotional distress to Plaintiff and her minor children.

32. Defendant Dalton's conduct resulted in severe, serious and potentially permanent distress to the Plaintiff and her children, which has manifested itself into symptoms and damages, including, but not limited to:

- a. Emotional Anxiety;
- b. Depression / crying spells;
- c. Headaches;
- d. Loss of enjoyment of life;
- e. Extreme mental anguish;
- f. Fright;
- g. Shock;
- h. Humiliation;
- i. Mortification;
- j. Nightmares / Sleep disturbance;
- k. Medical expenses - past, present and future;
- l. Attorney fees and costs; and
- m. Other damages to be disclosed throughout the course of discovery.

WHEREFORE, Plaintiff demands a judgment against the Defendant, JASON B. Dalton, in an amount over and above Twenty-Five Thousand (\$25,000.00) Dollars, which Plaintiff is found to be entitled, plus costs, interest and attorney fees.

COUNT III - NEGLIGENCE
(DEFENDANT DALTON)

33. Plaintiff herein repeats, re-alleges and incorporates by reference each and every paragraph above as if fully restated herein, and further states as follows:

34. Defendant Dalton, as a licensed Michigan driver / operator of a motor vehicle, owed a duty of care to Plaintiff, her minor children and others similarly situated in the careful and lawful operation of his motor vehicle and the use of Defendant Ubers' application and services.
35. At all times pertinent hereto, Defendant Dalton breached said duties when he recognized that his mental status was altered / Defendants Ubers' application did not appear normal and:
- a. Failed and / or refused to contact Defendants Uber to remedy / discuss the situation;
 - b. Did not seek assistance with his mental health / the app's appearance within his own abilities;
 - c. Did not disengage his employment / providing of services to Defendants Uber consumers;
 - d. Did not recognize that he was a threat to TERIAHNA DUCKETT and SALINAH DUCKETT and others similarly situated;
36. Defendant Dalton also breached said duties when he attempted to make unwanted physical contact with the Plaintiff's minor children, causing Plaintiff and her children to suffer serious, life-long injuries, including severe mental and emotional anguish, including Posttraumatic Stress Disorder.
37. That as a direct and proximate result of the Defendant Dalton's negligence, Plaintiff and her minor children suffered and damages, past, present and future, including but not limited to:
- a. Emotional Anxiety;

- b. Depression / crying spells;
- c. Headaches;
- d. Loss of enjoyment of life;
- e. Extreme mental anguish;
- f. Fright;
- g. Shock;
- h. Humiliation;
- i. Mortification;
- j. Nightmares / Sleep disturbance;
- k. Medical expenses - past, present and future;
- l. Attorney fees and costs; and
- m. Other damages to be disclosed throughout the course of discovery.

WHEREFORE, Plaintiff demands a judgment against the Defendant, JASON B. Dalton, in an amount over and above Twenty-Five Thousand (\$25,000.00) Dollars, which Plaintiff is found to be entitled, plus costs, interest and attorney fees.

COUNT IV - NEGLIGENT HIRING / SCREENING / TRAINING / SUPERVISION
(DEFENDANTS UBER)

- 38. Plaintiff herein repeats, re-alleges and incorporates by reference each and every paragraph above as if fully restated herein, and further states as follows:
- 39. Defendants Uber provide transportation services / a mobile phone application that allows individuals / consumers to obtain transportation services exclusively from Uber drivers.

40. At all times pertinent hereto, Defendants Uber officiates an inherently dangerous operation that without the proper implantation of a standard of care, presents an unnecessary risk to consumers / the public. Defendants Uber owe a duty to members of the public such as Plaintiff and her minor children, to engage their business in a safe and reasonable manner.
41. Upon information and belief, Defendants Uber recognize the inherent risks to consumers / the public as Uber has already begun employing mental health checks in Mexico and Malaysia and developed a pilot program including a panic button that can dial 911 within its own app¹.
42. Defendants Uber represent, warrant and advertise safe and secure on-demand transportation to individuals / consumers / riders with every day needs as well as those with disabilities.
43. Defendants Ubers' advertisements not only set a standard of care for the safety and well-being to members of the public, individuals / consumers / riders who retain their services, but also acknowledges they have a duty to use reasonable care in the screening, hiring, training and supervision of Uber employees. Specifically, Defendants Uber acknowledge the vulnerabilities of members of the public / individuals / consumers / riders and advertise that they are "putting safety at the heart of everything we do."
44. In setting the standard of care, duties and obligations of its drivers / agents / representatives Defendants Uber represent, warrant and advertise that potential drivers must pass a motor vehicle record review, a criminal

¹Based upon information and belief, this panic button went live in the U.S. in May, 2018.

background check and comply with Uber's internal safety standards and screenings.

45. As such, Defendants Uber should be held accountable for any harm or damages caused by their agents / employees / representatives, especially when they represent their services to the general public as safe and secure.
46. Defendants Uber were negligent and breached the standard of care when they hired and / or allowed Jason B. Dalton to provide on-demand transportation to individuals / consumers / riders and perform his duties for Uber in a manner that exposed him to the general public. Specifically, Defendants Uber:
 - a. Failed and / or refused to conduct an adequate criminal background check on Defendant Dalton, including requesting personal references from friends, neighbors, colleagues and / or previous employers;
 - b. Failed and / or refused to conduct an adequate Department of Transportation / Motor Vehicle History Background Report on Defendant Dalton;
 - c. Failed and / or refused to properly conduct a pre-employment screening, including work history and previous law suits;
 - d. Failed and / or refused to adequately and appropriately monitor Defendant Dalton's behaviors as a driver, including:
 - i. Whether Defendant Dalton was the lawful owner of the vehicle used during the course of his employment with Defendants Uber;

- ii. Whether Defendant Dalton's vehicles were appropriately registered with Defendants Uber;
- iii. Whether Defendant Dalton's vehicle(s) were appropriately registered with the State of Michigan;
- iv. Whether Defendant Dalton's vehicle(s) were properly insured with liability insurance coverage;
- v. Whether individuals / consumers / riders had lodged any complaints or concerns about Defendant Dalton's driving / behaviors / mannerisms;
- e. Failed and / or refused to provide adequate training and supervision;
- f. Failed and / or refused to examine and / or question Defendant Dalton's mental health / mental stability prior to allowing him to drive for Defendants Uber and throughout the duration of his on-demand transportation services when Defendants knew to a moral certainty that its drivers would experience unreasonable confrontations / interactions with the public;
- g. Failed and / or refused to recognize and act upon warning signs that Defendant Dalton presented a clear and obvious danger to the public at large, individuals / consumers / riders;
- h. Failed and / or refused to learn and act through proper and regular screenings that:
 - i. Dalton's previous employment ended under negative circumstances and in a manner that would have called into

question his mental well-being / character fitness for service as an Uber driver, wherein he would actively engage with members of the public;

ii. Jason Dalton was exhibiting peculiar and questionable behaviors not only in his previous employment, but also in a civil cause of action that was filed in Calhoun County Circuit Court, State of Michigan;

iii. Defendants Uber should have terminated Defendant Dalton's employment with Uber so as to avoid unnecessary risk and an obvious danger to the public at large / individuals / consumers / riders.

i. Failed and /or refused to promptly and timely respond to 911 calls discussing Defendant Dalton's erratic, illegal and dangerous operation of his motor vehicle while operating in the course of his employment with Defendants Uber.

47. Based upon information and belief, Defendants Uber were also negligent when they:

a. Failed and / or refused to have a system or mechanism in place that would disable a driver's vehicle in the event of an accident; even while they possessed such technology;

b. Failed and / or refused to have a system or mechanism in place that would disable a driver's vehicle in the event of an emergency;

- c. Failed and / or refused to have a system or mechanism in place that would disable a driver's vehicle in the event Defendants Uber were notified by law enforcement authorities that an agent / employee / representative was driving eradically, reckless or with willful disregard for individuals / consumers / riders who had requested Defendants Ubers services;
- d. Failed and / or refused to have a system or mechanism in place that would disable a driver's vehicle in the event the driver was operating a vehicle that was not registered as an appropriate / secure vehicle with Defendants Uber; and
- e. On the day of attacks, failed and / or refused to have a means where Uber could have intervened, called Dalton or contacted him in some other manner so as to disengage the Uber App and / or Dalton's service as an Uber driver prior to assaulting / attempting to shoot Plaintiff's minor children. Even though they had adequate notice that such a need existed and they had the technology to do so.

48. Defendants Uber knew, or should have known the clear and obvious dangers that Dalton and others similarly situated posed to individuals / consumers / riders of Uber and members of our public and that the above-referenced failures amount to negligence, deliberate indifference, intentional misconduct and allowed Defendant Dalton to engage in conduct that directly and proximately caused injuries to Plaintiff and her minor children and other members of the community.

49. Defendants Uber were negligent when, after acknowledging the clear and obvious dangers that Dalton and others similarly situated posed to individuals / consumers / riders of Uber, failed and or refused to act to prevent harm to said individuals / consumers / riders and members of our public.
50. As a direct and proximate result of the actions and omissions set forth herein, Plaintiff and her minor children suffered serious, life-long injuries.
51. That as a direct and proximate result of the Defendant Ubers' negligence, Plaintiff has and continues to suffer damages, past, present and future, including but not limited to:
 - a. Emotional Anxiety;
 - b. Depression / crying spells;
 - c. Headaches;
 - d. Loss of enjoyment of life;
 - e. Extreme mental anguish;
 - f. Fright;
 - g. Shock;
 - h. Humiliation;
 - i. Mortification;
 - j. Nightmares / Sleep disturbance;
 - k. Medical expenses - past, present and future;
 - l. Attorney fees and costs; and
 - m. Other damages to be disclosed throughout the course of discovery

WHEREFORE, Plaintiff demands a judgment against the Defendants, Uber Technologies, Inc., and Rasier, LLC, in an amount over and above Twenty-Five Thousand (\$25,000.00) Dollars, which Plaintiff is found to be entitled, plus costs, interest and attorney fees and punitive damages.

COUNT V - VICARIOUS LIABILITY / RESPONDENT SUPERIOR
(DEFENDANTS UBER)

52. Plaintiff herein repeats, re-alleges and incorporates by reference each and every paragraph above as if fully restated herein, and further states as follows:
53. At all times pertinent hereto, Defendant Dalton was considered an employee of Defendants Uber as Defendants Uber:
- a. Directed and controlled the course and scope of Defendant Dalton's employment through demanding use of Defendants Uber's specific mobile application;
 - b. Directed and controlled the fares charged by Defendant Dalton in the course of his employment with Defendants Uber;
 - c. Directed and controlled the collection of payments from each individual / consumer / rider who utilizes Defendant Dalton's services through Defendants Uber technology / service / app;
 - d. Provided Defendant Dalton with a weekly direct deposit representing payment for services performed;
 - e. Directed and controlled the vehicle's mechanical shape and use through mandatory display of Uber logo on said vehicle; and
 - f. Directed and set time standards by which its drivers must respond to requests.

54. On February 20, 2016, Defendant Dalton was acting as an employee of Defendants Uber, performing transportation services for Uber individuals / consumers / riders and exclusively using Defendants Uber mobile application so as to determine Uber's next customer.
55. Based upon information and belief, Defendant Dalton was acting irrationally and eradicably and was violating numerous motor vehicle laws when he side-swiped a vehicle, failed to yield, failed to stop at red lights and perpetrated other moving violations.
56. Based upon information and belief, bystanders and as well as an Uber client dialed 911 to report Defendant Dalton's irrational, erratic and unlawful behaviors. Defendants Uber were negligent in not having implemented / used their technology so as to stop Defendant Dalton's violent behaviors.
57. Despite irrational and erratic behaviors; despite the 911 phone calls alerting local authorities and Uber to a problem employee, Defendant Dalton continued to be allowed access to Defendants Uber App and responded to a request for transportation, which led him to Plaintiff's neighbor.
58. Within the scope of his employment, Defendant Dalton made personal contact with an individual from Plaintiff's neighborhood, as Defendant Dalton was unable to find the woman who requested a ride from an Uber driver.
59. Without warning and provocation, Defendant Dalton intentionally and recklessly fired excessive rounds of ammunition in the direction of Plaintiff's minor children and in the direction of other minor children in the neighborhood.

60. While Plaintiff's minor children, as well as other children from the neighborhood sought shelter in a neighbor's home, lying terrified and face down on the floor of the home, excessive rounds of ammunition ricocheted, shattered and destroyed the home around them; Defendant Dalton sped off and continued to perform transportation duties within the scope of his employment for Defendant Uber.
61. Based upon information and belief, despite additional phone calls to 911 about the shooting incident by an Uber Driver, the phone calls concerning an irrational and erratic Uber driver, Defendant Dalton continued to be allowed access to Defendants Uber App and was allowed to respond to additional requests for transportation.
62. Throughout the evening of February 20, 2016 and during the course of his employment with Defendants Uber, Defendant Dalton continued to commit heinous crimes and random acts of violence in between picking up and dropping off individuals / consumers / passengers of Uber.
63. At all times pertinent hereto, Defendants Uber collected fares and presumably Defendant Dalton was compensated for the work he performed within the scope of his employment with Uber.
64. While Defendant Dalton's heinous crimes and random acts of violence were seemingly random, all incidents occurred in or around the locations where Defendant Dalton was picking up and / or dropping off individuals / consumers / Uber passengers and as such, presents clear and concise evidence that Defendant Dalton's assault arose from and occurred as a result of Defendant Dalton's employment with Defendants Uber.

65. Defendants Uber owed a duty to exercise reasonable care for Plaintiff and Plaintiff's minor children's safety and well-being as well as those similarly situated.
66. Defendants Uber breached said duty, were negligent and are vicariously liable to Plaintiff as follows:
 - a. Failed and / or refused to conduct an adequate criminal background check on Defendant Dalton, including requesting personal references from friends, neighbors and / or colleagues;
 - b. Failed and / or refused to conduct an adequate Department of Transportation / Motor Vehicle History Background Report on Defendant Dalton;
 - c. Failed and / or refused to properly conduct a pre-employment screening;
 - d. Failed and / or refused to adequately and appropriately monitor Defendant Dalton's behaviors as a driver, including:
 - i. Whether Defendant Dalton was the lawful owner of the vehicle used during the course of his employment with Defendants Uber;
 - ii. Whether Defendant Dalton's vehicles were appropriately registered with Defendants Uber;
 - iii. Whether Defendant Dalton's vehicle(s) were appropriately registered with the State of Michigan;
 - iv. Whether Defendant Dalton's vehicle(s) were properly insured with liability insurance coverage,

- v. Whether individuals / consumers / riders had lodged any complaints or concerns about Defendant Dalton's driving / behaviors / mannerisms;
- e. Failed and /o refused to provide adequate training and supervision;
- f. Failed and / or refused to examine and / or question Defendant Dalton's mental health / mental stability prior to allowing him to drive for Defendants Uber and throughout the duration of his on-demand transportation services when Defendants knew to a moral certainty that its drivers would experience unreasonable confrontations / interactions with the public.
- g. Failed and / or refused to recognize and act upon warning signs that Defendant Dalton presented a clear and obvious danger to individuals / consumers / riders.
- h. Failed and / or refused to have a system or mechanism in place or implement the technology they had, that would disable Dalton's vehicle in the event of an accident;
- i. Failed and / or refused to have a system or mechanism in place that would disable a driver's vehicle in the event of an emergency;
- j. Failed and / or refused to have a system or mechanism in place that would disable a driver's vehicle in the event Defendants Uber were notified by law enforcement authorities that an agent / employee / representative was driving eradicably, reckless or with willful disregard for individuals / consumers / riders who had requested Defendants Ubers services;

- k. Failed and / or refused to have a system or mechanism in place that would disable a driver's vehicle in the event the driver was operating a vehicle that was not registered as an appropriate / secure vehicle with Defendants Uber.

68. That as a direct and proximate result of acts and omissions of Defendants Uber, Plaintiff and her minor children have and continue to suffer damages, past, present and future, including but not limited to:

- a. Emotional Anxiety;
- b. Depression / crying spells;
- c. Headaches;
- d. Loss of enjoyment of life;
- e. Extreme mental anguish;
- f. Fright;
- g. Shock;
- h. Humiliation;
- i. Mortification;
- j. Nightmares / Sleep disturbance;
- k. Medical expenses - past, present and future;
- l. Attorney fees and costs; and
- m. Other damages to be disclosed throughout the course of discovery.

WHEREFORE, Plaintiff demands a judgment against the Defendants, Uber Technologies, Inc., and Rasier, LLC, in an amount over and above Twenty-Five Thousand (\$25,000.00) Dollars, which Plaintiff is found to be entitled, plus costs, interest and attorney fees and punitive damages.

COUNT VI - GROSS NEGLIGENCE
(DEFENDANTS UBER)

69. Plaintiff herein repeats, re-alleges and incorporates by reference each and every paragraph above as if fully restated herein, and further states as follows:
70. At all times pertinent hereto, Defendants Uber employed Defendant Dalton and others similarly situated, were in charge of hiring, training, supervising and monitoring their drivers relative to the services performed within the scope of said employee's employment.
71. At all times pertinent hereto, Defendants Uber had actual and constructive notice of their duties and the need to implement, install and anticipate emergencies, erratic and unpredictable behaviors and handle those situations in an effort to minimize risk and damage to consumers / riders and the public at large as indicated in their extensive advertising campaigns.
72. Defendants Uber were grossly negligent and breached their duties when they failed to properly hire, train, supervise and monitor, have technology implemented / utilized that would ensure the safety and welfare their consumers / riders and the public at large.
73. More specifically, and as outlined above, Defendants Uber had actual and constructive knowledge of the danger Defendant Dalton posed to its consumers / riders and the public at large, the violent and erratic behaviors he demonstrated, prior to assaulting and attempting to batter Plaintiff and Plaintiff's minor children and continuing on a killing spree throughout the evening of February 20, 2016.

74. Defendants Uber failures amounted to gross negligence, deliberate indifference and intentional misconduct, and permitted and / or encouraged Defendant Dalton's behaviors when their own special investigations unit is wholly under-staffed, under-educated and lacked necessary emergency responder training to respond to not only the volume of complaints that it received on a daily / weekly basis, but to respond to extreme emergency that Defendant Dalton presented and perpetrated on February 20, 2016.
75. That as a direct and proximate result of acts and omissions of Defendants Uber, Plaintiff and her minor children have and continue to suffer damages, past, present and future, including but not limited to:
- a. Emotional Anxiety;
 - b. Depression / crying spells;
 - c. Headaches;
 - d. Loss of enjoyment of life;
 - e. Extreme mental anguish;
 - f. Fright;
 - g. Shock;
 - h. Humiliation;
 - i. Mortification;
 - j. Nightmares / Sleep disturbance;
 - k. Medical expenses - past, present and future;
 - l. Attorney fees and costs; and
 - m. Other damages to be disclosed throughout the course of discovery.

WHEREFORE, Plaintiff demands a judgment against the Defendants, Uber Technologies, Inc., and Rasier, LLC, in an amount over and above Twenty-Five Thousand (\$25,000.00) Dollars, which Plaintiff is found to be entitled, plus costs, interest and attorney fees and punitive damages.

COUNT VI - BYSTANDER LIABILITY
(DEFENDANT DALTON AND DEFENDANTS UBER)

76. Plaintiff herein repeats, re-alleges and incorporates by reference each and every paragraph above as if fully restated herein, and further states as follows:
77. Plaintiff's minor children suffered an unprovoked, violent attack on February 20, 2016, wherein they fled for their lives and laid on the floor as Defendant Dalton's bullets echoed around them, not knowing whether they themselves or the other minor children in the community would survive.
78. TERIAHNA DUCKETT and SALINAH DUCKETT, were fully aware that each other were within the immediate occurrence of Dalton's violent attack and could have easily been and /or perhaps was, struck by bullets from Dalton's gun.
79. These minor children continue to suffer the effects of the trauma of witnessing Defendant Dalton's attack on not only themselves, but also on other children surrounding the incident, including, but not limited to:
 - a. Emotional Anxiety;
 - b. Depression / crying spells;
 - c. Headaches;
 - d. Loss of enjoyment of life;
 - e. Extreme mental anguish;

- f. Fright;
- g. Shock;
- h. Humiliation;
- i. Mortification;
- j. Nightmares / Sleep disturbance;
- k. Medical expenses - past, present and future;
- l. Attorney fees and costs; and
- m. Other damages to be disclosed throughout the course of discovery.

WHEREFORE, Plaintiff demands a judgment against the Defendants, Jason Dalton, Uber Technologies, Inc., and Rasier, LLC, in an amount over and above Twenty-Five Thousand (\$25,000.00) Dollars, which Plaintiff is found to be entitled, plus costs, interest and attorney fees.

COUNT VII
LOSS OF CONSORTIUM, ANGELINE MOORE
(DEFENDANT DALTON AND DEFENDANTS UBER)

- 80. Plaintiff herein repeats, re-alleges and incorporates by reference each and every paragraph above as if fully restated herein, and further states as follows:
- 81. ANGELINE MOORE is the mother of TERIAHNA DUCKETT and SALINAH DUCKETT.
- 82. As a result of the injuries and damages sustained by TERIAHNA DUCKETT and SALINAH DUCKETT, ANGELINE MOORE has been deprived of the comfort and happiness in society, has suffered a great deal of mental pain and anguish, and has been deprived of the services of TERIAHNA DUCKETT and SALINAH DUCKETT and those others pleasures and rights

growing out of the parent-child relationship known as consortium.

83. As a direct and proximate result of this Defendants' acts and omissions and the injuries sustained and damages suffered by TERIAHNA DUCKETT and SALINAH DUCKETT, ANGELINE MOORE was unable to enjoy her relationship with her children.

WHEREFORE, Plaintiff demands a judgment against the Defendants, Jason Dalton, Uber Technologies, Inc., and Rasier, LLC, in an amount over and above Twenty-Five Thousand (\$25,000.00) Dollars, which Plaintiff is found to be entitled, plus costs, interest and attorney fees and punitive damages.

COUNT VIII

LOSS OF CONSORTIUM, TERIAHNA DUCKETT and SALINAH DUCKETT
(DEFENDANT DALTON AND DEFENDANTS UBER)

84. Plaintiff herein repeats, re-alleges and incorporates by reference each and every paragraph above as if fully restated herein, and further states as follows:
85. TERIAHNA DUCKETT and SALINAH DUCKETT are the children of ANGELINE MOORE, and are minors according to the laws of the State of Michigan.
86. As a result of their injuries, TERIAHNA DUCKETT and SALINAH DUCKETT and ANGELINE MOORE have been deprived of the comfort and happiness in society, has suffered a great deal of mental pain and anguish, and has been deprived of the services of each other and those others pleasures and rights growing out of the parent-child and sibling relationships known as consortium.

87. As a direct and proximate result of this Defendants' acts and omissions and the injuries sustained and damages suffered, ANGELINE MOORE and her minor children were unable to enjoy their parent-child relationship.

WHEREFORE, Plaintiffs demand a judgment against the Defendants, Jason Dalton, Uber Technologies, Inc., and Rasier, LLC, in an amount over and above Twenty-Five Thousand (\$25,000.00) Dollars, which Plaintiff is found to be entitled, plus costs, interest and attorney fees and punitive damages.

COUNT IX - VIOLATION OF THE MICHIGAN CONSUMER PROTECTION ACT
(DEFENDANTS UBER)

89. Plaintiff herein repeats, re-alleges and incorporates by reference each and every paragraph above as if fully restated herein, and further states as follows:
90. This Count is brought under the Michigan Consumer Protection Act 331 of 1976, MCL 445.901, *et seq.*
91. At all times pertinent hereto, Defendants Uber was in the process of conducting trade or commerce in the County of Kalamazoo, State of Michigan.
92. At all times pertinent hereto, Defendants Uber violated the Michigan Consumer Protection Act when Defendants Uber:
- a. Caused a probability of confusion or misunderstanding as to the source, sponsorship, approval or certification of goods and services;
 - b. Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has sponsorship, approval, status, affiliation, or connection that he or she does not have;

- c. Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;
 - d. Failing to reveal a material fact, the omission of which tends to mislead or deceive the consumer, and which fact could not reasonably be known by the consumer;
93. More specifically, Defendants Uber violated the Michigan Consumer protection Act when Defendants Uber:
- a. Lead members of the public at large / consumers / riders to believe that Uber properly screens, evaluates, monitors and conducts regular motor vehicle inspections, motor vehicle driving records and conducts extensive criminal background investigations when they do not;
 - b. Lead members of the public at large / consumers / riders to believe that the services provided by Uber are safe and secure when they are not;
 - c. Lead consumers / riders to believe that policies and procedures are in place such as GPS tracking, enhanced safety features, and a trained support team to respond to urgent safety issues, when they do not; and
 - d. Lead consumers / riders to believe that Uber sets a standard by which drivers are trained, constantly evaluated in real-time identification, and their technology notifies them of problem drivers and revokes access to their app.

94. That as a direct and proximate result of acts and omissions of Defendants Uber, Plaintiff and her minor children have and continue to suffer damages, past, present and future, including but not limited to:

- a. Emotional Anxiety;
- b. Depression / crying spells;
- c. Headaches;
- d. Loss of enjoyment of life;
- e. Extreme mental anguish;
- f. Fright;
- g. Shock;
- h. Humiliation;
- i. Mortification;
- j. Nightmares / Sleep disturbance;
- k. Medical expenses - past, present and future;
- l. Attorney fees and costs; and
- m. Other damages to be disclosed throughout the course of discovery.

WHEREFORE, Plaintiff demands a judgment against the Defendants, Uber Technologies, Inc., and Rasier, LLC, in an amount over and above Twenty-Five Thousand (\$25,000.00) Dollars, which Plaintiff is found to be entitled, plus costs, interest and attorney fees and punitive damages.

Dated: February _____, 2019

Dated: February _____, 2019

Matthew R. Cooper (P43072)
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DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, by and through her attorneys, and hereby demands a trial
by jury of the within cause.

Dated: February _____, 2019

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Dated: February 14, 2019



Angeline Moore

Dated: February 14, 2019



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DEMAND FOR JURY TRIAL

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