

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re Uber Technologies, Inc., Passenger Sexual Assault Litigation

No. 23-md-03084-CRB (LJC), United States District Court for the Northern District of California (August 29, 2025)

SUMMARY

This order resolves a joint discovery letter in the multidistrict litigation concerning alleged passenger sexual assaults involving Uber. The court denies without prejudice Uber’s request for cost-shifting sanctions and addresses production of text messages, preservation and collection of electronically stored information, and possible further depositions. The court orders additional production by a non-party witness and directs the parties to meet and confer regarding discovery and preservation issues.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	J. Cisneros
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 29, 2025
DOCKET	23-md-03084-CRB (LJC)
DISPOSITION	other
PROCEDURAL POSTURE	Order resolving joint discovery letter regarding misconduct by plaintiffs' counsel in bellwether cases within multidistrict litigation.
PRECEDENTIAL VALUE	unpublished

TOPICS

- discovery dispute
- sanctions
- civil procedure

PRACTICE AREAS

- civil procedure
- discovery

QUESTIONS PRESENTED

1. Whether the Court should impose discovery sanctions on plaintiffs' counsel for misconduct.

2. Whether the Court should compel non-party witness I.E. to produce text messages referenced in a draft email.
3. Whether the Court should order further depositions of I.E. and Plaintiff A.R.
4. Whether the Court should order plaintiffs to replace lost documents obtainable from third-party sources like Snapchat.

HOLDINGS

1. Uber's request for cost-shifting sanctions is denied without prejudice as procedurally defective for failing to comply with local rules requiring a noticed motion.
2. I.E. must produce the text messages she referenced in her draft email and any other communications with A.R. that relate to the present action by September 5, 2025. If she asserts privilege, she must produce a privilege log.
3. The parties must meet and confer by September 12, 2025, regarding whether further depositions are appropriate and the topics. If no agreement, they must file a joint letter by September 19, 2025.
4. Uber's request to replace lost documents is denied without prejudice because the record of what was lost is limited and Uber provided no evidence of feasibility.
5. Uber may inquire whether Dean and her four friends were expected to identify potential sources of ESI and what they were expected to do to preserve communications, including actions regarding backing up devices, notifying counsel of device replacement, and handling settings on messaging/social media platforms. Uber may also inquire what individuals knew about message preservation and explore whether lost material may be recovered.

KEY QUOTATIONS

“to the extent that this letter seeks sanctions, it is procedurally defective.”

“Uber’s request for such relief is DENIED, without prejudice to a future motion for sanctions that complies with the Court’s local rules.”

“relevancy for discovery purposes is generally broader than relevancy for purposes of trial.”

“I.E.’s stated discomfort with her attorneys’ purported instruction not to review or produce documents further counsels in favor of fulsome disclosure of relevant material”

“it is “entitled to know what kinds and categories of ESI [I.E. and A.R.] were instructed to preserve and collect, and what specific actions they were instructed to undertake to that end.””

“Uber has provided no evidence that it is feasible to replace anything that was lost.”

FACTUAL BACKGROUND

Uber alleged that in the A.R. case, non-party witness I.E. failed to produce relevant text messages due to improper instructions from her counsel at Peiffer Wolf. In the Dean case, Plaintiff Dean replaced her phone

multiple times after the alleged incident, potentially losing evidence, and Dean and other witnesses used Snapchat (which auto-deletes messages) to discuss the litigation without altering default settings.

PROCEDURAL HISTORY

Uber filed a joint discovery letter brief asserting misconduct by plaintiffs' counsel (Peiffer Wolf) in the bellwether cases Dean v. Uber and A.R. v. Uber. Uber sought sanctions (cost-shifting) and to compel further discovery. The Court addressed the request as a discovery dispute.

DISPOSITION

other

CASES CITED

- In re Subpoena to PayPal Holdings, Inc., No. 20-mc-80041-AGT, 2020 WL 3073221 (N.D. Cal. June 10, 2020)
- In re eBay Seller Antitrust Litig., No. C 07-01882 JF (RS), 2007 WL 2852364 (N.D. Cal. Oct. 2, 2007)