

CAUSE NO. \_\_\_\_\_

JANE DOE  
Plaintiff,

v.

UBER TECHNOLOGIES, INC. and  
JUAN DIEGO ONTIVEROS  
Defendants.

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IN THE DISTRICT COURT

\_\_\_\_ JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION  
WITH JURY DEMAND AND REQUEST FOR DISCLOSURE**

COMES NOW, JANE DOE, Plaintiff, who files this Original Petition, complaining of UBER TECHNOLOGIES, INC. and JUAN DIEGO ONTIVEROS, Defendants herein, and for their causes of action would respectfully show unto the Court as follows:

**I. DISCOVERY TRACK**

1.1 Plaintiff pleads that this case should be assigned to Discovery Level Three.

**II. PARTIES TO THE LAWSUIT**

2.1 Plaintiff JANE DOE is a citizen of the United States and a resident of Bexar County, Texas. Jane Doe brings suit in her individual capacity and under a pseudonym in order to protect her privacy.

2.2 Defendant, UBER TECHNOLOGIES INC., is a Delaware corporation located at 1455 Market Street, San Francisco, California 94103 doing business in Bexar County and the State of Texas and may be served with citation and a copy of this petition by serving its Texas registered agent for service: CT Corporate System 1999 Bryan St., Ste 900 Dallas, TX 75201.

2.3 Defendant, JUAN DIEGO ONTIVEROS is a resident of San Antonio, Bexar County, Texas and may be served with process at his residence address, 415 West Laurel, Apartment 301, San Antonio, TX 78212.

### **III. VENUE AND JURISDICTION**

3.1 Venue is proper in Bexar County, Texas pursuant to Section 15.002(a)(2) of the Texas Civil Practice & Remedies Code, in that all or a substantial part of the events or omissions complained of occurred within the boundaries of Bexar County, Texas, and because Defendant Ontiveros is a resident of Bexar County, Texas.

### **IV. STATEMENT OF FACTS**

4.1 On or about February 25, 2017, Plaintiff, Jane Doe, spent the evening celebrating a birthday with friends in downtown San Antonio. After consuming alcoholic beverages, Jane Doe, requested an Uber ride home from the bar in downtown San Antonio. Uber driver and Defendant, Juan Diego Ontiveros, responded to the ride request and drove Jane Doe to her destination approximately ten minutes away on the East Side of town. Despite arriving at the requested destination, Defendant Ontiveros failed to drop Ms. Doe off at her home. Instead, Defendant Ontiveros circled the block three times and then drove thirty (30) miles to a destination on the Northwest Side of town. Upon arrival to the destination on the Northwest Side of town, Defendant Ontiveros brought Jane Doe inside a house and raped her.

### **V. CAUSES OF ACTION AGAINST UBER TECHNOLOGIES, INC.**

#### **A. NEGLIGENCE AND GROSS NEGLIGENCE**

5.1 Defendant, Uber Technologies, Inc., is a common carrier with a non-delegable

duty to transport passengers safely, and therefore, is held to a high degree of care. As a common carrier, Uber had a duty to do that which a very cautious, competent, and prudent company would have used to avoid harm to others under the same or similar circumstance as those described herein.

5.2 Plaintiff's injuries were proximately caused by Defendant, Uber Technologies, Inc.'s negligent, careless and reckless disregard of said duty.

5.3 The negligent, careless and reckless disregard of said duty of Uber Technologies, Inc., consisted of, but is not limited to, the following acts and omissions:

(a) In negligently hiring, supervising, monitoring, and retaining Defendant Ontiveros;

(b) In failing to have proper policies and procedures in place to ensure the proper screening and evaluation of job candidates prior to hiring them as Uber drivers;

(c) In failing to have proper policies and procedures in place to supervise and monitor the activity of Uber drivers;

(d) In failing properly train Defendant Ontiveros;

(e) In negligently controlling Defendant Ontiveros;

(f) In failing to ensure the safety of Jane Doe and provide safe transit to her;

5.4 These acts and omissions, singularly and collectively, when viewed objectively involve an extreme degree of risk, considering the probability and magnitude of the potential harm to others, itself, and by and through its vice principals, officers and employees, had actual subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, and welfare of

others. Accordingly, Defendant has committed gross negligence and should be held accountable as such.

5.5 At all relevant times, the Juan Ontiveros, and acting within the course and scope of his employment and/or agency with Uber. As a result, Defendant Uber Technologies, is responsible for Ontiveros' conduct under the doctrine of *respondeat superior*.

## **VI. CAUSES OF ACTION AGAINST JUAN ONTIVEROS**

### **A. SEXUAL ASSAULT**

6.1 Defendant Ontiveros intentionally and knowingly sexually assaulted Jane Doe. Plaintiff's injuries were proximately caused by this assault.

## **VII. DAMAGES**

7.1 Nearly all of the elements of damages for personal injury are unliquidated and, therefore, not subject to precise computation. Plaintiff seeks to recover damages in amounts that the jury finds the evidence supports and that the jury finds to be appropriate under all of the circumstances.

7.2 As a result of the incident in question, Plaintiff has sustained physical injuries, physical pain and mental anguish. She has sustained past and future reasonable and necessary medical expenses for the care and treatment of her injuries, loss of wages and loss of earning capacity, both past and future, physical impairment, both past and future, physical pain and mental anguish, both past and future, disfigurement, loss of household services, and a diminution of enjoyment of life, both past and future, all to her damage in an amount which has not been ascertained, but which is in excess of the minimum jurisdictional limits of this court.

7.3 As a result of the gross neglect and malice by Defendants, said Defendants should have exemplary damages assessed against them in an amount deemed appropriate by the jury.

#### **VIII. PRE-JUDGMENT AND POST-JUDGMENT INTEREST**

8.1 Plaintiff seeks pre-judgment and post-judgment interest as allowed by law.

#### **IX. JURY DEMAND**

9.1 Plaintiff requests a trial by jury for all issues of fact and have submitted the requisite timely and proper jury fee.

#### **X. REQUEST FOR DISCLOSURE**

10.1 Pursuant to the provisions of Rule 194, Texas Rules of Civil Procedure, Defendants are requested to disclose, within fifty (50) days of service of this request, the information or material described in Rule 194.2 (a)-(1), *inclusive of the information described in Rule 192.3(f)*.

#### **XI. PRAYER FOR RELIEF**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein, that this cause be set down for trial before a jury, and that Plaintiff recover judgment of and from the Defendants for their actual damages, jointly and severally, in such amount as the evidence may show and that a jury may determine to be proper, together with the prejudgment interest, post-judgment interest, costs of suit, and such other and further relief to which she may show herself to be justly entitled at law or in equity.

Respectfully submitted,

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*/s/ Jeffrey G. Wigington* \_\_\_\_\_

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