

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

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Case Number: CGC-15-546378

Filing Date: Jun-16-2015 10:59

Filed by: DENNIS TOYAMA

Juke Box: 001 Image: 04954780

LABOR COMMISSION APPEAL

UBER TECHNOLOGIES, INC., A DELAWARE CORPORATION VS. BARBARA  
BERWICK

001C04954780

**Instructions:**

Please place this sheet on top of the document to be scanned.

FOR COURT USE ONLY

FILED Superior Court of California County of San Francisco

JUN 16 2015

CLERK OF THE COURT DENNIS TOYAMA Deputy Clerk

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Andrew M. Spurchise, SBN 245998 Littler Mendelson, P.C. 650 California St., 20th Floor San Francisco, CA 94108-2693

TELEPHONE NO.: (415) 433-1940

FAX NO.: (415) 399-8490

ATTORNEY FOR (Name): UBER TECHNOLOGIES, INC., a Delaware corporation

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco

STREET ADDRESS: 400 MacAllister, Room 103

MAILING ADDRESS: 400 MacAllister, Room 103

CITY AND ZIP CODE: San Francisco, CA 94102

BRANCH NAME: Civil

CASE NAME:

Berwick v. Uber Technologies, Inc.

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter Joinder

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

CGC-15-546378

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

- Auto (22) Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04) Product liability (24) Medical malpractice (45) Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- Business tort/unfair business practice (07) Civil rights (08) Defamation (13) Fraud (16) Intellectual property (19) Professional negligence (25) Other non-PI/PD/WD tort (35)

Employment

- Wrongful termination (36) Other employment (15)

Contract

- Breach of contract/warranty (06) Rule 3.740 collections (09) Other collections (09) Insurance coverage (18) Other contract (37)

Real Property

- Eminent domain/Inverse condemnation (14) Wrongful eviction (33) Other real property (26)

Unlawful Detainer

- Commercial (31) Residential (32) Drugs (38)

Judicial Review

- Asset forfeiture (05) Petition re: arbitration award (11) Writ of mandate (02) Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

- Antitrust/Trade regulation (03) Construction defect (10) Mass tort (40) Securities litigation (28) Environmental/Toxic tort (30) Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- Enforcement of judgment (20)

Miscellaneous Civil Complaint

- RICO (27) Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- Partnership and corporate governance (21) Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. Substantial amount of documentary evidence d. Large number of witnesses e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): 4

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

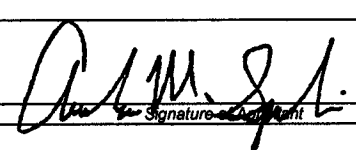
Date: 6/15/15 Andrew Spurchise

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions. File this cover sheet in addition to any cover sheet required by local court rule. If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding. Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

|  |   |
|--|---|
| <b>Andrew M. Spurchise, SBN 245998</b><br>Littler Mendelson, P.C.<br>650 California St., 20th Floor<br>San Francisco, CA 94108-2693  | FOR COURT USE ONLY<br><br><div style="text-align: center; font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> <p style="text-align: center; font-size: 0.8em;">Superior Court of California<br/>County of San Francisco</p> <p style="text-align: center; font-size: 1.2em;">JUN 16 2015</p> <p style="text-align: center; font-weight: bold;">CLERK OF THE COURT</p> <p style="text-align: center;">BY: <u>DENNIS TOYAMA</u><br/>Deputy Clerk</p> |
| <input checked="" type="checkbox"/> SUPERIOR COURT OF THE STATE OF CALIFORNIA<br><input type="checkbox"/> MUNICIPAL COURT OF THE STATE OF CALIFORNIA<br><input type="checkbox"/> JUSTICE COURT OF THE STATE OF CALIFORNIA<br>COUNTY OF SAN FRANCISCO<br><br>COURT OF SAN FRANCISCO-LIMITED CIVIL JURISDICTION<br>400 MacAllister, Room 103, San Francisco, CA 94102<br>_____ JUDICIAL DISTRICT   |   |
| PLAINTIFF<br><b>BARBARA BERWICK</b>  |   |
| DEFENDANT<br><b>UBER TECHNOLOGIES, INC., a Delaware corporation</b>  |   |
| <b>NOTICE OF APPEAL</b>  | COURT NUMBER<br><b>C GC - 15 - 546378</b>   |
| NOTICE OF APPEAL of the Order, Decision or award of the Labor Commissioner in State Case Number 11-46739 EK<br>Dated <u>June 3, 2015</u> and served upon the undersigned appellant,<br><b>UBER TECHNOLOGIES, INC., a Delaware corporation</b><br>on <u>June 4, 2015</u> , is given and filed pursuant to Labor Code Section 98.2.<br><br>Appellant attached as Exhibit "A" a copy of the Order, Decision or Award appealed and requests that the Clerk of the Court set the cause for hearing before the above-entitled court, where it shall be heard <i>de novo</i> in accordance with Labor Code Section 98.2, and that the Clerk of the Court give Notice of time, date and place of the new trial to each of the following parties and the Labor Commissioner's office at the places listed below. Appellant certifies that a copy of this Notice of Appeal has been served upon the Labor Commissioner and a copy has been mailed to the Respondent, as shown below. |   |
| APPELLANT (OR ATTORNEY) (NAME, ADDRESS, TELEPHONE NUMBER)<br><b>Andrew M. Spurchise, SBN 245998</b><br>Littler Mendelson, P.C.<br>650 California St., 20th Floor<br>San Francisco, CA 94108-2693<br>Phone: (415) 433-1940 / Fax: (415) 399-8490  |   |
| OFFICE OF THE LABOR COMMISSIONER (ADDRESS AND TELEPHONE NUMBER)<br><b>STATE LABOR COMMISSIONER</b><br>455 Golden Gate Avenue, 10 <sup>th</sup> Floor East<br>San Francisco, CA 94012<br>Phone: (415) 703-5300 / Fax: (415) 703-4130  |   |
| RESPONDENT (OR ATTORNEY) (NAME, ADDRESS, TELEPHONE NUMBER)<br><b>Barbara Berwick</b><br>Berwick Enterprises, Inc.<br>167 Anza Vista Ave.<br>San Francisco, CA 94115  |   |
| Dated<br>June 15, 2015   | <br>_____<br><small>Signature of Appellant</small>   |

EX.A

**LABOR COMMISSIONER, STATE OF CALIFORNIA**  
Department of Industrial Relations  
Division of Labor Standards Enforcement  
P.O. Box 420603  
San Francisco, CA 94142  
Tel: (415)703-5300 Fax: (415)703-4130



**Plaintiff:** Barbara Ann Berwick

**Defendant:** Uber Technologies, Inc., a Delaware corporation, and  
Rasier - CA LLC, a Delaware limited liability company

State Case Number  
**11 - 46739 EK**

**NOTICE OF PAYMENT DUE**

You have been served a copy of the Labor Commissioner's Order, Decision or Award.

If the full amount of the sums set forth in the Order, Decision or Award is received by this office within ten (10) days of the date the Order, Decision or Award was served upon you, no judgment will be entered in this matter.

Payment must be made by certified check, cashier's check or money order (no other tender will be accepted) made payable to the Plaintiff named in the Order, Decision or Award, and addressed to the Office of the Labor Commissioner at the address shown above.

DATED: June 3, 2015

*Ellen Kennedy 415*

Ellen Kennedy 415 Deputy Labor Commissioner  
-703-5307

LABOR COMMISSIONER, STATE OF CALIFORNIA  
Department of Industrial Relations  
Division of Labor Standards Enforcement  
P.O. Box 420603  
San Francisco, CA 94142  
Tel: (415)703-5300 Fax: (415)703-4130

For Court Use Only:

Plaintiff: Barbara Ann Berwick

Court Number

Defendant: Uber Technologies, Inc., a Delaware corporation, and  
Rasier - CA LLC, a Delaware limited liability company

State Case Number  
11 - 46739 EK

**ORDER, DECISION OR AWARD OF THE LABOR COMMISSIONER**

1. The above-entitled matter came on for hearing before the Labor Commissioner of the State of California as follows:

DATE: March 10, 2015

CONTINUED TO:

CITY: 455 Golden Gate Ave. - 10th floor East, San Francisco, CA

2. IT IS ORDERED THAT: Plaintiff recover from Defendant.

\$ \_\_\_\_\_ for wages (with lawful deductions)

\$ \_\_\_\_\_ for liquidated damages pursuant to Labor Code Section 1194.2

\$ 3,878.08 Reimbursable business expenses

\$ 274.12 for interest pursuant to Labor Code Section(s) 98.1(c), 1194.2 and/or 2802(b),

\$ \_\_\_\_\_ for additional wages accrued pursuant to Labor Code Section 203 as a penalty  
and that same shall not be subject to payroll or other deductions.

\$ \_\_\_\_\_ for penalties pursuant to Labor Code Section 203.1 which shall not be subject to payroll or other deductions.

\$ \_\_\_\_\_ other (specify):

\$ 4,152.20 TOTAL AMOUNT OF AWARD

3. The herein Order, Decision or Award is based upon the Findings of Fact, Legal Analysis and Conclusions attached hereto and incorporated herein by reference.

4. The parties herein are notified and advised that this Order, Decision or Award of the Labor Commissioner shall become final and enforceable as a judgment in a court of law unless either or both parties exercise their right to appeal to the appropriate court\* within ten (10) days of service of this document. Service of this document can be accomplished either by first class mail or by personal delivery and is effective upon mailing or at the time of personal delivery. If service on the parties is made by mail, the ten (10) day appeal period shall be extended by five (5) days. For parties served outside of California, the period of extension is longer (See Code of Civil Procedure Section 1013). In case of appeal, the necessary filing fee must be paid by the appellant and appellant must, immediately upon filing an appeal with the appropriate court, serve a copy of the appeal request upon the Labor Commissioner. If an appeal is filed by a corporation, a non-lawyer agent of the corporation may file the Notice of Appeal with the appropriate court, but the corporation must be represented in any subsequent trial by an attorney, licensed to practice in the State of California. Labor Code Section 98.2(c) provides that if the party seeking review by filing an appeal to the court is unsuccessful in such appeal, the court shall determine the costs and reasonable attorney's fees incurred by the other party to the appeal and assess such amount as a cost upon the party filing the appeal. An employee is successful if the court awards an amount greater than zero.

PLEASE TAKE NOTICE: Labor Code Section 98.2(b) requires that as a condition to filing an appeal of an Order, Decision or Award of the Labor Commissioner, the employer shall first post a bond or undertaking with the court in the amount of the ODA; and the employer shall provide written notice to the other parties and the Labor Commissioner of the posting of the undertaking. Labor Code Section 98.2(b) also requires the undertaking contain other specific conditions for distribution under the bond. While this claim is before the Labor Commissioner, you are required to notify the Labor Commissioner *in writing* of any changes in your business or personal address within 10 days after any change occurs.

LABOR COMMISSIONER, STATE OF CALIFORNIA

\* Superior Court State of California  
County of San Francisco Civil Jurisdiction  
1000 California Street, Room 103  
San Francisco, CA 94102

BY: \_\_\_\_\_

Stephanie Barrett

HEARING OFFICER

DATED: June 3, 2015