



**CLASS ACTIONS SUMMARY STATEMENT**

Case: S ECI 2020 01834

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**1. What is a class action?**

Where seven or more people have claims that arise out of similar circumstances (such as in this case), a class action can be brought by one lead plaintiff on their own behalf and as a representative of others. The class action will resolve the common issues of fact or law for the class through the vehicle of the lead plaintiff's case. The class action process is an efficient way for the court to determine the common issues that apply to claims involving large numbers of people.

**2. Who are the Uber Class Actions against, and what is the claim for?**

There are two class actions: *Andrianakis v Uber Technologies Incorporated & Ors*, (*Andrianakis*) and *Salem v Uber Technologies Inc & Ors* (*Salem*). These two cases are referred to in this summary statement as the Uber Class Actions. In both cases, the claim is against Uber Technologies Incorporated and various other Uber entities (together, the Uber Entities). The claim alleges that the Uber Entities engaged in the tort of "conspiracy by unlawful means", causing loss in the value of licences and loss of income.

**3. Who are group members in the Uber Class Actions?**

You are a group member in *Andrianakis* if you were a licence owner, network service provider, operator or driver in the taxi or hire-car/limousine/charter vehicle industries in:

- Victoria between 1 April 2014 and 23 August 2017;
- New South Wales between 7 April 2014 and 18 December 2015
- Queensland between 17 April 2014 and 9 June 2017; and
- Western Australia between 10 October 2014 and 4 July 2016.

You are a group member in *Salem* if you hold a claim that as at 20 April 2020 had vested, been assigned, devolved or transferred to you from a person who would otherwise have been a group member in *Andrianakis*. For example, you are a group member in *Salem* if you are an executor of deceased estate of a person who was an industry participant in the taxi or hire car/ limousine/ charter vehicle industry.

A complete definition of group members is available in both cases at Part A of the Statements of Claim.

#### **4. What is the role and responsibility of the lead plaintiff?**

The role of the lead plaintiff is to be the representative for the class. They will provide instructions to Maurice Blackburn regarding the conduct of the case and may give evidence during the proceeding. In hearing the lead plaintiff's case, the Court will be asked to make findings in relation to questions of fact and/or law that are common to all group members.

In these two cases, the lead plaintiffs are Mr Nick Andrianakis, who is a taxi licence owner, operator and driver, and Mrs Jamal Salem, the executor for her late husband, Mr Anwar Salem, who was a taxi licence owner

#### **5. Who is the law firm acting for the lead plaintiff?**

In both cases, it is Maurice Blackburn.

#### **6. How are the Uber Class Actions funded?**

Unless there is a successful outcome to the Uber Class Actions (such as a settlement that is approved by the Court or a judgement by the Court awarding damages to group members), all costs associated with the class actions will be borne by either Maurice Blackburn or Harbour Fund III, L.P. (**Harbour**). Harbour is the litigation funder funding the case. In the event of a successful outcome, any amounts due to both Maurice Blackburn and Harbour must be first approved by the Court before they can be deducted from the money to be paid to group members. Those deductions will never exceed a group member's recovery.

In the event that there is not a successful outcome to the Uber Class Actions, group members cannot be pursued for costs by Uber - the *Supreme Court Act* prohibits orders for costs against group members.

#### **7. How are legal fees and disbursements charged?**

Maurice Blackburn's legal costs are calculated using time-based billing and disbursements (for example, fees for experts and barristers) are charged at cost. Harbour pays a proportion of the legal costs and all disbursements whilst the case is underway. The remaining legal costs are 'conditional' and are only recoverable by Maurice Blackburn in the event of a successful outcome. Maurice Blackburn will, at no stage, pursue group members for the payment of legal costs and disbursements.

It may be that the Court makes orders which have the effect of ensuring that all group members are treated equally in terms of the amount deducted from their recovery for legal funding costs, regardless of whether they had a Retainer with Maurice Blackburn and a Funding Agreement with Harbour.

**8. Are there currently any other class actions against Uber?**

Almost identical proceedings were also started in New South Wales and Queensland by Maurice Blackburn. The group members in those proceedings are group members in *Andrianakis* and *Salem*. A similar proceeding was also started in Western Australia by Maurice Blackburn, which was confined to represented persons in Western Australia. Those represented persons are also group members in *Andrianakis* and *Salem*. The proceedings in New South Wales, Queensland and Western Australia were started to protect the claims of group members in those states. These proceedings have all been stayed pending the outcome of *Andrianakis* and *Salem*.

**9. Who can group members contact for further information about the case?**

For further information about the Uber Class Actions, group members may contact Maurice Blackburn, at no out of pocket cost, via:

**Email**     [uber@mauriceblackburn.com.au](mailto:uber@mauriceblackburn.com.au)  
**Phone**     1800 291 047  
**Post**        Uber Class Action  
                 PO Box 523  
                 Melbourne VIC 3001