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HONORABLE BARBARA A. MACK
KING COUNTY

SUPERIOR COURT CLERK

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CASE NUMBER: 15-2-29739-2 SEA

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

RASIER, LLC, a Delaware limited liability
company,

Plaintiff,

v.

KING COUNTY; KELLER ROHRBACK,
LLP; and DAVID COPLEY,

Defendants.

No. 15-2-29739-2 SEA

DECLARATION OF BROOKE STEGER
IN SUPPORT OF PLAINTIFF'S MOTION
FOR TEMPORARY RESTRAINING
ORDER

I, BROOKE STEGER, do hereby declare:

1. I am over the age of 21 and competent to testify.

2. I am a General Manager for Uber Technologies, Inc. ("Uber"), the parent
company and sole member of Rasier, LLC, ("Rasier"), the Plaintiff in this lawsuit.

3. Uber is a technology company that creates software that enables registered
users to connect with third-party transportation providers. Using Uber's smartphone
application (the "Uber App"), a user can request transportation in as little as two taps on his or
her smartphone. If a third-party transportation provider accepts a rider's request, the Uber
App helps the two persons find each other. The Uber App also helps the user pay the
transportation provider after the ride is complete. Rasier licenses the Uber App and other
related software from Uber and uses it to operate a transportation network company ("TNC")
in Seattle and elsewhere.

DECLARATION OF BROOKE STEGER - 1

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1 4. In the Seattle area and elsewhere, the Uber platform allows riders to connect
2 with multiple types of third-party transportation providers. For instance, in the Seattle area
3 the Uber platform allows riders to connect with drivers using their personal vehicles through
4 the “uberX” product. Rasier and its affiliates also allow riders to connect with other types of
5 third-party transportation provides, for instance through the “For Hire” product, the
6 “UberBLACK” product, and other products. Rasier does not own or operate any vehicles.

7 5. In the case of drivers using their personal vehicles, Rasier licenses the Uber
8 App to these third-party transportation providers. These drivers pay Rasier a portion of the
9 payments they receive from riders in exchange for access to the Uber App. The drivers who
10 use the Uber App are our customers.

11 6. King County has passed an ordinance regulating TNC drivers and TNC
12 services. Under this ordinance, if a TNC driver is using a personal vehicle to provide
13 prearranged transportation services the driver must have a valid TNC endorsement. A TNC
14 endorsement includes an indication on the driver’s for-hire driver’s license and a decal affixed
15 to the driver’s personal vehicle. The City of Seattle has also passed a similar ordinance
16 requiring drivers affiliated with a TNC who seek to use personal vehicles to obtain a TNC
17 endorsement.

18 7. Under the King County and City of Seattle ordinances, each year Rasier and its
19 affiliates expend considerable resources submitting applications on behalf of the drivers who
20 use the Uber App and use personal vehicles. The information included in this application
21 includes personally identifying information about each driver as well as information stating
22 that the driver is affiliated with Rasier. Because it takes some time for the City of Seattle and
23 King County to process TNC endorsement applications, there are some TNC endorsement
24 applications that have been submitted that the City of Seattle and King County for which the
25 City and County have not yet issued TNC endorsements. Rasier and its affiliates do not
26 submit applications for TNC endorsements on behalf of drivers who do not use personal
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DECLARATION OF BROOKE STEGER - 2

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1 vehicles as neither King County nor Seattle's ordinance require these drivers to obtain a TNC
2 endorsement.

3 8. Rasier and its affiliates spend significant time and money identifying and
4 recruiting persons to use the Uber App as drivers. For example, Rasier and its affiliates have
5 negotiated with local businesses to provide discounts and other perquisites to the third-party
6 drivers that use the Uber App. From time to time, Rasier and its affiliates also offer monetary
7 and other incentives to attract new drivers. When new drivers sign up to use the Uber App,
8 Rasier and its affiliates perform background checks, provide drivers information about the
9 licensing process, and provide assistance with obtaining a for-hire driver's license and other
10 necessary licenses as necessary.

11 9. TNCs are an increasingly popular form of transportation in Seattle and
12 throughout the world. For example, the Uber App is now available to riders and drivers in
13 over 300 cities throughout the world.

14 10. The TNC market is highly competitive. Rasier's main rival in the TNC market
15 in Seattle and King County is Lyft. Lyft runs a platform that is similar to that offered on the
16 Uber App. Unlike the Uber App, which has multiple vehicle classes, Lyft's platform only has
17 a single vehicle class—drivers who use their personal vehicles. In addition to Seattle and
18 King County, Rasier and its affiliates compete with Lyft in the TNC market in cities
19 throughout the United States. Rasier and its affiliates compete vigorously with Lyft and other
20 TNCs throughout the United States and internationally to attract drivers to its platform. In the
21 markets in which we compete with Lyft, we have achieved varying levels of success relative
22 to Lyft.

23 11. On November 25, 2015, Rasier was informed that on November 4, 2015 King
24 County received a request from Carly Eyer seeking "the current number of licenses that have
25 been issued to Uber drivers in the City of Seattle. I am also interested in how many licenses
26 have been issued to Lyft drivers[.]" A copy of this request is attached as Exhibit A to this
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DECLARATION OF BROOKE STEGER - 3

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1 declaration, and a copy of the notice Rasier received on November 25, 2015 is attached as
2 Exhibit B to this declaration.

3 12. Rasier provides information about the drivers affiliated with its platform to
4 King County as necessary to obtain TNC endorsements for drivers using their personal
5 vehicles. Therefore, this request seeks the number of TNC endorsements that have been
6 issued to drivers affiliated with Rasier.

7 13. If released, information about the number of drivers who have received a TNC
8 endorsement from King County and are affiliated with Rasier in King County would cause
9 Rasier substantial competitive harm. Information about the number of drivers using personal
10 vehicles affiliated with Rasier in King County licensees will reveal Rasier's share of an
11 important component of the larger TNC market—the portion of the market served by drivers
12 using their personal vehicles. Moreover, the number of TNC endorsements is tantamount to
13 Rasier's number of clients, and is therefore closely tied to its sales figures.

14 14. Rasier's main competitor in the Seattle market and in the United States, Lyft,
15 only allows drivers who use their personal vehicles to provide transportation services on its
16 platform. This demonstrates how important this separate portion of the larger TNC market is.

17 15. Information about the number of personal vehicle drivers affiliated with a TNC
18 platform is an important indicator of that TNC's market share and penetration in the personal
19 vehicle portion of the TNC market. Whether Rasier's information is released in conjunction
20 with Lyft's data or not, the requested information will provide Rasier's competitors with
21 detailed information about the size of the King County personal vehicle TNC market and
22 Rasier's market share. A competitor could use the information about the number of drivers
23 affiliated with Rasier who have a TNC endorsement coupled with well-established industry
24 metrics about driver earnings and hours (or the competitor's own internal data), to estimate
25 Rasier's market share, the overall size of the TNC personal vehicle market in Seattle, and
26 other details about Rasier's business that the competitor would not otherwise be able to
27 obtain.

DECLARATION OF BROOKE STEGER - 4

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1 16. Market share information and information about the size of TNC personal
2 vehicle market is valuable proprietary information because it would allow Rasier's
3 competitors to know whether to invest additional resources to attract more personal vehicle
4 drivers to use their services in King County, or whether to save those resources and invest
5 them in other markets. Information about market share in a major market like Seattle is
6 highly valuable competitive information because it allows a competitor like Lyft to know
7 where to most effectively invest its resources to expand its operations and attract new drivers.
8 For example, Lyft can use this information to decide whether to recruit additional drivers in
9 Seattle, or to invest those resources in a different market. Similarly, other transportation
10 providers and TNCs can use this information in formulating their own business plans and
11 strategies.

12 17. Compounding these problems is Rasier's competitors' ability to compare
13 reports across time. If information about the number of drivers with a TNC endorsement and
14 affiliated with Rasier is released here, future requestors can seek this data at regular intervals
15 in the future. By comparing one quarter's data to that of another quarter, a competitor can see
16 how Rasier's operations in Seattle are growing relative to the competitor's operations.

17 18. Most troublingly, a competitor can use the requested information to assess the
18 effect of its own marketing and recruiting initiatives. For example, a competitor may start a
19 new driver incentive program at the beginning of a quarter, and then see how that program
20 impacts the competitor's numbers and Rasier's numbers for the quarter. This is incredibly
21 valuable information that the competitor would have no other means to obtain, essentially
22 allowing the competitor to use Rasier's own data to allow the competitor to better compete
23 with Rasier.

24 19. In addition to Lyft, there are a number of other TNCs operating around the
25 world which do not currently operate in King County. Releasing the requested information
26 will provide valuable information to these companies about whether to expand to King
27 County and how much to invest doing so. Similarly, taxi companies (which see Rasier and
DECLARATION OF BROOKE STEGER - 5

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1 other TNCs as competitors) can compare the information about the number of drivers
2 affiliated with Rasier to pre-TNC market data to determine the effect that Rasier has had on
3 the Seattle market. This information will help taxi companies better decide where to allocate
4 their resources to most effectively compete with the services offered through the Uber App.

5 20. Because the requested information is not publicly known or readily
6 ascertainable, and because the competitive harm that would result from disclosure of this
7 information, Rasier and its affiliates take a number of steps to keep the requested information
8 confidential. Rasier and its affiliates maintain this information on secured computer servers.
9 These servers are password protected, and access is restricted to a limited number of
10 personnel within Rasier and its affiliates. Only employees with a need to know this
11 information for internal business purposes receive access. Those employees who do have
12 access to Rasier's market-specific ride data and driver partner identities are contractually
13 obligated to keep that information confidential, both during and after their term of
14 employment. Rasier and its affiliates would never voluntarily provide this information to its
15 competitors, or otherwise disclose it to the public.

16 21. Rasier and its affiliates also take efforts to protect such information because
17 they have invested and continue to invest substantial amounts of time and efforts to enter and
18 establish the Seattle market. To recruit and retain third-party transportation providers using
19 personal vehicles, Rasier and its affiliates have spent large amounts of time and money on
20 marketing, market research, driver incentives, driver support, and other related services. For
21 example, Rasier and its affiliates have offered incentives to attract new drivers to use the Uber
22 App, established a partner service center in Seattle, and negotiated discounts at local
23 businesses and other perquisites to reward the drivers affiliated with its platform.

24 22. Accordingly, this Court should grant the relief requested to ensure that
25 protected and Rasier does not suffer irreparable competitive harm.
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DECLARATION OF BROOKE STEGER - 6

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1 I declare under penalty of perjury under the laws of the State of Washington that the
2 foregoing is true and correct.

3 EXECUTED this 8th day of December, 2015 at Seattle, Washington.

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5 BROOKE STEGER

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DECLARATION OF BROOKE STEGER - 7

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EXHIBIT A

From: Carly Eyler ceyler@KellerRohrback.com
Subject: Public Disclosure Request
Date: November 4, 2015 at 4:46 PM
To: Requests, PD PD.Requests@kingcounty.gov



Hi Joel,

Thank you for taking the time to meet with me earlier. If possible, I would like to get the current number of licenses that have been issued to Uber drivers in the City of Seattle. I am also interested in how many licenses have been issued to Lyft drivers, but this information is not as important or as time sensitive as the Uber data. Please let me know if you have any questions.

Thank you in advance for your help!

Carly Eyler

Carly Eyler
Assistant for Research & Information Services
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Fax: (206) 623-3384
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EXHIBIT B

From: "Eiden, Amy" <Amy.Eiden@kingcounty.gov>
Date: November 25, 2015 at 1:42:29 PM PST
To: "Krishna Juvvadi (krishna@uber.com)" <krishna@uber.com>
Subject: Notice about Public Records Act request to King County

Krishna,

King County has received a request from Keller Rohrback LLP under Washington's Public Records Act (PRA) for the following:

- The current number of licenses that have been issued to (1) Uber drivers in the City of Seattle, and (2) Lyft drivers in the City of Seattle.

The purpose of this email is to provide you with notice as required under King County Code 6.64.790.

We intend to provide the requested information about your company to Keller Rohrback at the end of the day on December 14, 2015, unless we receive an order issued by the King County Superior Court enjoining disclosure of the information. The relevant provision in Washington's PRA is RCW 42.56.540. Please name King County as a defendant. Additionally, Keller Rohrback may be named as a defendant. See *Burt v. Dep't of Corrections*, 168 Wn.2d 828 (2010).

I can provide you with the information we intend to disclose about your company. It represents the number of permits issued through November 24, 2015, based on applications submitted by your company. Please let me know if you would like to receive the information, and if so, the method by which you would like to receive it.

If you do file an action, please serve me with copies of all pleadings.

Amy Eiden

Senior Deputy Prosecuting Attorney

King County Prosecuting Attorney's Office