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**IN THE CIRCUIT COURT OF COOK COUNTY
STATE OF ILLINOIS**

PAPE CHEIKH THIAM, an
individual,

Plaintiff,

v.

LYFT, INC., a corporation;
DAMARION STEPHENS, an
individual; and DOES 1 through
25, inclusive,

Defendant.

CASE No.

COMPLAINT

JURY TRIAL DEMANDED

- I. FRAUDULENT
MISREPRESENTATION
- II. FRAUDULENT
CONCEALMENT
- III. PRODUCT LIABILITY
[FAILURE TO WARN]
- IV. PRODUCT LIABILITY [DESIGN
DEFECT]
- V. [GROSS] NEGLIGENCE
- VI. ASSAULT AND BATTERY

COMPLAINT FOR DAMAGES

Plaintiff, Pape Cheikh Thiam, an individual, by and through his undersigned counsel, complains against Defendant Lyft, Inc., a corporation, Defendant Damarion Stephens, an individual, and DOES 1 through 25, inclusive, and alleges as follows:

PARTIES

1. Plaintiff Pape Cheikh Thiam (“Thiam”) is, and was at all times relevant hereto, an individual citizen of the State of Illinois, residing in the County of Cook.

2. Defendant Lyft, Inc. (“Lyft”) is, and was at all times relevant hereto, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in California.

3. Plaintiff is informed and believes, and thereupon alleges, that Defendant Damarion Stephens (“Stephens”) is, and was at all times relevant hereto, an individual citizen of the State of Illinois, residing in the County of Cook.

4. Plaintiff is informed and believes, and thereupon alleges, that DOES 1 through 25 are each responsible in some manner for the events herein alleged, and that Plaintiff’s damages as herein alleges were proximately caused by their conduct.

5. Plaintiff is informed and believes, and thereupon alleges, that DOE 1 is, and was at all times relevant hereto, an individual citizen of the State of Illinois, residing in the County of Cook.

6. Plaintiff is informed and believes, and thereupon alleges, that DOES 2 through 25, are, and were at all times relevant hereto, the agents, employees, and/or owners of Defendant Lyft. In doing the things hereinafter alleged,

Defendants acted within the scope and course of such agency, employment, and/or ownership. Plaintiff is further informed and believes, and thereupon alleges, that at all times relevant hereto, Defendant Lyft and DOES 2 through 25 acted in concert with one another and in furtherance of each other's interests.

7. The true names and/or capacities of DOES 1 through 25, inclusive, are unknown to Plaintiff, who therefore sues these defendants by fictitious names. Plaintiff will amend this complaint to allege the true names and capacities of these DOE defendants when ascertained.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over this action pursuant to Illinois Constitution Art. VI, §9.

9. This Court has specific jurisdiction over Defendants Lyft and DOES 2 through 25 pursuant to 735 ILCS 5/2-209, because this action arises out of and relates to Defendants' contacts with this State, including Defendants' transaction of business within Illinois, its inducement and retention of drivers in Illinois, its direct marketing to drivers and other users of its application in Illinois, and its commission of tortious acts in Illinois that caused harm in Illinois.

10. This Court further has general jurisdiction over Defendant Lyft because its contacts with Illinois are so continuous and systematic as to render it essentially at home in this judicial forum.

11. This Court has specific jurisdiction over Defendants Damarion Stephens and DOE 1 pursuant to 735 ILCS 5/2-209, because they committed tortious acts in Illinois that caused harm in Illinois.

12. This Court further has general jurisdiction over Defendants Damarion Stephens and DOE 1 because, upon information and belief, they are residents and citizens of Illinois.

13. Venue is proper in this judicial district pursuant to 735 ILCS 5/2-101 because Defendants Damarion Stephens and DOE 1 because, upon information and belief, they are residents of Cook County and the tortious acts carried out by Defendants Damarion Stephens and DOE 1 occurred in this judicial district.

14. Venue is also proper in this judicial district pursuant to 735 ILCS 5/2-101 because Defendants Lyft resides in this judicial district pursuant to 735 ILCS 5/2-102(a) in that it does business in this judicial district, solicits business and contractors, including both passengers and drivers, in this judicial district to utilize its ride sharing platform, and holds multiple offices within this judicial district, among other things.

FACTUAL BACKGROUND

Defendant Lyft

15. Incorporated in 2013, Lyft is the second largest ridesharing company in the United States, reporting \$2.36 Billion in revenue in the 2020 fiscal year alone.

16. Lyft operates an on-demand transportation network (“Lyft platform”) that uses a downloadable smartphone application (“Lyft app”) to facilitate, control, and connect individuals in search of rides (“passengers”) to primarily non-professional drivers screened, approved, and held out as representatives of Lyft (“drivers”) (collectively, “users”) to provide rides for designated passengers at prices set by Lyft through the Lyft app.

17. Despite marketing itself as providing a “safer” alternative to traditional taxicab service and distinguishing itself as the “friendlier” ride compared to Uber, Lyft formally classifies itself as a “communications company” that profits from its reliance on its drivers’ provision of services on its behalf through the Lyft app.

18. Although Lyft classifies itself as a “communications company,” Lyft is in the transportation business. It collects its fees from passengers for transportation services and then pays the driver responsible for providing the

service. Lyft does not charge riders or drivers a fee to use its app to “communicate.”

Lyft’s Safety Claims

19. Lyft has spent years carefully crafting an image as the “friendlier” ride compared to Uber, successfully increasing its U.S. market share among ridesharing companies to about 30 percent.

20. In 2019, as it prepared to go public, Lyft publicly stated that its reputation is key to differentiating itself from Uber, claiming to “have built a brand that balances [its] mission-driven ethos with a friendly, hospitality-oriented personality.”

21. To induce users and other transportation service customers to use and/or continue using Lyft’s platform and ridesharing services over those of its competitors, including Uber and traditional taxicab service, Lyft has repeatedly claimed to have the “best community” of users “full of awesome, friendly people – passengers and drivers alike.”

22. Lyft promises, assures, and commits to potential users that “[s]afety is [Lyft’s] top priority;” that it prioritizes “SAFETY FIRST, SECOND, ALWAYS;” that “[s]afety is fundamental to Lyft;” that it is “committed to driver and passenger safety;” and that they’ve “got your back before, during, and after the ride” by

“creating features and policies to give riders and drivers peace of mind” and “help everyone have a safe ride from beginning to end.”

Community Safety Report

23. In 2021, Lyft published a “Community Safety Report,” which, according to Lyft, “relied on data” to “provide a clear and straightforward representation” of “the most serious safety incidents that are reported to Lyft,” which it claims are “statistically very rare.”

24. In the report, Lyft, through its Co-Founder and President, John Zimmer, assured users and other transportation service customers: “Safety is fundamental to Lyft. That means creating features and policies to give riders and drivers peace of mind, and being clear about what happens on our platform. Our report is just that: a look at where our company has been and where we’re heading, in order to help everyone have a safe ride from beginning to end.”

25. Non-fatal assaults, including assaults with deadly weapons resulting in serious, life-altering injuries, were conspicuously excluded from the report, apparently not considered by Lyft to be among the “most serious safety incidents.”

26. Despite its promise of transparency, Lyft’s report was also limited to those “serious safety incidents” that are “reported to Lyft.” Unlike Uber, however, Lyft designed its app to make it unnecessarily difficult to report incidents, requiring what has been referred to as a “labyrinthine series of clicks to file a

complaint, compared with Uber’s single click.” By designing the app this way and limiting its safety report to only those incidents “reported to Lyft,” Lyft deceptively and artificially lowered the number of “serious safety incidents” included in its public disclosure. The report was intended to deceive users and did deceive users, including Plaintiff.

27. This artificial limitation of the number of safety incidents included in the report is further magnified by Lyft’s policy of not reporting crime occurring on its platform to law enforcement or taking any action to assist or compensate the victims of crimes carried out through this use of its app, which further decreases the number of safety reports made to Lyft.

Lyft’s Policies, Actions, and Inactions That Cause and/or Contribute to Driver Harm & Increased Driver Safety Concerns

28. Despite Lyft’s assurances regarding the safety of its platform and “community” of users, Lyft failed or otherwise refused to implement adequate safety measures to protect the drivers upon which its business model relies.

Anonymous Passengers

29. Although Lyft represents to the public and its users that it has the “best community” and “is full of awesome, friendly people – passengers and drivers alike,” it takes little to no steps to substantiate or otherwise verify these claims with regard to passengers.

30. Instead, Lyft focuses its efforts on increasing profits and ensuring passenger safety – or the appearance of passenger safety – to appease various state and local governments.

31. Among other safety measures intended to protect passengers, Lyft “screens” every driver applicant before allowing them to drive for the platform, requiring drivers to submit to a “professionally administered” background check, which includes, among other things, a social security number trace, a nationwide criminal search, a county court records search, and a federal criminal search, as well as a U.S. Department of Justice 50-state sex offender registry search. Lyft requires each applicant driver to submit a driver’s license, social security number, and current vehicle insurance, among other things.

32. After the initial background check, each driver must subsequently pass an annual background check to continue driving. According to Lyft, “[c]ontinuous criminal monitoring of drivers allows [Lyft] to quickly deactivate drivers with disqualifying criminal convictions.” Any driver whose background check shows violent crimes, sexual offenses, or other “disqualifying felonies” is not allowed to drive on the platform.

33. Lyft also assures users that measures have been taken to ensure *all users* “know who [they’re] riding with.”

34. In keeping with its promise, Lyft ensures that each passenger is provided accurate information regarding their driver, including, among other things, the driver’s verified “name, profile photo, preferred pronouns, rating, real-time location, and the vehicle make, model, color, and license plate, ... [and] Driver statistics (like approximate number of rides and years as a Driver).”

35. Drivers, on the other hand, receive only limited, unverified information regarding passengers, if any, including the passenger’s “pickup location, name, profile photo, rating, Rider statistics (like approximate number of rides and years as a Rider), and information the Rider includes in their Rider profile (like preferred pronouns).”

36. Unlike drivers, Lyft takes little to no steps to verify passenger identity prior to using Lyft’s app or its services.

37. As designed, passengers can create an account and use the Lyft app without ever verifying their identify or undergoing any genuine “screening” process prior to use.

38. Any individual can create an account – or multiple accounts – using any name, whether legal or not, so long as the user provides a phone number and email address, both of which can be created in less than a few minutes. The email address used need not be verified.

39. Passengers are also permitted to use anonymous payment methods, which are known to increase the risk of crime against drivers.

40. Lyft also does not require passengers to indicate whether he/she will be accompanied by any other individual(s) upon pickup and does not require those additional passengers to sign up and register to use the Lyft platform, provide their name or picture, agree to Lyft's terms or conditions of use, or agree to abide by Lyft's so-called "policies."

41. Lyft also allows existing users to order and pay for rides for non-users, who did not sign up to use the Lyft platform, did not provide their name or picture, do not have a Lyft "rating," did not agree to Lyft's terms or conditions of use, and did not agree to abide by Lyft's so-called "policies," undermining Lyft's own alleged safety protocols and claims that all users "know who [they're] riding with."

42. Although measures could be taken to verify passenger identity prior to using the Lyft platform, including, for example, requiring potential passengers to upload a valid photo ID prior to use, or implementing technology Lyft already employs with respect to its "masking" policy (requiring users to take a "selfie" proving proper mask usage before taking a ride), Lyft chooses not to implement any additional measures or utilize already existing technology to verify passenger

identity and promote drive safety in an effort to save money and maintain its “community” of paying passengers.

43. In failing to require passenger identification prior to using the Lyft platform, Lyft prioritizes its own self-interest in increasing profits over protecting its drivers – the people keeping its business alive – from potentially dangerous, unidentified, and/or unverified passengers.

44. The ability of passengers to maintain their anonymity exposes drivers, relying on Lyft’s representations, marketing efforts, and assurances that it maintains a “safe community” of users, to serious potential and actual danger.

**Video Recording Devices and Other Protective Equipment
Known to Prevent and/or Decrease Risk of Driver Harm**

45. Not only does Lyft take little to no action to protect its drivers from potentially dangerous, unidentified and/or unverified passengers, but it also implements policies that directly put its drivers at increased risk of harm.

46. It is well established that vehicles equipped with cameras and other recording devices deter and often prevent criminal activity.

47. Taxi companies, for example, have for years reported a decline in assaults against drivers after installing cameras in cars.

48. Despite this, Lyft neither provides cameras for its drivers nor offers to subsidize the cost of installing cameras in drivers’ vehicles.

49. To the contrary, Lyft’s recording device policy actively *discourages* drivers from using dashboard cameras or other recording devices during rides. According to Lyft, “[d]epending on local regulations, the use of dashboard camera and other recording devices during rides may not be allowed. Some cities or states may require signage making known the presence of recording devices, while other regions may not allow recording devices at all.”

50. Although Lyft has the ability to refer its drivers to their specific city and state’s regulations on recording devices when giving rides, Lyft elects not to provide its drivers with information about how to comply with the various city and state laws while benefitting from the added safety provided by cameras in cars.

51. In its continued effort to discourage drivers from installing recording devices in their vehicles, Lyft specifically warns drivers that “[b]roadcasting another person’s image or recording without their express consent is prohibited and may result in [a driver’s] account being disabled.” This statement, of course, is not universally true and Lyft could have provided notices to users on the app or signs to be used inside cars that, for example, “For driver and rider safety, a camera is recording.”

52. Lyft’s failure to provide drivers with cameras or subsidize the cost of cameras, and its policy of actively discouraging drivers from installing cameras in

their own vehicles, unnecessarily and unjustifiably increases the risk of harm to drivers.

53. Despite Lyft's claims of safety being its "first" and "second" priorities, Lyft deliberately discourages the use of cameras to prevent capturing dangerous or illegal activity in cars, because the existence and/or publication of such recordings may have a tendency to damage Lyft's business and profits.

54. Other reasonable and cost-effective physical safety measures known to protect drivers from potentially dangerous passengers include, among other things, plexiglass barriers and self-locking doors. Although Lyft could protect its drivers by offering to install or subsidize the cost of installing these additional protective measures, Lyft chooses to protect its financial interest over the safety of its drivers.

"No Weapons" Policy

55. Lyft has a strict "No Weapons" policy applicable to any driver "doing business as a representative of Lyft." According to Lyft, this means that drivers are not allowed to carry any weapon, including, but not limited to, any form of firearm, handgun, stun gun, explosive, knife, sling shot, and tasers, "even in places where it is legal to carry a weapon."

56. Lyft states that its "No Weapons" policy for drivers is in place because "[i]t's hard to know what someone else is or isn't comfortable with." Lyft

continues, “[t]he mere presence of a weapon might make another community member distressed and fear for his or her own personal safety.”

57. This policy actively prevents drivers from protecting themselves in dangerous situations.

58. Even if Lyft’s no weapons policy is intended to apply equally to passengers, Lyft’s practice of allowing passengers to remain anonymous, allowing users to request rides on behalf of non-users who have not signed up to use Lyft’s platform or agreed to abide by Lyft’s no weapons policy, and allowing additional passengers, who have not signed up or registered to use Lyft’s platform nor agreed to abide by Lyft’s no weapons policy, to accompany passengers who have signed up and registered to use Lyft’s platform, leaves drivers particularly vulnerable and unable to defend and protect themselves from passengers who may be dangerous and/or carrying weapons.

Non-Disclosure and/or Concealment of High-Crime Area Pickup, Drop-off, and Designated Route Location Information

59. Lyft can, and does, collect data regarding crime rates in specific areas where it does business through its representatives and drivers.

60. In fact, Lyft incentivizes drivers to pick up passengers from high-crime areas by offering higher rates for those rides, without disclosing the reason behind those higher rates.

61. Instead, Lyft deliberately withholds information from its drivers regarding known crime rates in the pickup location, drop-off location, and along the designated route.

62. Even if a driver is aware, through his or her own personal knowledge and experience, that a specific pickup location is in a high-crime area, Lyft withholds the drop-off location from drivers until the ride has already begun, preventing those drivers from discovering whether the intended destination is in a high-crime area, or whether the designated route requires the driver to travel through a high-crime area, until after the passenger has entered the vehicle and the ride has already begun. This practice creates a situation where if a driver declines to go to where a passenger already in the vehicle wants to go, a personal confrontation will likely result.

63. Lyft also has the ability to provide drivers with real-time app warnings of carjackings or other crime in the pickup location, drop-off location, and along the designated route, but chooses not to.

64. Lyft's decision not to warn its drivers regarding the dangers inherent in picking up and/or dropping off passengers in high-crime areas, including locations in or around the southside of Chicago where Thiam was directed to pick up and later instructed to drop-off "Damarion" and his unnamed co-passenger, is a

business decision that prioritizes Lyft's financial gain and competitive edge in the market over driver safety.

Plaintiff Thiam

65. Thiam was a very talented soccer player who moved to the United States in 2016 on a full-ride scholarship to attend and play soccer at Governors State University in University Park, Illinois. He later transferred to Chicago State University in Chicago, Illinois to continue his collegiate soccer career.

66. In 2018, relying on Lyft's representations regarding the "safety" of its "community," Thiam applied to become a Lyft driver while playing soccer and attending school.

67. After submitting all the requisite documentation to Lyft and submitting to a background check, Thiam's application was approved, and he began driving for Lyft in and around the Chicago-land area on a part-time basis.

Plaintiff's Near-Fatal Attack by Passengers While Driving for Lyft

68. On May 28, 2021, at or around 4:30 p.m., Thiam was driving for Lyft when he received a request to pick up a passenger from Harvey, Illinois, an area unfamiliar to Thiam.

69. Lyft did not warn Thiam that the pickup location was in a high-crime area, which was known to Lyft, but unknown to Thiam.

70. When Thiam arrived at the pickup location, two individuals, Defendant Stephens (or “Damarion”) and DOE 1 (or “co-passenger”), entered the vehicle.

71. Lyft did not warn Thiam that Damarion would be accompanied by a co-passenger upon pickup.

72. In accordance with its “policy,” Lyft deliberately withheld and concealed the destination location from Thiam until after Damarion and his co-passenger entered the vehicle and the ride began.

73. Once the ride began, Thiam was directed to drop off Damarion and his co-passenger in Country Club Hills, Illinois. This area was also unfamiliar to Thiam. A second stop was scheduled at South King Drive in Chicago, but the ride was ultimately not completed.

74. Lyft deliberately withheld the drop-off location information from Thiam and did not warn him that the drop-off location was in a high-crime area, which was known to Lyft, but unknown – and unknowable due to Lyft’s concealment of destination location information – to Thiam.

75. By at least December 28, 2020, Lyft was aware that at least four rideshare drivers in the Chicagoland area had been carjacked with a gun after being asked to drop those passengers off on King Drive.

76. Lyft deliberately withheld this information from its drivers rather than provide notice of the risks to drivers, including Thiam.

77. After arriving at the first destination, one of the two passengers directed Thiam to keep going straight. He followed the passenger's instructions and continued straight until he reached the end of the road.

78. Upon reaching the end of the road, Thiam proceeded to make a U-turn.

79. Upon making the U-turn, one of the passengers began shouting and swearing at him, telling him to go straight and continue going straight.

80. Thiam asked the passenger to stop shouting and swearing at him and tried to let him know that he was at the end of the street and did not know where to go. Thiam again asked where the intended destination was.

81. At that point, one of the passengers proceeded to pull a gun out of his waistband and shoot Thiam in the back.

82. Thiam was left paralyzed; his soccer career ended.

83. To date, Lyft has done nothing to assist Thiam in his recovery, compensate him for his injuries, or acknowledge the role working as a representative" of Lyft played in his near-fatal, life-altering, permanent injuries.

Lyft's knowledge of specific prior incidents in/around Chicagoland area

84. Prior to Thiam's near-fatal attack, Lyft was on notice of the rising incidence of passengers in and around the Chicagoland area creating unverified user profiles to commit crimes against Lyft drivers, but chose not to take any action or warn its drivers regarding these known dangers.

85. A recent report published by "The Markup" found that Chicago's metro area had the most known incidents of rideshare driver carjackings in the country, with at least 44 carjackings, some fatal, over the last few years. *See* <https://themarkup.org/working-for-an-algorithm/2021/07/22/uber-and-lyft-drivers-are-being-carjacked-at-alarming-rates>.

86. On February 27, 2021, for example, Marcus Kelly, a Lyft driver, was left paralyzed from the middle of his chest down after he was shot by a passenger during an attempted carjacking at the intersection of Jackson Boulevard and Springfield Avenue in the West Garfield Park neighborhood of Chicago.

87. On March 23, 2021, another rideshare driver, Javier Ramos, was fatally shot by a passenger during another carjacking in the Chicagoland area.

88. On or about March 9, 2021, rideshare drivers gathered to demand better safety precautions. Those drivers say carjackers, especially younger individuals, are exploiting security flaws in rideshare apps, which is putting their lives in danger.

89. Rideshare drivers are being increasingly targeted by carjackers, according to the Independent Drivers Guild, a group aiming to obtain more protections for their members as car jackings increase in the city.

90. The group is calling on companies like Uber and Lyft, along with city officials, to do more to protect their drivers.

91. Among the group's list of demands includes passenger verification, using mandatory profile photos, as well as a voice-activated panic button. Those demands were left in writing on the front of Uber and Lyft offices in Chicago prior to the subject incident.

92. "These applications can do some really basic, common sense things to stop making apps so appealing to carjackers," Lenny Sanchez of the Independent Drivers Guild said.

93. On or before March 9, 2021, Lyft, in a statement, said that it looks forward to addressing driver safety, and will look to work together with the guild to find solutions to the group's concerns.

94. By the time of Thiam's near-fatal attack on May 28, 2021, Lyft had taken little to no action to address these growing concerns.

COUNT I
FRAUDULENT MISREPRESENTATION
[Against Defendant Lyft and DOES 2 through 24]

95. Plaintiff incorporates by reference each and every one of the foregoing allegations as if fully set forth herein.

96. To sell its app and induce users to utilize Lyft's platform and ridesharing services over those of its competitors, including Uber and traditional taxicab service, Defendants have repeatedly and falsely promised, assured, and committed to Lyft drivers, including Plaintiff, that Lyft had taken extreme measures to ensure that the Lyft platform was safe and that its "community" of users, including passengers, had been vetted and their identities verified to ensure driver safety. Specifically, Defendants made the following statements, among others:

- a. Lyft has the "best community" of users "full of awesome, friendly people – passengers and drivers alike."
- b. Lyft maintains a "safe community" of users.
- c. "Safety is [Lyft's] top priority" and is "fundamental to Lyft."
- d. Lyft has "got [drivers'] back[s] before, during, and after the ride."
- e. Lyft "created" and implemented "features and policies to give [drivers] peace of mind" and "help everyone have a safe ride from beginning to end."
- f. Lyft ensures that each driver "knows who [they're] riding with."
- g. "Serious safety incidents" on the Lyft app are "statistically very rare."

97. Defendants' statements, set forth above, were false statements of material fact that Defendants knew were false, believed to be false, and/or were made in reckless disregard of whether they were true or false.

98. Defendants made these statements with the intent to induce drivers, including Plaintiff, to apply to become a Lyft driver, continue driving for Lyft, and to accept rides on behalf of Lyft passengers.

99. Plaintiff reasonably believed these statements and acted in justifiable reliance on them when he applied to become a Lyft driver, continued driving for Lyft in and around the Chicagoland area, and agreed to pick up "Damarion" on May 28, 2021.

100. As a result of Lyft's material misrepresentations and Plaintiff's reasonable reliance on those statements, Plaintiff suffered and continues to suffer grave, life-altering injuries.

101. Defendants' conduct was willful and wanton and/or arises from a violation of a duty springing from a relationship of trust or confidence between Lyft and its drivers, including Plaintiff, such that punitive damages are warranted in an amount sufficient to punish Defendants and to serve as a deterrent.

COUNT II
FRAUDULENT CONCEALMENT
[Against Defendant Lyft and DOES 2 through 24]

102. Plaintiff incorporates by reference each and every one of the foregoing allegations as if fully set forth herein.

103. To sell its app and induce users to utilize Lyft's platform and ridesharing services over those of its competitors, including Uber and traditional taxicab service, Defendants knowingly concealed and/or withheld from drivers, the following material facts, among others:

- a. Lyft's failure or refusal to verify passenger identity or implement a system capable of verifying passenger identity, and the ease with which passengers can remain anonymous while using Lyft's platform and services;
- b. Co-passengers and passengers who have had a ride requested for them are not required to sign up or register to use Lyft's platform, or agree to abide by Lyft's so-called policies, including its no weapons policy;
- c. The high-crime rates in certain pickup locations; the requested destination or designated route (provided only after the passengers have entered the vehicle and the ride has already begun); the high-crime rate in certain drop-off locations and along the designated route; and the increasingly high rate of serious crimes committed by passengers against drivers on the Lyft platform, including both fatal and non-fatal assaults, carjackings, and other crimes, particularly in the Chicagoland area; and
- d. Dash cameras with visible warnings that the ride is being recorded, plexiglass shields separating the driver from backseat passengers, and self-locking doors, among other things, provide significant safety benefits to drivers, and are known by Lyft and professionals in the industry to deter passengers from engaging in criminal conduct during a ride.

104. Defendants concealed and/or withheld these facts with the intent to induce Plaintiff and similarly situated individuals to apply to become a Lyft driver, continue driving for Lyft, and to accept rides on behalf of Lyft passengers.

105. Plaintiff acted in justifiable reliance on the facts as he knew them when he applied to become a Lyft driver, continued driving for Lyft in and around the Chicagoland area, and agreed to pick up “Damarion” on May 28, 2021.

106. As a result of Defendants’ concealment and/or withholding of material facts, as set forth above, Plaintiff suffered and continues to suffer grave, life-altering injuries.

107. Defendants’ conduct was willful and wanton and/or arises from a violation of a duty springing from a relationship of trust or confidence between Lyft and its drivers, including Plaintiff, such that punitive damages are warranted in an amount sufficient to punish Defendants and to serve as a deterrent.

COUNT III
PRODUCT LIABILITY
[UNREASONABLY DANGEROUS PRODUCT - FAILURE TO WARN]
[Against Defendant Lyft and DOES 2 through 24]

108. Plaintiff incorporates by reference each and every one of the foregoing allegations as if fully set forth herein.

109. Defendant supplied its users with a product (the “Lyft app”) that had known or readily knowable potential risks and dangers for its users, and in

particular its drivers, and neglected safety and security measures that it could have or should have implemented to protect the safety of its drivers.

110. The Lyft app is, and was at all times relevant hereto, unreasonably dangerous to novice, inexperienced drivers performing as professional livery drivers due to:

- a. its failure to adequately warn of the dangers inherent in picking up passengers (strangers) whose identity has not been verified;
- b. picking up, dropping off, and/or driving along a designated route in high-crime areas for which Plaintiff and other similarly situated drivers were or may not reasonably be expected to be familiar, and for which the destination and designated route are concealed until after the ride has begun and the passengers have already entered the vehicle;
- c. the increased risk of criminal activity committed by passengers against rideshare drivers, particularly in the Chicagoland area; and
- d. picking up and transporting passengers without implementing certain safety measures/precautions, including, but not limited to, dash cameras, plexiglass barriers, and auto-lock doors, among other things.

111. The risks and dangers were present when Plaintiff used the Lyft app on May 28, 2021, at or around 4:30 p.m., to pick up “Damarion” and his co-passenger in the usual and expected manner for which the Lyft app is intended.

112. The dangers were not obvious or well known to Plaintiff, who was not a professional driver, was not originally from the Chicagoland area, was not familiar with the high crime rates in specific areas in and around Chicago, was not aware of the possibility of picking up unverified passengers or the ease with which

users can utilize Lyft's services anonymously, and was not aware of the increased risk of driving without cameras, plexiglass barriers, or auto-lock doors, among other things, risks which were known and/or knowable to and by Lyft, particularly in and around the Chicagoland area.

113. Lyft failed to adequately warn its drivers, including Plaintiff, of those potential and reasonably foreseeable risks.

114. As a result of Lyft's failure to warn or provide adequate warnings regarding these known or readily knowable risks, Plaintiff suffered and continues to suffer grave, life-altering injuries.

115. Defendants' conduct was willful and wanton and/or arises from a violation of a duty springing from a relationship of trust or confidence between Lyft and its drivers, including Plaintiff, such that punitive damages are warranted in an amount sufficient to punish Defendants and to serve as a deterrent.

COUNT IV
PRODUCT LIABILITY
[UNREASONABLY DANGEROUS PRODUCT – DESIGN DEFECT]
[Against Defendant Lyft and DOES 2 through 24]

116. Plaintiff incorporates by reference each and every one of the foregoing allegations as if fully set forth herein.

117. Defendants' product (the "Lyft app"), as designed, is unreasonably dangerous for drivers (as opposed to riders), particularly in high-crime areas in and around the Chicagoland area, for one or more of the following reasons:

- a. The Lyft app allows passengers to create anonymous accounts with ease by failing to implement a two-step verification system or otherwise allowing passengers to sign up and register to use the Lyft platform using pseudonymous names, unverified email addresses, unverified phone numbers, and anonymous payment methods, which are known to increase the risk of criminal conduct and harm to drivers;
- b. The Lyft app does not require co-passengers and passengers who have had a ride requested for them to sign up or register to use Lyft's platform or provide *any* identifiable information before allowing them to enter a drivers' vehicle; and does not require those passengers agree to abide by Lyft's so-called policies, including its no weapons policy, prior to entering a driver's vehicle;
- c. The Lyft app conceals and withholds passengers' requested destination and the designated route until after the passenger has entered the vehicle and the ride has already begun, creating a situation where if a driver declines to go where a passenger already in the vehicle wants to go, a personal confrontation will likely result.
- d. The Lyft app incentivizes drivers to work in high-crime areas by offering higher fees without disclosing the reason or the increased fee, warning drivers about the dangers of driving in and through high-crime areas, or otherwise warning drivers about possible unsafe/dangerous neighborhoods they might have to enter and what precautions to take;
- e. The Lyft app, applicable term of service, and policies actively discourage drivers from using recording devices in their vehicles despite known safety benefits and crime deterrent effects; and
- f. Lyft's "no weapons" policy prevents drivers from protecting themselves against dangerous passengers, including those using anonymous profiles, as well as passengers not required to sign up or register to use Lyft's platform, or agree to its so-called policies.

118. Lyft designed its app in an unreasonably dangerous manner, disregarding the unreasonably dangerous nature of its product to drivers, in an effort to save money to the detriment of the health and safety of its drivers.

119. Lyft could have designed its app in a reasonably safer manner that would have prevented Plaintiff from being injured as herein alleged without altering the manner of use and functionality of the app.

120. As a result of Lyft's unreasonably dangerous product, Plaintiff suffered and continues to suffer grave, life-altering injuries.

121. Defendants' conduct was willful and wanton and/or arises from a violation of a duty springing from a relationship of trust or confidence between Lyft and its drivers, including Plaintiff, such that punitive damages are warranted in an amount sufficient to punish Defendants and to serve as a deterrent.

COUNT V
[GROSS] NEGLIGENCE
[Against Defendant Lyft and DOES 2 through 24]

122. Plaintiff incorporates by reference each and every one of the foregoing allegations as if fully set forth herein.

123. Lyft had a duty to warn its drivers of the potential, known, and/or knowable risks, as set forth above, and to implement proper safety and security features to protect its drivers from potentially dangerous passengers.

124. Defendants' conduct was willful and wanton in that Lyft knew of the dangers to its drivers and of the very reasonable steps it could have taken to mitigate the danger to drivers, including Plaintiff, but recklessly and/or deliberately decided not to implement proper ride safety and security features to protect its drivers from potentially dangerous passengers, or otherwise warn drivers, including Plaintiff, of the known and/or knowable risks, resulting in Plaintiff being gravely and permanently injured in his body and person.

125. As a direct and proximate result of Defendants' gross negligence, Plaintiff suffered and continues to suffer grave, life-altering injuries.

COUNT VI
ASSAULT AND BATTERY
[Against Defendant Stephens and DOE 1]

126. Plaintiff incorporates by reference each and every one of the foregoing allegations as if fully set forth herein.

127. On or about May 28, 2021, Defendants intentionally and unjustifiably caused harmful and offensive contact with Plaintiff when they shot Plaintiff in the back during a ride facilitated, coordinated, and controlled by the Lyft app.

128. As a result of Defendants' intentional conduct, Plaintiff suffered and continues to suffer grave, life-altering injuries.

WHEREFORE, Plaintiff respectfully requests that judgment be entered in his favor and against Defendants in an amount to be determined at trial.

Respectfully Submitted,

/s/ Haytham Faraj

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