

PETER C. ANDERSON
CIRCUIT COURT, BR. 17

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH ____

DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,

Defendant.

FILED

SEP 26 2018

DANE COUNTY CIRCUIT COURT

Case No. 18-CX-32

COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

The State of Wisconsin, by its attorneys, Brad D. Schimel, Wisconsin Attorney General, and Lara Sutherlin, Assistant Attorney General, on behalf of the Wisconsin Department of Justice, and the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), brings this action against Defendant, UBER TECHNOLOGIES, INC. (UBER or Defendant) and states as follows:

JURISDICTION AND VENUE

1. This action is brought under Wis. Stat. § 100.18(11)(d) to enforce and restrain violations of Wis. Stat. § 100.18(1). The State seeks to recover pecuniary losses suffered by Wisconsin consumers and to obtain forfeitures for those violations.

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2. Venue for this action properly lies in Dane County, Wisconsin, pursuant to Wis. Stat. § 801.50(2)(c) in that Defendants do business there.

THE PARTIES

3. Plaintiff, State of Wisconsin, is a sovereign state of the United States of America, with its principal offices at the State Capitol in Madison, Wisconsin.

4. Defendant is a Delaware corporation with its principal place of business at 1455 Market Street, San Francisco, California 94103.

5. As used herein, any reference to “UBER” or “Defendant” shall mean UBER TECHNOLOGIES, INC., including all of its officers, directors, affiliates, subsidiaries and divisions, predecessors, successors and assigns doing business in the United States.

BACKGROUND

6. In November 2016, hackers contacted UBER to inform them that they had accessed and acquired UBER data and to demand payment in exchange for deleting the data.

7. UBER was able to determine the security vulnerability that the hackers had exploited and eliminate the vulnerability.

8. In December 2016, the hackers deleted the data.

9. Among the data the hackers acquired was personal information pursuant to Wis. Stat. § 134.98: name and driver’s license information pertaining to some UBER drivers.

10. UBER did not disclose the data breach to affected UBER drivers in 2016 when the breach was discovered.

11. In August 2017, UBER named a new CEO, Dara Khosrowshani.

12. In September 2017, Khosrowshani was informed that UBER had suffered a data breach and ordered an investigation into the data breach, hiring a third party cyber security provider to conduct the investigation.

13. The cyber security provider verified the 2016 data breach, and, on November 21, 2017, UBER notified regulators and consumers of the 2016 breach.

14. UBER offered affected drivers free credit monitoring and identity theft protection.

VIOLATIONS

COUNT I

Fraudulent Representations

Wis. Stat. §100.18(1)

15. Plaintiff re-alleges all preceding paragraphs of the complaint and incorporates them herein.

16. Wisconsin Statute § 100.18(1) prohibits any person or firm, with intent to sell merchandise or a service, from making any assertion, representation or statement of fact which is untrue, deceptive or misleading.

17. UBER has violated Wis. Stat. § 100.18(1) by:

- a. failing to implement and maintain reasonable security practices to protect the sensitive personal information it maintains for its users;

- b. failing to comply with Wis. Stat. § 134.98 by making reasonable efforts to notify each affected users of the data breach; and
- c. representing to users that UBER protects the sensitive personal information of its users, when in fact the hackers were able to gain access to some UBER user personal information.

PRAYER FOR RELIEF

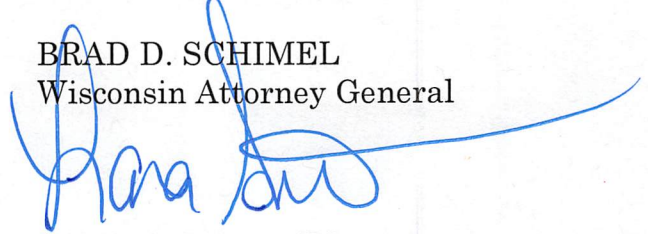
Plaintiff, State of Wisconsin, demands relief against Defendants as follows:

- A. Finding that UBER has violated Wis. Stat. § 100.18(1), by engaging in the unlawful acts and practices alleged herein;
- B. Preliminarily and permanently enjoining UBER from engaging in the deceptive and unfair acts and practices alleged herein;
- C. Ordering the Defendants to restore any pecuniary losses suffered by any person because of Defendant's acts or practices in violation of Wis. Stat. § 100.18(1);
- D. Awarding the State, pursuant to Wis. Stat. § 100.263, the expenses of investigation and prosecution, including attorneys' fees, relating to enforcement of Defendants' violations of Wis. Stat. § 100.18(1).
- E. Providing such other and further equitable relief as justice and equity may require.

Dated this 26th of September, 2018.

Respectfully submitted,

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Wisconsin Attorney General



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