

# Memorandum case study samples

Business, Company



## **RE: EXPRESS OF NO MERIT ON THE CASE FILED BY SOFIA LUI'S FAMILY**

### Question Presented

The question I raise is that, was Uber system responsible for the death of Sofia Lui, and was the case filed by Sofia's family has any merit?

### **Short answer**

According to the arguments raised by the plaintiffs, Sofia Lui family represented by Attorney Christopher Dolan; there is no evidence linking Uber System to the death of Sofia Lui. The driver in contention was a contractor who had been given a job by Uber System but at the moment of the accident, the driver in mention did not have any account with the company. Mr. Muzaffar, the driver, was not in the line of duty when the accident occurred.

### **Statements of facts**

During the New Year's Eve, a couple of hours before the city's merriment jumpstarted, a Uber driver hit three people on foot, killing one of them. Six-year-old San Francisco occupant Sophia Liu passed on in the wake of being transported to San Francisco General Hospital.

The driver stayed on the scene, and openly recognized himself as Syed Muzzafar. Susan Fahey, a representative of the San Francisco Sheriff's Office, told Pandodaily the driver was discharged on safeguard around 11 pm the previous evening.

In the wake of learning of Liu's passing, Uber was brisk to bring up apparently trying to separation itself from culpability that the driver wasn't

convey a Uber traveler at the time of the mischance.

This appalling accident highlights a becoming concern with transportation organizing organizations: Are they answerable according to the law when their driver's carryout such criminal acts? No mishap, murder, or attack cases have gone the distance to the trial yet, so there's no reliable answer right now.

These were statements that were raised by the plaintiff does not bring to the table substantial evidence to show that the driver in question was on the line of duty when the accident happened. The company clearly stated “ We can affirm that the driver being referred to was an accomplice of Uber and that we have deactivated his Uber account. The driver was not giving administrations in the Uber framework amid the time of the mishap. We again develop our deepest sympathies to the family and casualties of this awful accident” (Stokes, 2010).

### **Affirmation of no merit in the case**

Uber's protection documenting claims the driver that struck Liu, Syed Muzzafar, was not a Uber worker, and he had no motivation to associate with the Uber application at the time of Liu's passing.

The suit additionally asserts that Muzzafar consented to an arrangement with Uber recognizing those truths. " Under that Transportation Services Agreement," the claim states, "[muzzafar] acknowledged that he was not a worker, specialists, joint venturer or accomplice of Rasier (Uber's auxiliary) for any reason; rather, he was a free builder" (Stokes, 2010 p. 72).

I express that Uber System had no obligation to guarantee Muzzafar his freedom, as he was a free foreman, not a representative. Mr. Muzzafar was

not transporting a passenger who asked for transportation benefits through the Uber App. He was not in transit to get a passenger who asked for transportation benefits however the Uber App. He was not accepting an appeal for transportation benefits through the Uber App.

Many people have criticized the company without even hearing the part of their side of the story. The plaintiff claimed that the company wiped out Mr. Muzzafar's account but they do not have substantial evidence to prove their allegations. The girl was hit by Mr. Muzzafar but the company statement sticks at that, the driver was not undertaking company's duties while the accident occurred.

According to the firm law, Uber System is committed to observing and providing safety when transporting its clients or conducting the company's activity. The mentioned Uber App is designed to be used in safe and considerate manner not in a way that breaches the law. When the accident happened, Mr. Muzzafar was driving his car and was not transporting a company's client nor was he carrying a firm's passenger. The plaintiff did not prove beyond reasonable doubts that Mr. Muzzafar was on company's duty when he committed the crime.

In another turn of events, at the time when the accident occurred, Mr. Muzzafar had no evident reasons to use the App since he was not transporting a passenger who had requested for serviced via the Uber software nor was he receiving a request from a client. Therefore, the accident was caused by careless driving by a driver who was not even and has never been an employee of Uber System.

In the earlier court proceedings, the complaint's Attorney, Mr. Christopher

Dolan supported his argument based on what the defendant terms as “ legal theories never before advanced” by using publications from newspapers and magazine regarding the accident. According to this statement by the plaintiff’s Attorney, “ Offended parties are educated and accept, and on the premise of data and conviction assert thatrasier-CA LLC has been allotted Carrier ID Psg0032512 by the PUC and that Uber, rasier LLC and/or RASIER-CA LLC and/or Does 1-10 and 21-30 utilization Carrier Idpsg0032512 to work its TNC, Uber X in California” (Stokes, 2010). This proves that the plaintiff did not have substantial evidence to sue UberX.

The central point to be addressed and concentrated on is the fact Uber System is a software developer. The plaintiff should note that the passenger working with the Uber app might commit a crime while they are not on duty therefore, the company should not be held responsible for an individual error. When the accident occurred the said driver was not on duty and to bring matters into light, Mr. Muzzaffat was not carrying a passenger on his personal vehicle.

Over this period, the company has lost its credibility due to the uncouth allegations which have not been proven in court through evidence. The court should access the statements made by the plaintiff and order for evidence to support the statements. According to the law, “ Interval’s claims fail to meet the pleading requirements of the Federal Rules. Rule 8 requires the Complaint to contain “ a short and plain statement of the claim showing that the pleader is entitled to relief” (Stokes, 2010). The plaintiff failed to provide substantial evidence to support its case.

According to the plaintiff’s attorney, it doesn’t matter whether a driver

associated with Uber App is working out of the company's duty schedule or not when he commits a crime the company is responsible. I would wish to disagree with this statement because the plaintiff should understand that the driver may be running his or her own errands when he commits a crime. Hence, the company is not supposed to be held responsible for any offence committed outside the line of duty by any individual using the Uber app. The court should ask the plaintiff to table credible evidence to make sure that a fair judgment is reached at by the judge. I write to clarify to the court and the plaintiff that Uber Systems does not offer transport services. The company does not employ drivers neither does it have transportation vehicles. Uber systems only licence drivers to use the Uber App for the purpose of their business growth and for the drives to offer better services to their customers.

According to the statements made by Mr. Muzzafar, he was not an employee of UberX and he was using his own vehicle under the contract provided by UberX. Mr. Muzzafar was also under contract with a company known as Raiser that was never included in this case. Mr. Muzzafar was an independent contractor and had discretion when to use the Uber App to contact passengers. It clearly proves that on the day of the accident, Mr. Muzzafar was not responding to any call or request from a passenger nor was he on his way to pick or drop a passenger.

According to the scene of the accident, the only device which was active was a GPS and there was no reason not so ever for Mr. Muzzafar to use the Uber App. Mr. Muzzafar was not in any way en route to pick or drop a customer because the Uber App had not instructed him to pick or drop a passenger.

Therefore, this proves that Mr. Muzzafar was not using the Uber app, and he was not on application duty when the accident occurred.

According to the trial statement filed by the plaintiff, “UBER and DOES 1-10, utilization RASIER LLC and/or RASIER-CA LLC and/or Does 21-30 to work a TRANSPORTATION NETWORK COMPANY (TNC) known as Uber X, a division of UBER and/or Does 1-10 and 21-30's business endeavor” (Stokes, 2010). This clearly shows that the company does not own a transport industry but just offer drivers with an easier solution to their business.

According to the plaintiff statement, it clearly proves that the family moved to court to sue Uber System just because they thought that the company was insured and wanted compensation. This is clearly see in the statement filed by the plaintiff “Offended parties are educated and accept, and on the premise of data and conviction claim that RASIER-CA LLC is the protection authentication holder for the protection that UBER is obliged to convey as an issue by the PUC, which it utilizes for its Uber X operations” (Judge & Moore, 2014 p. 109). The plaintiff should understand that the insurance is only meant to cater for incidences that occur when the driver or employee of UberX is on the line of duty and operating on request by the Uber App.

The plaintiff was not able to table clear prove that the company mentioned were in any way responsible for the accident. The claim that the company deleted the account owned by Mr. Muzzafar to cover up the accident has no basis since the company co-operated very well with the investigations. It is the right of the enterprise to disassociate itself from any individual who is caught up in the misconduct and violation to the firm's laws. Therefore, this cannot be treated as prove that the driver caused the accident because he

was distracted by the Uber App.

The court should also come to know that; Uber app is designed in a very specialized way that can never be termed as defectively manufactured. The device and the App are developed in a state of art mode and are only used for normal purposes. In the reported incidence, the driver breached the company laws and rules when he used the device in a way rather than the recommended way. To the point at which the Uber app and device caused an accident it was due to the improper and abnormal way of using the app and device by the driver.

The plaintiff and the court should come to terms with the truth and understand that; Uber does not provide products or goods; the only thing that Uber Company offers is services. Therefore if one is not providing services that are the primary purpose of the Uber Company, then the individual is independently working in his or her jurisdictions.

The accident was caused by the misconduct of a third party, Mr. Muzzafar, and it was not foreseen. The court should also understand that the accident was not caused by the normal occurrences of events but was due to the miscalculated at by the driver.

The complaint prays to the court to overthrow the case brought forward by the plaintiff due to lack of proper evidence. The plaintiff asked for compensation that was higher than the amount the family was paying for the health insurance and benefits.

According to Uber, they were under the oversight of the PUC when Uber proposed a settlement Tuesday with the Maryland Public Safety Commission. It would permit it to keep working in the state lawfully a trade off



empowering it to backup from prior proclamations. That it would leave in the event that it was obliged to work as an issue organization. In the proposal, the rideshare organization said it would drop its 60-page offer of the commission's choice to oblige it to work as an issue bearer; rather it would have a backup, Drinnen Inc., request a license and give a rundown of Uber drivers to the commission.

In conclusion, the plaintiff evidence provided was not substantial enough to hold the complaint responsible for the death of Sofia Lui. Most of the evidence that relied on by the plaintiff was based on published articles that to a large extent criticized Uber Company. The publications made involving the accident was holding the Uber System responsible for the death of Sofia Lui.

The court should understand that Uber System is just a software developer and does not in any way run a transporting company. The software developed are only meant for transportation request by passengers and only used in the normal way. Uber Company does not employ drivers but only contracts drivers to use the apps they develop. Therefore, the court should overthrow the case filed by the plaintiff towards Uber Systems. Uber system is not in any way responsible for the accident. The third party, Mr. Muzzafar should be held accountable and the case should be associated with the accident. I pray the court to declare the case against Uber void and dismiss the case for lack of substantial evidence.

## **References**

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