

Uber driver alleges service fee deductions do not apply to Boost, Surge calculations (/stories/511367266-uber-driver-alleges-service-fee-deductions-do-not-apply-to-boost-surge-calculations)

by Noddy A. Fernandez (/author/noddy-a-fernandez) | Mar. 23, 2018, 6:31am



SACRAMENTO (Legal Newsline) – A North Carolina man and Uber driver alleges the ride-hailing company unlawfully takes a service fee charge out of Boost and Surge calculations.

Martin Dulberg, individually and on behalf of all others similarly situated, filed a complaint on March 14 in the U.S. District Court for the Northern District of California against Uber Technologies Inc. and Rasier LLC alleging breach of contract.

According to the complaint, the plaintiff drives for Uber using both its Uber X and Uber Select platforms. During times of increased demand, the suit states that a separate charge known as Surge is applied or a multiplier known as Boost.

"When there is 'Surge' and/or 'Boost,' instead of deducting its service fee from only the fare determined by the fare calculation, as the agreement requires, Uber also takes its service fee out of 'Surge' and/or 'Boost.' This practice breaches the agreement, which, again, requires Uber to deduct its service fee from only the fare determined by the fare calculation," the suit states.

"Nothing in the agreement allows Uber to collect its service fee based on anything except the fare determined by the fare calculation," the suit states.

The plaintiff requests a trial by jury and seeks award of damages, attorneys' fees, costs of action, pre- and post-judgement interest, and such other and further relief that the court may deem just and proper. He is represented by Jennifer Liakos, Paul B. Maslo and Andrew J. Dressel of Napoli Shkolnik PLLC in El Segundo, California and New York, New York.

U.S. District Court for the Northern District of California case number 3:18-cv-01611-MEJ

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