



Appellate Court To Examine Constitutionality of Illinois Rideshare Act

As Woman Raped by Chicago Lyft Driver Continues to Seek Justice

Sexual Assaults and Harassment Occurring With Regular Frequency With Little Recourse for Passengers, Even as Lyft Promotes Itself as Woman-Friendly Alternative to Uber

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(Chicago: August 14, 2019) – Illinois’ First District Appellate Court has granted Chicagoan Jane Doe’s petition for leave to appeal the constitutionality of the state’s Rideshare Act, which attempts to provide protection to rideshare companies from legal responsibility for sexual assaults perpetrated by their drivers. This news comes more than two years after Doe was zip-tied and violently attacked by then Lyft driver Angelo McCoy.

“This disturbing sexual assault is only one example of the hundreds of incidents of assault and harassment happening as a consequence of the complete failure to properly regulate the rideshare industry,” says attorney Tim Tomasik, partner at Tomasik Kotin Kasserman, the firm representing Jane Doe. “Historically, cab companies have been and continue to be held liable for the criminal acts of their ‘independent contractor’ drivers, but Lyft has executed a well-funded and targeted campaign in legislative houses across the country to craft protectionist legislation.”

On July 7, 2017, Doe hailed a ride from McCoy via the Lyft app. McCoy drove to a dark alley where he threatened her with a knife, zip-tied her hands, and repeatedly sexually assaulted her, holding her captive for two hours. Doe later escaped at a North Side intersection, jumping out of the car.

Doe filed suit in November 2017, alleging that Lyft failed to adequately screen McCoy’s criminal background, offering him work as a Lyft driver despite his extensive criminal history,

which included charges of theft, driving under the influence, and possession of weapons. The suit further alleges that Lyft is responsible for a sexual assault by a driver because Lyft is a “common carrier,” like a cab company, and is legally responsible under Illinois Law.

“After I escaped and received treatment,” Jane Doe said in a statement at the time, “I was outraged to learn that there were dozens of women across the country who had been sexually assaulted by Lyft or other rideshare drivers. I decided to seek justice for myself through this lawsuit and to make it my mission to prevent other passengers, especially women, from being victimized by Lyft or other rideshare drivers.”

In May 2018, Lyft launched a public relations campaign touting that a new policy “removed the confidentiality requirement for sexual assault victims, as well as ended mandatory arbitration for those individuals”; however, attorneys for Lyft continue to assert in court that Doe’s claims should be resolved in secretive arbitration proceedings.

Meanwhile, even as the company marketed itself in contrast to its rival Uber, which lost waves of customers after high-profile accusations of misconduct among its executives, Lyft hired lawyers and lobbyists across the country to make the case that the company was not a “common carrier” like a taxi company. Therefore, unlike a taxi company, under current law Lyft is not responsible. This principle is codified in the Illinois Transportation Network Providers Act, commonly referred to as the Rideshare Act.

“Lyft uses the Rideshare Act as a shield,” said Tomasik. “But they can’t have it both ways. They can’t build a business on marketing safe care for passengers while making backroom legislative deals to avoid corporate responsibility for assaults by Lyft drivers. They can’t promote themselves as respecting the rights of sexual assault victims while forcing those victims into secret agreements never to tell their stories.”

Tim Tomasik is a trial lawyer with extensive experience in dealing with the transportation industry. He has won numerous verdicts in matters holding trucking companies, hospitals and taxi companies liable for the conduct of alleged independent contractors, including a \$26 million verdict against Yellow Cab, where the jury found that the alleged independent contractor driver was an agent of Yellow Cab. That verdict was affirmed by the Illinois appellate court.