

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

RASIER, LLC, a Delaware limited liability
company,

Plaintiff,

v.

KING COUNTY; KELLER ROHRBACK,
LLP; and DAVID COPLEY,

Defendants.

No. _____ SEA
COMPLAINT FOR INJUNCTIVE
RELIEF

Rasier, LLC ("Rasier") for its Complaint against King County states and alleges as follows:

I. NATURE OF ACTION

1. This action seeks preliminary and permanent injunctive relief, pursuant to RCW 42.56.540, 42.56.070(1), 42.56.270(11) and CR 65, to prevent the County from being compelled to disclose Rasier's proprietary information and trade secrets pursuant to the attached records request from Defendants David Copley and Keller Rohrback LLP.

II. PARTIES

2. Plaintiff Rasier is a Delaware limited liability company with its principal place of business at 1455 Market Street, 4th Floor, San Francisco, California 94103. Rasier conducts business in King County, Washington, among other places.

3. King County is a county located in the state of Washington. It has its principal offices at King County Chinook Building, 401 5th Ave., Suite 800, Seattle, WA 98104.

COMPLAINT FOR INJUNCTIVE RELIEF - 1

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4200
P.O. BOX 91302
SEATTLE, WA 98111-9402
206.223.7000 FAX: 206.223.7107

1 4. On November 4, 2015, Carly Eyler, an Assistant for Research and Information
2 Services with the Seattle law firm of Keller Rohrback LLP, submitted a records request to
3 King County on behalf of Keller Rohrback LLP attorney, David Copley. The request states,
4 "I would like to get the current number of licenses that have been issued to Uber drivers in the
5 City of Seattle. I am also interested in how many licenses have been issued to Lyft drivers,
6 but this information is not as important or time sensitive as the Uber Data." Defendants
7 Copley and Keller Rohrback LLP are named as defendants because of their interest in the
8 subject of this action. *See Burt v. Dep't. of Corr.*, 168 Wn.2d 828, 231 P.3d 191 (2010).

9 III. JURISDICTION AND VENUE

10 5. This Court has original jurisdiction over the subject matter of this action under
11 RCW 42.56.540 and RCW 2.08.010.

12 6. Venue is proper under RCW 42.56.540 because the public records at issue are
13 maintained in King County, Washington.

14 IV. FACTS

15 7. Rasier is a wholly owned subsidiary of nonparty Uber Technologies, Inc.
16 ("UTI"). UTI is a private technology company that has developed software (the "Uber App")
17 that enables independent third-party transportation providers ("Drivers") to receive and
18 respond to requests for prearranged transportation from interested riders. Rasier licenses the
19 Uber App from UTI.

20 8. In King County and the City of Seattle, Rasier has a license to operate a
21 transportation network company ("TNC") pursuant to licenses issued by King County and the
22 City of Seattle. Rasier screens potential Drivers, licenses the Uber App to Drivers, and
23 provides other services related to those activities. The Drivers pay Rasier a fee for their use
24 of the Uber App and associated services. Accordingly, these Drivers are Rasier's customers.

25 9. King County has enacted an ordinance regulating TNCs. Among other things,
26 this ordinance requires each TNC to have a valid license. *See King County Code Ch.*

1 6.64.201.A. Rasier is licensed as a TNC in King County. Lyft, Inc. is the other main TNC
2 licensed and currently operating in King County.

3 10. In order to offer prearranged transportation services on a TNC's platform in
4 King County, a person must carry a valid for-hire driver's license. *See King County Code Ch.*
5 6.64.261.A. A person may offer prearranged transportation services on a TNC platform using
6 either a personal vehicle, taxicab, or for-hire vehicle. *See King County Code Ch. 6.64.261.B.*
7 In order to use a personal vehicle to offer prearranged transportation services on a TNC
8 platform in King County, a person must have a valid TNC endorsement. *See King County*
9 *Code Ch. 6.64.281.B.* Once issued, a TNC endorsement includes an indication on a person's
10 for-hire driver's license and a decal affixed to the person's vehicle. *See King County Code*
11 *Ch. 6.64.281.B.*

12 11. In accordance with the King County ordinance, each year Rasier submits an
13 application for a TNC endorsement on behalf of the drivers who seek to offer their third-party
14 transportation services on its platform. *See King County Code Ch. 6.64.281.A.* This
15 application includes the name, address, and other personally identifying information about
16 each Driver as well as information stating that the person is affiliated with Rasier. *Id.*

17 12. The City of Seattle has passed an ordinance that is similar to King County's in
18 relevant respects. Drivers must hold a for-hire driver's license, and can operate a personal
19 vehicle, taxicab, or for-hire vehicle. *Seattle Mun. Code Ch. 6.310.130.B.; 6.310.325.A.* In
20 order to use a personal vehicle, a driver must obtain an endorsement that corresponds to an
21 indication on the person's for-hire driver's license and a decal affixed to the vehicle. *Seattle*
22 *Mun. Code Ch. 6.310.327.* To obtain a TNC endorsement, the driver or the TNC must submit
23 an annual application with personally identifying information about the driver and the name
24 of the TNC that the driver is affiliated with. *Seattle Mun. Code Ch. 6.310.327.C, E.* In
25 accordance with this City of Seattle ordinance, each year Rasier submits an application for a
26 TNC endorsement on behalf of the drivers who seek to offer their third-party transportation
27

1 services on Rasier's platform. Submissions are deemed confidential under an agreement
2 between Rasier and King County. See Declaration of Rachel Bowe, Exhibit A.

3 13. On November 4, 2015, Keller Rohrback's librarian, Carly Eyler, sent King
4 County an e-mail requesting "the current number of licenses that have been issued to Uber
5 drivers in the City of Seattle. I am also interested in how many licenses have been issued to
6 Lyft drivers, but this information is not as important or time sensitive as the Uber Data." A
7 copy of this e-mail is attached as Exhibit A. Ms. Eyler sent the e-mail on behalf of Keller
8 Rohrback attorney, David Copley. The e-mail did not specify under what authority the
9 request was made.

10 14. On information and belief, Defendants' request seeks the number of
11 individuals who have received a TNC endorsement from King County and/or the City of
12 Seattle and who are affiliated with Rasier.

13 15. On November 25, 2015, King County informed Rasier by e-mail that it
14 intended to provide the information requested by Defendants at the end of the day on
15 December 14, 2015, unless it received an order issued by the King County Superior Court
16 enjoining disclosure of the information. A copy of this e-mail is attached as Exhibit B.

17 16. The information requested by Defendants has significant economic value,
18 actual and potential, because it is not generally known or readily ascertainable to other
19 persons, including Rasier's competitors in the King County TNC market. Rasier's
20 competitors would derive economic value if they obtained this information.

21 17. Rasier has made substantial efforts to maintain the secrecy of this information,
22 not only outside the company but also inside the company. Rasier and its parent company
23 UTI have limited employees' access to the information and contractually required employees
24 to keep this information confidential, both during and after the term of their employment.

25 18. The information at issue, therefore, constitutes a trade secret under RCW
26 19.108.010, and is exempt from public disclosure by King County under RCW 42.56.070(1).

1 19. This information is also proprietary data and is exempt from disclosure under
2 RCW 42.56.270(11).

3 20. If this information is publicly disclosed, Rasier would suffer a substantial and
4 irreparable competitive disadvantage, which would substantially impair its business.

5 21. Disclosure of the requested information is clearly not in the public interest
6 because the Washington State Legislature has declared as a matter of public policy that
7 disclosure of trade secrets and other confidential and proprietary information must be
8 protected from unnecessary disclosure. In addition, disclosure of the requested information
9 disincentivizes companies like Rasier from committing their resources toward doing business
10 in Washington.

11 **V. CLAIM FOR INJUNCTIVE RELIEF**

12 22. The allegations contained in paragraphs 1 through 21, above, are incorporated
13 herein by reference.

14 23. Rasier has a clear legal or equitable right to enjoin disclosure of its proprietary
15 information and trade secrets, as well as a well-grounded fear of invasion of that right.

16 24. Unless King County is preliminarily, and thereafter permanently, enjoined
17 from releasing that information, Rasier will be substantially and irreparably harmed.

18 25. Rasier has no adequate remedy at law to prevent the harm that will result if
19 Seattle were to publicly release Rasier's proprietary information and trade secrets.

20 26. The public interest clearly does not favor such disclosure.

21 27. Accordingly, pursuant to RCW 7.40.020, RCW 42.56.540 and RCW
22 19.108.020, Rasier is entitled to a temporary restraining order, and thereafter preliminary and
23 permanent injunctions, enjoining the County from disclosing its proprietary and trade-secret
24 information.

25 **VI. REQUEST FOR RELIEF**

26 WHEREFORE, Rasier requests relief in its favor and against King County as follows:
27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

A. A temporary restraining order, preliminary injunctive relief, and permanent injunctive relief prohibiting King County from disclosing Rasier's trade secrets and proprietary information; and

B. The granting of such other and further relief as the Court deems just and proper.

DATED: December 8, 2015

LANE POWELL PC

By/s/ Grant S. Degginger
Grant S. Degginger, WSBA No. 15261
deggingerg@lanepowell.com
Rachel M. Bower, WSBA No. 48602
bower@lanepowell.com
Telephone: 206.223.7000
Facsimile: 206.223.7107
Attorneys for Plaintiff Rasier, LLC

EXHIBIT A

From: Carly Eyer ceyer@KellerRohrback.com
Subject: Public Disclosure Request
Date: November 4, 2015 at 4:46 PM
To: Requests, PD PD.Requests@kingcounty.gov



Hi Joel,

Thank you for taking the time to meet with me earlier. If possible, I would like to get the current number of licenses that have been issued to Uber drivers in the City of Seattle. I am also interested in how many licenses have been issued to Lyft drivers, but this information is not as important or as time sensitive as the Uber data. Please let me know if you have any questions.

Thank you in advance for your help!

Carly Eyer

Carly Eyer
Assistant for Research & Information Services
Keller Rohrback L.L.P.
Phone: (206) 428-0543
Fax: (206) 623-3384
Email: ceyer@kellerrohrback.com

CONFIDENTIALITY NOTE: This e-mail contains information belonging to the law firm of Keller Rohrback L.L.P., which may be privileged, confidential and/or protected from disclosure. The information is intended only for the use of the individual entity named above. If you think that you have received this message in error, please e-mail the sender. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

EXHIBIT B

From: "Eiden, Amy" <Amy.Eiden@kingcounty.gov>
Date: November 25, 2015 at 1:42:29 PM PST
To: "Krishna Juvvadi (krishna@uber.com)" <krishna@uber.com>
Subject: Notice about Public Records Act request to King County

Krishna,

King County has received a request from Keller Rohrback LLP under Washington's Public Records Act (PRA) for the following:

- The current number of licenses that have been issued to (1) Uber drivers in the City of Seattle, and (2) Lyft drivers in the City of Seattle.

The purpose of this email is to provide you with notice as required under King County Code 6.64.790.

We intend to provide the requested information about your company to Keller Rohrback at the end of the day on December 14, 2015, unless we receive an order issued by the King County Superior Court enjoining disclosure of the information. The relevant provision in Washington's PRA is RCW 42.56.540. Please name King County as a defendant. Additionally, Keller Rohrback may be named as a defendant. See *Burt v. Dep't of Corrections*, 168 Wn.2d 828 (2010).

I can provide you with the information we intend to disclose about your company. It represents the number of permits issued through November 24, 2015, based on applications submitted by your company. Please let me know if you would like to receive the information, and if so, the method by which you would like to receive it.

If you do file an action, please serve me with copies of all pleadings.

Amy Eiden
Senior Deputy Prosecuting Attorney
King County Prosecuting Attorney's Office