

No. 24-6919

ORIGINAL

Supreme Court, U.S.
FILED

MAR - 3 2025

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Pablo Enrique Rosado Sánchez ----- Petitioner

vs.

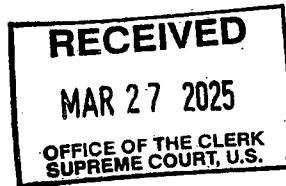
Uber Technologies, Inc. ----- Respondent

ON PETITION FOR A WRIT OF CERTIORARI

U.S. Court of Appeals for the First Circuit, Boston-Massachusetts

PETITION FOR WRIT OF CERTIORARI

Pablo Enrique Rosado Sánchez
Urb. Levittown
1093 Paseo Damasco
Toa Baja PR 00949
Phone number: 787 902 7153



Question Presented: Only one

1. Why 3 Judges enforced their opinion and Mandate, but paid no attention, to the Document filed 2 days before:

"The Uber's Tip Steal Scheme and Against the Law Harassment Policy Enforcement Cycle"

By imposing me technical protocols, allowing Uber:

- Steal tips massively to their own Drivers;
- Harass us, and even fire us with no reason;

By means of Generative Artificial Intelligence,

which none of them knows anything about;

Because there is no clear precedent about it in any U.S. Federal Court:

Forcing me to go out of Court: - **Requiring me Silence, called non-disclosure;**

- With the lawyers representing Uber,
- That was allowed by the Court to get away**
- In spite of**
- Their unlawful practices?**

Note: The graph showing this cycle is easier to see.

It was added separately in case it is considered an image:

*I respectfully ask, to be included after the Question presented
or to be visible within the Docket Search
at the Supreme Court of the United States Website:*

*The Removed Images Exhibit is in vertical form and separated from the Petition,
as required. It shows visually what the Statement of the Case shows.*

In The United States Court of Appeals for the First Circuit Appeal No. 24-1535;
Pablo E. Rosado Sánchez, v. Uber Technologies, Inc; *District Court No. 3:22-cv-01500*
2nd Response against Order of Court, Entered Feb. 12, 2025:

The Uber's Tip Steal Scheme and Against the Law Harassment Policy Enforcement Cycle:

The Desperados Tragedy: The Useless Replaceable Is the Experienced Driver

- 1. A new driver signs with Uber Eats, or any other Uber's division: at any time, in more than 70 countries, just using their cellphone, scanning and uploading the Driver's License and vehicle registration within a short time;**
- 2. The new Uber's Driver finds no one is imposing a fixed schedule: so he or she can decide freely their schedule; THIS IS WHAT AN INDEPENDENT CONTRACTOR IS;**
- 3. The new Uber's Driver, or from Uber Eats, finds that he or she is able to meet the salary goals he or she has WITHOUT NOTICING, THEIR GENERATIVE ARTIFICIAL INTELLIGENCE USED BY UBER, IS "LEARNING":**

- *The times you connect to work with Uber, mornings, middle of the day, afternoons, nights, or a combination;*
- *When you stop, how much time you spend connected to Uber Eats, or Uber;*
- *How much money you have earned when you decide to stop, at any time of the day;*
- *How much money you like to earn per week, when you decide to stop, and not to reconnect until next week;*

4. THEN, USING UBER'S GENERATIVE ARTIFICIAL INTELLIGENCE:

- Uber changes all the driver learned about Uber: IN MY CASE, AT THE 4,500 DELIVERY: See Lawsuit, Dkt. 2 - start by hacking their own Uber's Application, shutting down a delivery you were about to complete; will never inform what really took place, with no reason: will falsely accuse you of fraud, no matter delivery was made;
The driver is no longer treated as independent contractor from this moment

5. UBER, THE BAD EMPLOYER: UBER STARTS THREATENING YOU WITH DEACTIVATION FREQUENTLY, THE SAME AS FIRING YOU, AND THEY FIRE YOU EVEN DURING AN ACCIDENT WITH NO REASON;

6. Soon after, the driver confirms, that Uber is stealing the tips: Uber's Larceny against their own 6.5 million drivers; *An estimate based on facts: Uber steals \$1.827 Billion every 30 days!*

7. THE PROBLEM CONTINUES: THE FEDERAL COURTS, DO NOTHING, LEAVING NO LEGAL DEFENSE; UBER FOUND A WAY TO ENFORCE ALL THIS, AGAINST THE LAW, WITH LAWYER'S DIRTY TRICKS;

8. ANOTHER NEW DRIVER STARTS, THE CYCLE REPEATS: HE OR SHE WILL NOT FIND OUT SOON - This is enforced by: all the previous Non-Disclosure Agreements, signed out of the Courts: See number 7- The time the new driver was even without a job, or without additional income: Uber abuses because of this;

- The Silence of the Press: Many new "Desperados", will not file complaints, Uber wants new drivers, always.....

List of Parties

All parties appear in the caption of the case on the cover page.

Related Cases

Appeal No. 24-1535; U.S. Court of Appeals for the First Circuit
Civil No. 3:22-cv-01500-SCC; U.S. District Court for the District of Puerto Rico

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INDEX TO APPENDICES: Images removed included in Removed Images Exhibit as required:

Images included within original Petition in horizontal format were not allowed:

- a. Lawsuit: Document 2 Filed 10/17/22 Page 1 of 4
- b. Document 2-1 Filed 10/17/22 Page 1 of 45
- c. Document 32, Filed 10/10/23 Page 1 of 2;
32-1 Filed 10/10/23 Page 1 of 31;
- d. Document 35 Filed 01/16/24 Page 1 of 2;
35-1 Filed 01/16/24 Page 1 of 7;
- e. Document 36 Filed 01/22/24 Page 1 of 2;
36-1 Filed 01/22/24 Page 2 of 70
- f. Document 38 Filed 01/30/24 Page 1 of 2; Pablo E. Rosado Sánchez, Appellant
38-2 Filed 01/30/24 Page 1 of 27
- g. Document 39 Filed 01/30/24 Page 1 of 2;
39-1 Filed 01/30/24 Page 1 of 31; Pablo E. Rosado Sánchez, Appellant
- h. Document 40 Filed 02/06/24 Page 1 of 2; 40-1 Filed 02/06/24 Page 1 of 29;
- i. Document 47 Filed 03/04/24 Page 1 of 2;
47-2 Filed 03/04/24 Page 1 of 1;
47-4 Filed 03/04/24 Page 1 of 34
- j. Document 48 Filed 03/11/24 P. 1-6;
Document 48-1 Filed 03/11/24 P. 1 of 12;
- k. Document 85 Filed 05/16/24 Page 1 of 1;
- l. Document 79 Filed 05/15/24 Page 1 of 12;
Opinion and Order, District Court Judge Silvia Carreño-Coll
Document 81, Filed 05/15/24 Page 1 of 1: Judgment
- m. Document: 00118234508 Page: 1 Date Filed: 01/13/2025
JUDGMENT, Entered: January 13, 2025: Gelpi, Kayatta and Rikelman, Circuit Judges.
- n. Order denying Rehearing: Required: Rule 14.1 (i) (iii); March 20 2025
Document: 00118247214 Page: 1 Date Filed: 02/12/2025
- o. My Response against Order of Court, Document: 00118247474, Date Filed: 02/13/2025:
This Rehearing Request was denied by the Court the day before I filed it;
- p. Document: 00118249290 Page: 1 Date Filed: 02/19/2025
2nd Response against Order of Court, Entered Feb. 19, 2025, Pablo E. Rosado Sánchez
- q. Document: 00118250395 Page: 1 Date Filed: 02/21/2025
Mandate, By the Court: U.S. Court of Appeals First Circuit

OPINIONS BELOW:

FROM 4 JUDGES

P. 1

The Mandate, based on their Judgment,
filed 8 days before:

Case: 24-1535 Document: 00118250395 Page: 1 Date Filed: 02/21/2025

First Circuit Appellate Judges
Gelpi, Kayatta and Rikelman: Judgment

Case: 24-1535 Document: 00118234508 Page: 1 Date Filed: 01/13/2025;

The Opinion and Order
of U.S. District Court Judge Silvia Carreño-Coll
Case 3:22-cv-01500-SCC Document 79 Filed 05/15/24 Page 1 of 12;

The Judgment of District Court Judge Carreño-Coll:
Case 3:22-cv-01500-SCC Document 81 Filed 05/15/24 Page 1 of 1

For Cases from Federal Courts

First Circuit Appellate Judges Gelpi, Kayatta and Rikelman: Judgment

Case: 24-1535 Document: 00118234508 Page: 1 Date Filed: 01/13/2025;

Order denying Rehearing: Required: Rule 14.1 (i) (iii); March 20 2025

Document: 00118247214 Page: 1 Date Filed: 02/12/2025

The Opinion and Order of U.S. District Court Judge Silvia Carreño-Coll

Case 3:22-cv-01500-SCC Document 79 Filed 05/15/24 Page 1 of 12;

The Judgment of District Court Judge Carreño-Coll:

Case 3:22-cv-01500-SCC Document 81 Filed 05/15/24 Page 1 of 1

This Case brought as Petition, is of such imperative public importance,

as to justify deviation,

from normal appellate practice, and to require immediate determination

in this Court, the Supreme Court of the United States.

See Lawsuit, Document 2:

- 1. Enduring the offensive conduct was presented as a condition for my continued employment through Uber Eats;**
- 2. The offensive conduct is severe, or persuasive enough to create a work environment that I, Pablo E. Rosado Sánchez, consider intimidating, hostile, or abusive;**
- 3. All this is clearly defined and shown as Harassment, a form of employment discrimination**
 - That violates Title VI of the Civil Rights of 1964;
 - The Age Discrimination in Employment Act of 1967;
 - The American with Disabilities Act of 1990;
- 4. This clearly appears at the official website of the U.S. Equal Employment Opportunity Commission:**
<https://www.eeoc.gov/harassment>

The Tip Steal Massive Scam: *against their own 6.5 million Uber Drivers in more than 70 Countries:*

Stealing \$1.827 Billion every 30 days exceeds by too far the minimum of \$400 dollars . . . It is not a misdemeanor . . . new evidence clearly shows

is even more than \$3,373 a year per Driver

Larceny is a crime at common law that refers to the illegal taking of the property of another with intent to deprive the owner thereof. See Cornell Law School, as shown: <https://www.law.cornell.edu/wex/larceny>

- 1. Last October 7, 2022, just when I reached my 4,500 delivery, See Lawsuit, included:**
The Uber Driver's Application that I use to work with Uber Eats, started to show what appeared to be a technical problem, but then, I found that was not the case:

- As the evidence included with the Lawsuit shows, not only a delivery order**
- I was about to complete with no problem, disappeared from my Uber Driver's Application, as if it never happened, but:**
- Uber, took this incident, to falsely accuse me of fraud;**
- This incident which took place last October 7, 2022, marked the start:**

Of a clear pattern of Harassment from Uber against myself, which continues today even last January 2025;

See evidence included

sending me with no reason, threats of deactivation from their own Uber's Platform, since back then, which is the equivalent of being fired from our work, with a frequency that not only shows, that no matter against the Law:

Harassment is part of the Uber's Policies with their own drivers.

The details appear in the Lawsuit, included;

- Evidence filed at the U.S. Court of Appeals for the First Circuit started to show this Against the Law pattern of Harassment, clearly shown at the U.S. Equal Employment Opportunity Commission continues even this year 2025:**

But the Mandate of the Appellate Judges, dismissing this Appeal, is not only incorrect: It also means that there is no legal way to stop Uber's Against the Law Violations.

See Mandate Document, included

2. On October 5th 2023, **Uber took their Harassment Policy to the next level: See Document 32, filed 10/10/23**

As shown in the Document number 32-1, originally filed at the U.S. District Court of Puerto Rico: that Oct. 5th 2023, while I was about to complete another Uber Eats delivery:

- My car was impacted at the rear, by a woman whose name appears in the Document, but fortunately, I had 2 car dash cameras installed on my vehicle, the same and only one I use for personal use, and Uber Eats, and no matter the images taken from the video, showing the accident, the same video the Police Officers saw at the scene, they saw the accident, and found the woman who impacted my car lied to them:

No matter all this, and that I activated the internal 9.1.1. System of the Uber Application to report the accident:

- Their Uber Driver's application kept sending me delivery orders *as if nothing was happening:*
- Their system was not allowing me to file the accident information, and, *apparently, no one was supervising*, it was just, their Generative Artificial Intelligence only?

The same Document 32-1 filed originally while the Case was still at the District Court, shows that Uber actually fired me from Uber, falsely alleging fraud, again, like back in Oct. 7th 2022, when Uber did not fire me:

Back then I was able to certify, like this time after the accident, and after I went to the Hospital, all that really took place: **BUT NO MATTER UBER DEACTIVATED ME: THEY FIRED ME FOR NEARLY 12 HOURS,**

WHEN A FALSE APOLOGY WAS RECEIVED THROUGH AN E-MAIL MESSAGE, SAYING IT WAS A TECHNICAL PROBLEM:

BUT IT CLEARLY WAS AN ACCIDENT PROVOKED BY SOMEONE ELSE: See Document 32, 32-1

In their apology e-mail, Uber didn't recognize the delivery was made either, in spite of the accident. (Images from the Documents were removed: Required

This year 2025, Uber increased its commission to drivers who get someone else new to join Uber: up to \$90 dollars, and is sending more offers than last year 2024:

E-mail Image removed: Required, March 20, 2025.

Images included in the Removed Images Exhibit

2 images from Rear Dash Camera were removed: Required on 03/20/2025

The 2 photos were showing the accident, and were allowed at the District Court
and at the Court of Appeals, First Circuit;

The more frequent e-mails, offering us up to \$90 if we bring someone else to Uber Eats,
who makes 20 deliveries or more:

**Means Uber is constantly trying to bring new drivers: WHO DO NOT KNOW NOTHING
ABOUT THE CYCLE SHOWN HERE.**

Statement of the Case *How can this be not of National Interest?* When it is of Worldwide interest

3. The Uber Tip Steal Scheme: by means of Generative Artificial Intelligence

Documents 36, 38, 39, 40, 47, 48, and 49 show more details about how Uber does this, by means of Artificial Intelligence, with no detailed precedent in the Federal Courts;

See Document 36-1, Page 5;

Uber informed on a C-NBC news program, there are 6.5 million Uber drivers

The reach of the Uber's application allows them to enforce their against the Laws policies nearly Worldwide, including their Tip Steal Scheme.

It reaches the point, I was, and still unable to pay the required fuel for my car, and it is only paid, many times, with the help of my Family.

The same happens with other expenses, including regular and non-regular car maintenance, which is really expensive:

The car's mileage during Uber Eats work, increases dramatically, and it compares only with commercially used vehicles.

If the required maintenance is not paid, with the correct parts, any driver simply will not be able to use their vehicle anymore, leaving us without job.

Document 36 also shows, an estimate of what Uber Eats is stealing monthly to myself as an Uber Eats Driver:

Uber paid me \$3,373.97 less in the year 2023: when compared with the year 2022:

When the average monthly salary reduction of \$281 per month is multiplied by 12 months of the year, it shows than on average, Uber is stealing to the 6.5 million

Uber's drivers, in more than 70 countries:

\$ 281 x 6.5 million Uber's Drivers = \$ 1.826.500 Billion Dollars;

Stolen by Uber through their application every 30 days;

Because the majority of the clients pay the tips through their application

This is what happens when the U.S. Federal Courts dismiss Cases, allowing companies like Uber to get away with Violations against the Law. **The new evidence I was not allowed enough time to present, at the First Circuit shows the average stolen per month, is even higher:**

This year on February 2025, Uber confirmed to C-NBC on an interview, they now have 170 million clients . . . Image showing amount of clients and Uber Drivers removed

Statement of the Case: **How Uber steals \$0.80 from \$1.00 tips?**

The 80%, 80 cents of 100 cents, or \$1.00

Case 3:22-cv-01500-SCC Document 40-1 Filed 02/06/24:

Uber eliminated the Uber Clients decided tips,

with the “Includes expected tip” fraud: EVEN FROM \$1.00 TIPS !!!!!

Images included in the Removed Images Exhibit

3 images from the above referenced Document were removed: Required, 03/20/2025

How Uber tried to make me believe, this Super Yacht Owner

only paid me \$1.00 as a tip: Image showing Super Yacht and Client from Document 48-1
was removed: Required, 03/20/2025

3 additional images from this same Document 48-1 were removed as required

Images included in the Removed Images Exhibit

screen captures taken from: Case 3:22-cv-01500-SCC Document 48-1 Filed 03/11/24

**So anyone could understand: After I personally certified, what took place on Feb. 5th 2024,
the \$1.00 tip**

was confirmed by the client,

Is impossible to believe, that this time, Uber reported “the truth”:

**THE TIP WAS NOT \$1.00, on Feb. 17th 2024, 12 days after
Uber didn't paid as “promotion” more than the Super Yacht Owner at all.**

Statement of the Case: The False Low and Stable Tips Pattern: "You Received an Extra of \$2.00, \$1.00, \$3.00"

How Uber ruins their own drivers: *The majority of the delivery orders pay, offered to us as drivers by Uber:*

- do not cover the distance expenses - do not include the full Tip, as decided by the clients:

Uber FALSELY, made the tips stable and low: *But tips never are, or were stable:*

Tips are like a cycle, up, down

- Orders with No Tips, Low Tips, Regular Tips, Higher than regular Tips, and much Higher Tips

- The higher tips compensate for those who cannot pay a Tip: But Uber "eliminated" the higher and most regular Tips also.

Image included in the Removed Images Exhibit:

2 images showing what is stated above were removed: Required, 03/20/2025

Statement of the Case: As an Uber Eats Driver, or from Uber, we have to reject most of the deliveries or trips

See the screen capture included: The worse acceptance rate I registered because of this:

7 out of 100

The screen capture image showing the above statement was removed as required

Image included in the Removed Images Exhibit

The low payment for most deliveries, provokes that I, as well as most drivers, started to reject most deliveries,

or we are going to be ruined by Uber, in my case Uber Eats; while they make themselves, millionaires: Image showing this, from the April 18, 2024 Document was removed.

Case 3:22-cv-01500-SCC Document 64 Filed 04/18/24 Page 2 of 2 From this Document:

"People are forced to remain silent by receiving money, like the defendant's attorney are doing,

in out of court arrangements, and the record at Court disappears "

..... THAT IS NOT GOING TO HAPPEN IN THIS CASE

Pablo E. Rosado Sánchez Appeal No. 24-1535; District Court No. 3:22-cv-01500

v.

Uber Technologies, Inc. **Response Against Order of Court**, Entered Feb. 12, 2025:

You all let yourself get entangled with the technical game of words: which allows Uber to call things something else, instead of calling things as they are, which disguises reality: **(1,951 clients know all this as of March 1st 2025)**

Your opinions are against the more than 1,800 clients who keep learning about this since last March 2024:

Rehearing Denied by Judges Gustavo A. Gelpi, Jr., William J. Kayatta, Jr., Julie Rikelman, Appellate Judges:

YOU ALLOWED A MAJOR COMPANY LIKE UBER TO CLEARLY VIOLATE THE LAWS; You are setting a legal precedent other big corporations will follow,

knowing you will do nothing New Evidence Shows: Uber Maintains,
against the Federal Laws, with no Federal Judge to defend Justice at all:
Document 47 confirms is a controlled policy and pattern which continues:

No matter what drivers do

1. TO STEAL: Against the Law for individuals: But you all made it technically legal to Uber?

Documents 36, 36-1; 38, 38-2, 39-1, 40, 40-1, 47 to 47-4; 48, 48-1; 49, 49-1; 62, 64, 70, 70-1,
The Tip Steal Fraud: expected tip fraud continues: *using Artificial Intelligence*

2. TO ENFORCE AN OFFENSIVE CONDUCT SINCE OCT. 7TH 2022 *Lawsuit, Document 2;*

WHICH CREATES AN INTIMIDATING, HOSTILE, AND ABUSIVE WORK ENVIRONMENT

WAS PRESENTED AS A CONDITION FOR MY CONTINUED EMPLOYMENT:

Harassment Policies against the Laws: using *threats of deactivation, the equivalent of firing us, even this year 2025;*

This includes their policy of creating false reports accusing us of things that never took place, making things appear reported different, trying to create false accusations against us;

3. BEING FIRED FROM UBER EATS WITH NO REASON: CALLED DEACTIVATION TO DISGUISE IT:

Document 32, 32-1, Filed 10/10/23: EVEN WITH DASH CAMERA IMAGES SHOWING THE TRUTH

It is affecting not only U.S. Citizens within the 50 States and within the U.S. Territories;

BUT 6.5 MILLION UBER DRIVERS AS OF JANUARY 2024;

MONTHS AGO UBER CERTIFIED THEY NOW HAVE 150 MILLION CLIENTS,

8 MILLION MORE THAN LAST JANUAY 2024;

Last January 3rd, 2025, my e-mail and Uber Eats Driver's Application received the following threatening message, Like the ones previously filed at the District Court, showing a clear pattern documented and filed since Oct, 7th 2022

The image from the Document showing this was removed as required:

Case: 24-1535 Document: 00118247474 Page: 3 Date Filed: 02/13/2025 Entry ID: 6700105

As Independent Contractors, No Uber Driver from any division,

is forced to accept all trips offered

The image from the following Document showing this was also removed:

Case: 24-1535 Document: 00118247474 Page: 4 Date Filed: 02/13/2025 Entry ID: 6700105

But both are false accusations: As independent contractors, no Uber Eats driver, or from any Uber division, is obligated to accept all the trips offered, as Uber really wants;

The irregular activity of my account is false, because I am just selecting

which delivery trips to accept and which delivery trips I am not going to accept.

The reports of orders not received are also false: Fortunately, I always contact Uber Eats Technical Support,

and explain the problem, like this Document could show again.

BUT IT TAKES MORE TIME TO ORGANIZE ALL

**In order to mask the reality, Uber keeps sending me, and probably all drivers,
an automated message insisting their delivery orders
“have transparency”; previously filed**

BUT ALL THE EVIDENCE I PRESENTED:

1. FIRST AT THE E.E.O.C.
2. THEN AT THE U.S. DISTRICT COURT OF PUERTO RICO
3. AND AT THIS FIRST CIRCUIT

**ALL EVIDENCE CLEARLY SHOWS, THAT PRECISELY UBER EATS
DELIVERY ORDERS
MOST OF THE TIMES HAVE NO TRANSPARENCY:**

- With a too high distance to be driven, but with a too low payment for me,
or any Uber Eats driver;
- With an “Includes expected tip” message, that does not concur
with what any client criteria uses in order to decide his or her tip for any of us;
In fact, is Uber the one who is deciding our tip, through their application
with artificial intelligence, not their clients.

**My Lawsuit shows Uber can report the client paid no tip at all, no matter
the client says they left a tip?
Even with low \$1.00 tips, Uber can report the client left no tip and paid me just 20 cents
as “promotion”?**

**SINCE WHEN YOU CAN STEAL 80 CENTS FROM \$1.00 AND CALL IT
“A PROMOTION”?**

See Previous Pages:

I CAN TELL YOU THE ANSWER: SINCE UBER’S LAWYERS CONVINCED
THE SAME FEDERAL COURTS
WITH FALSE ARGUMENTS ABOUT THIS.

Statement of the Case: FILED HERE: Automated message saying delivery request have "Total Transparency" in Spanish: ***Image removed as required: Included***

in Removed Images Exhibit

Inside and Below the blue square, top right of the screen capture received days ago:

"Accept delivery requests to increase your earnings" FALSE,

We have to reject many delivery requests; See Previous Pages,

"Pablo, we suggest you revise the information about the earnings, time and distance, before accepting or rejecting a request." THAT IS WHY I REJECT MANY, PRECISELY;

Case: 24-1535 Document: 00118247474 Page: 6 Date Filed: 02/13/2025 Entry ID: 670010

As independent contractors, no Uber Eats drivers is forced to accept a delivery trip, when:

1. Distance to be driven is too high when compared to what Uber Eats wants to pay:

Too many times Uber Eats is offering a too high distance trip, for a too low pay:

See evidence, but not included

If any driver accepts, all the many orders with low payment

but with too high driving distance, This is what happens:

1. The fuel, wear of the vehicle, regular maintenance, and repairs, are not covered with our salary

Any Uber Eats driver, will find he or she is driving his or her car:

For too many miles within a short period of time: See evidence:

Page 13

You did not allowed time to include it, but what is filed clearly shows this

1. Accelerating the refueling of the vehicle, which is expensive;
2. The regular maintenance required, which is critical;
3. The non-regular repairs, which are also critical;
- 4. BUT WITH NOT ENOUGH MONEY TO PAY**

FOR THE 3 CRITICAL AND EXPENSIVE ITEMS LISTED ABOVE:

My Lawsuit shows, **this Uber's Against the Law policies started to be fully enforced**

See Lawsuit, Document 2

Just when I reached 4,500 deliveries: NOW I PASSED 10,100 DELIVERIES !!!!

See evidence not included, not enough time allowed

**IT MAKES NO SENSE TO DRIVE A LOT OF MILES FOR A TOO LOW PAY
WITH NONE OF HIS OR HER EARNING GOALS MET, BY FAR ...**

**KNOWING UBER IS STEALING THE TIP, AT AN AVERAGE THAT NOW COULD
BE HIGHER THAN BEFORE, REPORTED AT \$281 PER MONTH**

Statement of the Case: **The False Same Payment for 2 Delivery Orders Scheme:**

It says Delivery(2): 2 Deliveries

Is false because the Client's Tips are never the same: Note that our pay is lower than distance to be driven

\$2.50 each client? Does anyone believes that is how Clients pay Tips?

2 images showing this removed: Included in Removed Images Exhibit

The False Non Fast Food Restaurants Low Pay Scheme: *See also distance higher than our pay*

Clients from Restaurants who use to pay better Tips now pay less tips?

FALSE, IS UBER STEALING THE TIPS

Late at night, tips are higher too: IS A SCAM

2 images showing this removed: Included in Removed Images Exhibit

Statement of the Case: Clients do not care about short distances either,
when they decide to pay a tip:

***This was not a cash tip: Uber allowed a regular tip on this occasion, regardless
of the very short walking distance delivery:***

Case 3:22-cv-01500-SCC Document 85 Filed 05/16/24 Page 1 of 1 Now, this rarely happens

In the United States District Court for the District of Puerto Rico

Plaintiff: Pablo Enrique Rosado Sánchez

v.

Civil No. 3:22-cv-01500- SCC

Defendant: Uber Technologies, Inc.

**A Security Guard paid a \$3.00 tip for just to walk across the street for this delivery;
impossible he gave me a better tip than the Super Yacht Owner, See Document 48-1
for a very short walking distance delivery;**

**This proves each and every client wants to decide the amount of the tip,
or no tip, they pay or not;**

THE TIPS ARE NOT TO BE DECIDED BY THE COMPANY, BUT THAT IS WHAT UBER WANTS

This was very common: fast food deliveries with higher than \$2.00 tips;

An Engineer's Corp Security Guard, who made an Uber Eats Order,
but from the McDonalds Restaurant located just in front of the building he works at,
the Engineers Corp Building, located at Fernandez Juncos Avenue, in Old San Juan,
Security guards are not allowed, and cannot abandon their job or position,
while they are working, unless is an emergency. I told him, this was the most incredible order
6:51 am I picked the order, 6:52 a, seconds after, I arrived?

**See next page for the screen captures showing the exact time, top left corner of each;*

Note I accepted the delivery at 6:36 am: Driving distance was 5.2 miles

from where I was located

*** The 3 screen captures included in the Document filed at the U.S. District Court of P.R.
were removed as required: Included in the Removed Images File Exhibit**

Statement of the Case: Last Sunday, February 23rd 2025.

Sundays were one of the best days for tips, NOT ANYMORE;

if tips were allowed as the Clients want, BUT UBER "DECIDES" TIPS

no matter the day of the week, we can have a much better pay

covering our expenses, including regular/non regular car maintenance;

The following calculation is used by many Uber's Drivers, regardless the division they are,

in order to accept or reject:

Screen captures showing all delivery orders are available, ***but it will extend the Petition:***

will be available if required

In the morning of this Sunday:

Uber Eats Delivery accepted orders:	2	1 st order Distance reported by	
+ Delivery rejected orders:	<u>10</u>	Uber Eats:	6.1 miles
Total:	12	2 nd order Distance:	3.0 miles
		Total:	9.1 miles

Rejected Orders Total Distance: 59.6 miles

Rejected Orders Total Payment: \$44.94

\$44.94 payment – 59.6 miles = - \$14.66 payment/miles difference

the 10 deliveries I rejected, end with a negative difference: ARE A LOSS

NO TIP AT ALL, NOTHING COVERED . . . -\$14.66 / 10 = -\$ 1.466 per delivery

1st order Driver's payment according to Uber: \$6.86

2nd order Driver's payment according to Uber: \$3.85

Total Driver's Expected Payment: \$10.71

\$10.71 payment – 9.1 miles = \$1.61 payment/miles difference

For a Sunday Morning, this was too low,

in comparison with previous years like 2021/2022:

\$1.61 for many drivers, is considered as the Tip earned

due to car mileage, depreciation, fuel, regular maintenance,

non-regular maintenance, plus required repairs;

UBER DOES NOT PAY FOR ANY OF THE ABOVE LISTED

ALL HAS TO BE COVERED BY THE DRIVER: THIS IS WHY THIS METHOD IS USED

\$1.61 / 2 = \$0.805 cents. The Tips were like 80 ½ cents for each delivery:

The evidence included previously, shows this Tips were not decided

by the same Clients, but by Uber.

Statement of the Case: **Screen Capture with File Information:** Images included
Trips completed: 2 in Removed Images Exhibit
Trips offered: 12 (Tips entered 12 31 pm)

Statement of the Case: In the afternoon of this Sunday, February 23rd 2025:

Uber Eats Delivery accepted orders: 2
+ Delivery rejected orders: 12
Total: 14

1st order Driver's payment
according to Uber: \$11.59

2nd order Driver's payment
according to Uber: \$11.59

Total Driver's Expected Payment: \$23.18

Total Payment: \$15.34 *without all tips processed*

1st order Distance reported: 5.65 miles *Distance was different for each*
2nd order Distance : 5.65 miles *2 orders offered together*
Total: 11.3 miles

For 9.1 miles, my expected payment was

23.18 payment – 11.3 miles = \$11.88 payment/miles difference

This difference is in the driver's favor, **BUT:**

I rejected 12 of 14 orders: 12 / 14 = 85.7 %

I rejected a too high percentage of orders
until this one was offered; **Counting the morning,**

I rejected 22 out of 26: 22 / 26 = 84.6 % of the orders

Rejected Orders Total Distance: 77.1 miles

Rejected Orders Total Payment: \$ 57.05

57.05 payment – 77.1 miles = - \$20.05 payment/miles difference

Negative difference is against the driver: 12 REJECTED DELIVERIES WERE A LOSS:

WAS THE EQUIVALENT OF - \$1.67 per delivery: -20.05 / 12 rejected = -\$1.67

Any other Uber Eats Driver who accepts any of those deliveries is losing money:

Will accelerate his or her vehicle depreciation and all maintenance, for nothing. P.17

Statement of the Case: **But at night, this same Sunday, February 23rd 2025,**

Uber offered me 42 deliveries:

I only accepted 2: I was connected during the 14 miles trip back Home:

Working with Uber is not like sitting in an office;

Rejected Deliveries Total Distance: 179.8 miles

Rejected Deliveries Total Payment: \$ 187.07

187.07 payment – 179.8 miles = \$ 7.27 payment/miles difference

The positive difference in this case was only \$7.27 . . .

Driving from 9:29 p.m. to 11:32 p.m. = 2 hours 3 minutes

Starting late at night, ending too late at 11:32 p.m. DRIVING

Tips are higher at night: Clients recognize the dangers: BUT NOT UBER . . .

\$7.27 is considered as the Tip of the rejected 40 deliveries:

due to car mileage, depreciation, fuel, regular maintenance, non-regular maintenance, plus required repairs;

UBER DOES NOT PAY FOR ANY OF THE ABOVE LISTED

ALL HAS TO BE COVERED BY THE DRIVER:

\$7.27 / 40 = \$0.1817 cents. The tips were equivalent to 18.2 cents per delivery:

**= ONLY CENTS The evidence previously included shows,
this tips were decided by Uber: NOT BY THE CLIENTS**

With a few exemptions, the majority of the rejected 40 trips were a loss.

Other valid reasons to reject deliveries:

- The level of risk related to where the business or the delivery address is located, late at night;**
- How easy or difficult, are the parking facilities,**
- If there is no parking, late at night;**
- Our own level of fatigue: tiredness**
- The car's fuel level: so we don't have to refuel too late at night: dangerous**

PAYING US CENTS AS TIPS IS A CORPORATE MASSIVE TIP STEAL SCAM:

That is not the way Clients pay the tips: Clients don't pay tips of 18 cents . . . is Uber

Statement of the Case: Uber's Suspicious Cancellation Procedures

NO MATTER THE ORDER WAS DELIVERED?:

Case 3:22-cv-01500-SCC Document 38 Filed 01/30/24 Page 1 of 2 *From this Document:*

Artificial Intelligence, used to deceive the Uber drivers?

If Uber steals \$7.00 from each driver daily: $\$7.00 \times 6.5 \text{ million} = \$45.5 \text{ million daily?}$

See Document 36-1; Lawsuit, Document 2:

Reported over the phone as a Pizza Hut Error, But Uber wanted to keep the driver's tip,
paid by the client to the driver;

"If the client paid the tip, (then), where is it ?" See Dockets 36, 36-1

- Uber Eats Technical Support Representative named Mr. Andrey wrote:

"Hi, Pablo. I have reviewed the details of this delivery and can see that the rate
was applied correctly,
so adjustments are not possible on this occasion. Thanks for your understanding.

Andrey - Jan, 10:33 pm "

- But he wrote nothing about where the tip, paid by the client through the Uber Eats app.,
went, or ended;

This incident with this specific delivery, shows a problem that I denounced
to their Technical Support over the phone several times in the past, with this restaurant
called Pizza Hut: no matter how many times

I reported the problem, so that Uber Eats corrects this problem, the problem remain
unresolved.

1. As the included screen shots show, See Screenshot_20240128_152037_Uber Driver
and others
this specific delivery included an estimated amount extra for a tip, of \$7.82:
But, my payment was limited to just \$7.19, less than $\frac{1}{2}$ of the expected earnings for myself.
Instead of contacting Uber Eats Tech. Support over the phone, this time,
I decided to contact them in writing, as the included screen shots showing
my conversation with Bibiana, shows.

2. As with other orders, the Uber Eats application shows, either by error, or negligence,
because there is no reason for not having this corrected after many complaints on my part,
as well as from other drivers, Uber Eats requires the client, to show an identification
like when an order includes alcoholic beverages but, that is not the case with most
of the orders from Pizza Hut; I cannot remember any order from Pizza Hut
delivered by myself, with an alcoholic beverage.

3. THE APPLICATION DOES NOT ALLOW US TO CERTIFY THE DELIVERY,
NO MATTER IT WAS MADE,
IF THE CLIENT DOES NOT SHOW AN I.D. TO SCAN
OR ENTER THE REQUIRED INFORMATION.

4. The correct procedure is to report the problem
to Uber Eats Tech. Support:
they either cancel the order, or make an adjustment so we can be paid,
after they certify delivery was made
by contacting the same customer, or, they instruct us, like this time,
to return the delivery to the store
or restaurant, which is unnecessary, there was nothing to be returned,
DELIVERY WAS MADE:
no matter which of the options is used their application shows
the delivery was not made.

THEN CUSTOMER PAID THE TIP,
BUT, IT WAS NOT GOING TO BE INCLUDED ?

THERE IS NO JUSTIFICATION. WHAT IF I DECIDE NOT TO COMPLAIN?

See Screenshots and translation*

**All screenshots were not included, but the main portion of the Document
was copied for this Petition:*

*There are more incidents showing bad Uber's Policies: this shows tip steal
masked with procedures...*

***Screen shots included in the Removed Images Exhibit**

Statement of the Case: **Uber Eats does not assigns deliveries based on how close to the business their Driver is:**
Contrary to what many people might think:
Uber can show an area as inactive BUT IS FALSE!

Case 3:22-cv-01500-SCC Document 39 Filed 01/30/24 Page 1 of 2 *From this Documents:*

Case 3:22-cv-01500-SCC Document 39-1 Filed 01/30/24 Page 14-15 of 31

Uber's New Generative Artificial Intelligence

Used Against Us As Drivers:

See Documents 36-1, 36, Lawsuit, 32, 32-1, 35, 35-1

New evidence and references included;

The Wed. Jan. 25th 2024 Incident:

Witnessed by Starbucks Employees;

- while the Uber Eats application was showing the area as inactive most of the time;
- **the area was not inactive:**

None of the 9 Starbucks orders that entered was offered to me for delivery:

- ***I was there with the Uber Eats App. Active;***
- ***This Starbucks is located at one of the key points of Uber Eats activity;***

See Document 36;

- ***I was there during a period of more than 1 hour;***
- ***Closer than the other Drivers;***

*See evidence and screen captures included**

**All Document not included in this Petition:*

would be provided if required

Please note:

Uber's Bubble shown means

Uber Eats was active;

Images removed: included in the Removed Images Exhibit

**Statement of the Case: The Salary Decline Continues: BUT UBER'S HARASSMENT
AND MASSIVE TIP STEAL DOES NOT STOP:**

As many others I had to reduce the amount of deliveries:

Of all deliveries that Uber wants to pay us too low, only cents

- 1. To protect my vehicle; - Uber does not pay regular, or non-regular maintenance, nor repairs**
- 2. To reduce the fuel expense; - Uber does not pay fuel allowance either**
- 3. To reduce our own fatigue driving too much and protect our Health;**
- Is unhealthy to just keep driving non-stop; See Lawsuit, Document 2

Hundreds of deliveries less per year, but online miles accrued didn't decreased significantly:
more than 10,192 deliveries now

THE UBER ONLINE MILES INCREASED LAST YEAR 2024

WHILE MY ANNUAL PAY DECREASED BY THOUSANDS OF DOLLARS

Originally filed in horizontal format, with 3 Tax Summaries provided by Uber
for the years 2022, 2023, and 2024;
Included in the Removed Images Exhibit

**Statement of the Case: The False “+ Add an additional delivery” Scheme for just cents . . .
less pay than distance too**

Many times while connected to Uber Eats, we are offered an additional delivery from the same business, with a too low pay, many drivers lean to reject: Translated: “Incluye el monto extra previsto”, “Includes expected tip”: It is a scam

Image removed: Included in the Removed Images Exhibit

When compared to the year 2023, no matter I was able to save on fuel,

See Case 3:22-cv-01500-SCC Document 36 Filed 01/22/24 Page 1 of 2:

**\$3,417.45 in 2023 - \$2,672.85 in 2024 = \$744.60; Still this saved amount is 4.53 times less
than estimated Uber's Tip Steal of the year 2023.**

The total miles I drove last year 2024 were almost the same: *See Document referenced
above*

24,813 miles in 2024 – 24,673.6 in 2023 = 139.4 miles less in 2024 *Estimate was \$3,373.97
Stolen by Uber*

In order to save money on fuel, the routes for delivery can also be selected, or rejected
when so many times the too low Uber Eats payment per delivery does not consider:

- Rush hour traffic: *no matter Uber added a live function for us
to report heavy traffic;
it is only available when we are on a delivery, not always;*

- Mountainous Terrain: *Even Hybrids* spend more fuel in this type of terrain,
but no matter Uber keeps their policies
including tip steal under any of these conditions;*

**My car is a 2005 Toyota Corolla, non-hybrid*

Total car's miles driven last year 2024: 24,813 miles; P. 23

Year 2024 gasoline amount paid*: \$ 2,672.85

** includes average 4 previous purchases before Feb. 1st 2024.*

**from my personal record, Receipts after Feb. 1st to Feb. 17th lost: \$112.75 / 4 = \$28.19
\$28.19 was added 4 times as average purchase every 4 days*

2024 Summary provided by Uber:

18,168 online miles with Uber Eats; - 16,839 miles in 2023 = 1,329 miles less on Uber Eats

Nearly 73.22 miles of every 100 miles, 73.22%, I was connected to Uber Eats driving;

The difference was less miles on Uber Eats, lower gasoline prices this year 2024,

AND REJECTING THE MAJORITY OF THE UNDERPAID DELIVERIES UBER EATS STILL OFFERS

How is that Uber fabricates a false case against experienced drivers: LATEST INCIDENT

2/27/2025

*Uber prefers to replace their experienced drivers with new ones,
that do not know anything about the Question Presented here ?*

No matter you as Driver report this kind of problems since years ago, Uber does nothing:

SEE LIVE CHAT IMAGES Images included in the Removed Images Exhibit

More details if required would be provided:

One of the dirty tricks used by Uber, is to report things in their own System

so they appear as a negative action taken by their own Uber's Driver,

NO MATTER THAT IS NOT THE TRUTH

If the Driver does not pay attention, this things easily pass unnoticed:

THEY EVEN LABEL THE ISSUE AS "SOLVED" AND WRITE AS ANYONE CAN SEE,

**"IT WILL NOT AFFECT YOU" BUT IS FALSE: UBER KEEPS THE FALSE CANCELLATION REPORTED
AGAINST THEIR OWN DRIVER, KNOWING IT DOES AFFECT.**

Images removed: Included in Removed Images Exhibit as required

As shown here at left, their technical support does not recognize

their own Driver did not cancelled the order:

FALSE: Uber has a "policy" of not reporting things correctly.

What the drivers have to do with the client

when they cancel an order? NOTHING:

**BUT UBER WANTS
THE NEGATIVE REPORT
TO APPEAR AS IF IT WAS
THEIR DRIVER, WHEN
THAT IS NOT TRUTH.**

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A FALSE NEGATIVE REPORT STAYS:

BUT UBER APPRECIATE US? **Chat images removed:**

Included in Removed Images Exhibit as required

FALSE: THEY WANT A NEW DRIVER WHO IS UNAWARE OF ALL THEIR UNLAWFUL PRACTICES.

See the Question Presented; **Their Uber's Driver Application keeps sending the message:**

The Cycle included at the beginning of the Petition.

2/28/2025

As if I cancelled the orders!

BUT IS FALSE;

They are creating a false case against us, quietly.

and look the other image at right: "MAY RESULT IN DEACTIVATION"

Chat images removed: Included in Removed Images Exhibit as required

Statement of the Case: To appear as if they allow higher tips decided by the clients,

Now for the first time, since April 2021?

Uber is sending a couple of e-mails, recognizing a higher tip was given to us ?

UBER HAS TO ALLOW A FEW HIGHER TIPS TO PASS THROUGH THEIR APP

TO KEEP COVERING THE TRUTH: THOSE ARE THE KIND OF TIPS UBER MADE "DISSAPEAR",

STEALING THEM

E-mail images removed:

Included in Removed Images Exhibit as required

REASONS FOR GRANTING THE WRIT:
Both Lower Courts deviated from what a Court of Justice is

The opinions, judgments, and now the Mandate of 3 Appellate Judges and a District Judge:

**Are allowing Uber to continue to enforce as a “Policy” something
that is completely Unlawful,
clearly described at the U.S. Equal Employment Opportunity Commission;
With a technical opinion: robbery and harassment are still allowed:
THOSE ARE THE CONSEQUENCES OF THE OPINIONS OF 4 JUDGES;**

**They took the evidence, put it aside, and started to refer to other Case
submitted by someone else, and even wrote:**

“Uber suggests that the court lacks statutory appellate jurisdiction,
but we assume, in Appellant's favor, that the matter properly is before the court.
See, e.g., Restoration Pres. Masonry, Inc. v. Grove Eur. Ltd., 325 F.3d 54, 58-60
(1st Cir. 2003) (discussing bypass of statutory-jurisdiction issues in favor of affirming
on the merits).

Uber cannot say my Lawsuit is not true: BECAUSE IT IS TRUE, BACKED BY EVIDENCE;
BUT THE JUDGES ARE FORCING THE CASE OUT OF COURT,
SO THERE WOULD BE NO PRECEDENT
AND I WOULD HAVE TO MAKE SILENCE
UNDER AN AGREEMENT WITH THE PEOPLE WHO PROVOKED THE PROBLEM?

And then: The Cycle continues, another new driver starts to work with Uber:

- Without any legal defense; no precedent; at the Federal Courts;**
- The Driver will complain: BUT NOTHING WILL HAPPEN?**
- Silence is Required?: So Uber can keep “their policies”?**

Not knowing Appellate Judges will deny Rehearing, all this summary ended
as the Petition. It was originally intended for the U.S. Court of Appeals for the First Circuit.

The Horizontal format with the images originally used,
allows a more complete version and picture, without having to look at other Documents,
but it was not allowed.

Additional Reasons to Grant Review on a Writ of Certiorari: National Importance

**The Use of Generative Artificial Intelligence for illegal activities
will remain without a clear precedent in the Federal Courts:
against 6.5 million people**

This Petition is not only of National Importance:

As of Today, 1,951 Uber Eats clients, and counting, had the chance to learn about this only through me, Since March of last year 2024; in English, Spanish, including from other Countries, without counting the People to whom they decided to speak about this, which multiplies the People who know; without counting other Uber Drivers efforts, as we can see over the Internet, with content creators who are Drivers, from Uber, or from Uber's Competitors, who are daily presenting this same problem:

It qualifies for World Wide Importance, due to the reach of the Uber's Driver Application, and that it affects 6.5 million Uber Drivers:
Not only in the United States and its Territories like Puerto Rico

No matter, Uber does not care, and celebrate how much money they make, no matter: See Question Presented

Uber is stealing their own driver's tips, with no respect at all,
but was allowed by 2 Federal Courts?

The Uber's Harassment Policy against the own drivers, is illegal at the U.S. Equal Employment Opportunity Commission,

Steal is still illegal; BUT NOT AT THE FEDERAL COURTS?

Something is wrong, and there is no Judges will to correct it at all.

No matter: that was there job.

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Conclusion

The Petition for a Writ of Certiorari should be granted.

Respectfully Submitted,

Pablo E. Rosado Sanchez

Date: March 3, 2025