

No. 25-__

In The
Supreme Court of the United States

YESIT CAMPO, ET AL.,

Petitioners,

v.

UBER TECHNOLOGIES, INC., ET AL.,

Respondents.

On Petition for a Writ of Certiorari
to the Florida Supreme Court

PETITION FOR A WRIT OF CERTIORARI

Ramon M. Rodriguez, Esq.	Raymond J. Rigat
Ramon M. Rodriguez, P.A.	<i>Counsel of Record</i>
Gables International Plaza	23 East Main Street
2655 S. LeJeune Road	Clinton, Connecticut 06413
5th Floor	(860) 853-0039
Coral Gables, FL 33134	raymondjrigat@gmail.com
(305) 448-2008	
rmr.lawoffice@att.net	

Counsel for Petitioners

QUESTIONS PRESENTED

In a wrongful death civil case and trial, pursuant to the Seventh Amendment's right of trial by jury, should a demanded jury trial proceed against the lower tribunal Defendants UBER TECHNOLOGIES, INC., RASIER, LLC, RASIER (FL), LLC and RASIER-DC, LLC in order to allow the jury to hear and weigh the record evidence including the opportunity to draw adverse inferences from the record evidence against the lower tribunal Defendants UBER TECHNOLOGIES, INC., RASIER, LLC, RASIER (FL), LLC and RASIER-DC, LLC?

In a wrongful death civil case and trial, pursuant to the Fourteenth Amendment's due process, should a demanded jury trial proceed against the lower tribunal Defendants UBER TECHNOLOGIES, INC., RASIER, LLC, RASIER (FL), LLC and RASIER-DC, LLC in order to allow the jury to hear and weigh the record evidence including the opportunity to draw adverse inferences from the record evidence against the lower tribunal Defendants UBER TECHNOLOGIES, INC., RASIER, LLC, RASIER (FL), LLC and RASIER-DC, LLC?

LIST OF PARTIES

Petitioner is YESIT CAMPO, as Personal Representative of the Estate of Arlevys Molina, for the use and benefit of the Estate of Arlevys Molina, and the Estate of Arlevys Molina.

Respondent is UBER TECHNOLOGIES, INC. (UBER), RASIER, LLC, RASIER (FL), LLC, RASIER-DC, LLC and ORLANDO BAEZ CASTILLO.

STATEMENT OF RELATED PROCEEDINGS

This case arises from the following proceedings:

Campo v. Uber Techs., Inc.,
2025 Fla. LEXIS 1864, 2025 LX 436577(Fla. 2025)

Campo v. Uber Techs., Inc.,
407 So. 3d 503 (Fla. 3d DCA 2025)

Yesit Campo (PR) v. Orlando Baez Castillo, et al.
In the Circuit Court of the Eleventh Judicial Circuit
in and for Miami-Dade County, Florida
2019-031984-CA-01

The Trial Court denied Plaintiff's Motion for
Rehearing and Motion for Reconsideration on
August 8, 2023

Yesit Campo (PR) v. Orlando Baez Castillo, et al.
In the Circuit Court of the Eleventh Judicial Circuit
in and for Miami-Dade County, Florida
2019-031984-CA-01

The Trial Court entered Final Judgment in favor of
Defendants, Uber Technologies, Inc., Rasier, LLC,
Rasier (FL), LLC, and Rasier-DC, LLC on all claims
raised by lower tribunal Plaintiff in the action on
April 17, 2023

Yesit Campo (PR) v. Orlando Baez Castillo, et al.
In the Circuit Court of the Eleventh Judicial Circuit
in and for Miami-Dade County, Florida
2019-031984-CA-01

The Trial Court granted Uber Technologies, Inc.

("Uber"),
Rasier, LLC, Rasier (FL), LLC, and Rasier-DC, LLC
(collectively "Defendants") Motion for Summary
Judgment on April 12, 2023

TABLE OF CONTENTS

QUESTIONS PRESENTED i

LIST OF PARTIES. ii

STATEMENT OF RELATED PROCEEDINGS iii

TABLE OF AUTHORITIES. viii

INTRODUCTION. 1

OPINIONS BELOW. 2

JURISDICTION. 2

CONSTITUTIONAL PROVISIONS
INVOLVED 3

STATEMENT 3

 I. Material Facts. 3

 II. Randy J. Patrick, Petitioner's safety and
 motor vehicle transportation safety
 expert. 22

 III. UBER exercised a significant degree of
 control over CASTILLO contrary to an
 alleged independent contractor
 relationship. 30

REASONS FOR GRANTING THE PETITION 40

CONCLUSION..... 47

APPENDIX

A. The Florida Supreme Court's decision to decline jurisdiction, *Campo v. Uber Techs., Inc.*, 2025 Fla. LEXIS 1864, 2025 LX 436577(Fla. 2025) 1a

B. The Third District Court of Appeal's decision affirming the Trial Court, *Campo v. Uber Techs., Inc.*, 407 So. 3d 503 (Fla. 3d DCA 2025) 3a

C. The Trial Court denying Plaintiff's Motion for Rehearing and Motion for Reconsideration on August 8, 2023 11a

D. The Trial Court entering Final Judgment in favor of Defendants, Uber Technologies, Inc., Rasier, LLC, Rasier (FL), LLC, and Rasier-DC, LLC on all claims raised by lower tribunal Plaintiff in the action on April 17, 2023 17a

E. The Trial Court granting Uber Technologies, Inc. ("Uber"), Rasier, LLC, Rasier (FL), LLC, and Rasier-DC, LLC Motion for Summary Judgment on April 12, 2023 20a

F. Traffic Homicide Photograph of Chevrolet Vehicle 30a

G. Traffic Homicide Photograph of Two Phones 31a

H. Todd Gaddis Affidavit and Exhibit A 32a

SUPPLEMENTAL APPENDIX UNDER SEAL

1. Uber Application Status Data SA1 - SA9
(June - December 2017)
2. Exhibit A to Todd Gaddis' SA10 -SA11
Affidavit

TABLE OF AUTHORITIES

Cases

<i>Beacon Theatres v. Westover</i> , 359 U.S. 500, 79 S. Ct. 948 (1959)	46
<i>Campo v. Uber Techs., Inc.</i> , 2025 Fla. LEXIS 1864, 2025 LX 436577 (Fla. 2025)	2
<i>Campo v. Uber Techs., Inc.</i> , 407 So. 3d 503 (Fla. 3d DCA 2025)	2
<i>Colon v. Lisk</i> , 13 A.D. 195, 43 N.Y.S. 364, <i>affd</i> , 153 N.Y. 188, 47 N.E. 302 (1897)	43
<i>Dep't of Revenue v. Printing House</i> , 644 So. 2d 498 (Fla. 1994)	44, 46
<i>Dimick v. Schiedt</i> , 293 U.S. 474, 55 S. Ct. 296 (1935)	46
<i>Dudley v. Harrison McCready & Co.</i> , 127 Fla. 687, 173 So. 820 (1937)	42, 44
<i>Hollywood, Inc. v. Hollywood</i> , 321 So. 2d 65 (Fla. 1975)	40, 41, 43, 47
<i>In re 1978 Chevrolet Van</i> , 493 So. 2d 433 (Fla. 1986)	42, 44, 46
<i>Jacob v. New York City</i> , 315 U.S. 752, 62 S. Ct. 854 (1942)	46

<i>One 1976 Mercedes Benz,</i> 618 F.2d 453 (7th Circ. 1980)	43
<i>Parsons v. Bedford, Breedlove & Robeson,</i> 28 U.S. (3 Pet.) 446, 7 L. Ed. 732 (1830). . .	43
<i>People v. One 1941 Chevrolet Coupe,</i> 37 Cal.2d 283, 231 P.2d 832 (1951).	43
<i>State v. 1920 Studebaker,</i> 120 Or. 254, 251 P. 701 (1926)	43
<i>Wiggins v. Williams,</i> 36 Fla. 637, 18 So. 859 (1896).	43
Florida Constitution	
Art. I, § 22, Fla. Const	44, 47
Florida Rules of Civil Procedure	
Fla. R. Civ. P. 1.430(a).	45
Statutes and Rules	
28 U.S.C. § 1257(a).	2
United States Constitution	
U.S. Const. amend. VII	1, 3, 41-47
U.S. Const. amend. XIV	1, 3, 41, 45-47

INTRODUCTION

This is a wrongful death action arising from a fatal motor vehicle accident resulting in the death of Arlevys Molina. Lower tribunal Defendant, ORLANDO BAEZ CASTILLO, was operating a 2012 Chevrolet vehicle, VIN # 2G1WF5E31C1128435, Florida Vehicle License # GNIH77, when he struck and killed pedestrian Arlevys Molina. Lower tribunal Defendant, ORLANDO BAEZ CASTILLO, was operating a rideshare for-hire-vehicle for/with Respondent UBER TECHNOLOGIES, INC., RASIER, LLC, RASIER (FL), LLC and RASIER-DC, LLC. The trial court granted UBER TECHNOLOGIES, INC.'s, RASIER, LLC's, RASIER (FL), LLC's, and RASIER-DC, LLC's Motion for Summary Judgment. The trial court's ruling was affirmed by the Third District Court of Appeal, and jurisdiction was declined by the Florida Supreme Court.

The trial court's ruling deprived Petitioner, Yesit Campo, et al., of their Seventh Amendment right of trial by jury, including affording the jury the opportunity to draw adverse inferences from the record evidence against the lower tribunal Defendants UBER TECHNOLOGIES, INC., RASIER, LLC, RASIER (FL), LLC and RASIER-DC, LLC. Furthermore, the trial court's ruling deprived Petitioner, Yesit Campo, et al., of their Fourteenth Amendment due process, including affording the jury the opportunity to draw adverse inferences from the record evidence against the lower tribunal Defendants UBER TECHNOLOGIES, INC., RASIER, LLC, RASIER (FL), LLC and RASIER-DC, LLC.

OPINIONS BELOW

The Florida Supreme Court’s decision to decline jurisdiction, *Campo v. Uber Techs., Inc.*, 2025 Fla. LEXIS 1864, 2025 LX 436577(Fla. 2025), is reproduced in the Appendix at (App. A).

The Third District Court of Appeal’s decision affirming the Trial Court, *Campo v. Uber Techs., Inc.*, 407 So. 3d 503 (Fla. 3d DCA 2025), is reproduced in the Appendix at (App. B).

The Trial Court denying Plaintiff’s Motion for Rehearing and Motion for Reconsideration on August 8, 2023 is reproduced in the Appendix at (App. C).

The Trial Court entering Final Judgment in favor of Defendants, Uber Technologies, Inc., Rasier, LLC, Rasier (FL), LLC, and Rasier-DC, LLC on all claims raised by lower tribunal Plaintiff in the action on April 17, 2023 is reproduced in the Appendix at (App. D).

The Trial Court granting Uber Technologies, Inc. (“Uber”), Rasier, LLC, Rasier (FL), LLC, and Rasier-DC, LLC (collectively “Defendants”) Motion for Summary Judgment on April 12, 2023 is reproduced in the Appendix at (App. E).

JURISDICTION

The Court’s jurisdiction rests on 28 U.S.C. § 1257(a). The Florida Supreme Court declined to accept

jurisdiction on October 24, 2025.

CONSTITUTIONAL PROVISIONS INVOLVED

The Seventh Amendment provides in relevant part:

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

The Fourteenth Amendment provides in relevant part:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT

I. Material Facts.

This is a wrongful death action arising from a fatal motor vehicle accident resulting in the death of

Arlevys Molina. Lower tribunal Defendant, ORLANDO BAEZ CASTILLO (hereinafter referred to as "CASTILLO"), was operating a 2012 Chevrolet vehicle, VIN # 2G1WF5E31C1128435, Florida Vehicle License # GNIH77, when he struck and killed pedestrian Arlevys Molina. CASTILLO was operating a rideshare for-hire-vehicle for/with Respondent and lower tribunal Defendants UBER TECHNOLOGIES, INC., RASIER, LLC, RASIER (FL), LLC and RASIER-DC, LLC (hereinafter collectively referred to as "UBER"). At the trial level Petitioner filed a copy of a traffic homicide photograph depicting the aforementioned Chevrolet vehicle with the Uber decal, and driven by CASTILLO at the time subject fatal accident.(App. F). The following designation will be used: (App.) - Appendix to Petition for a Writ of Certiorari; (SA) - Supplemental Appendix Under Seal to Petition for a Writ of Certiorari.

CASTILLO, an UBER driver, testified that he had the Uber Driver App on different cell phones with different numbers.

Q. All right. Mr. Castillo, at any point in time, for any reason, did you ever use, for whatever length of time, a different cell phone to activate or use your app, your Uber app, in connection with your joint relationship -- your joint partnership with Uber?

MS. HARARI: Form.

THE WITNESS: I could have because cell phones break and you have to get new ones. So yeah, I could have used a different -- a different phone or a different number.

BY MR. RODRIGUEZ:

Q. All right. Do you recall when that happened and for what length of time?

A. No, sir, I don't remember.

Q. But you do recall it happening?

A. I recall having -- having different numbers and having a lot of different cell phones.

Q. All right.

A. Used, used, of course.

Q. So you've had the Uber app on different phones?

A. Yes, sir.

O. B. Castillo February 16, 2022 deposition pp. 82:17-83:15.

In fact, two (2) phones were found in CASTILLO's Chevrolet vehicle immediately following the fatal accident, and were photographed as part of

the traffic homicide investigation. Found at (App. G) is the traffic homicide photograph depicting the two (2) subject phones. When questioned at his deposition about the use of the two phones in connection with his joint partnership with the UBER, CASTILLO testified as to the possibility of also using his son's phone with the Uber Driver App. Moreover, CASTILLO testified that he did not keep any billing records regarding the two phones, including fare information and receipt information for services rendered in connection with Uber.

Q. So during your joint partnership with Uber during the time that you were representing Uber, did you use more than one phone to provide services?

A. I could have borrowed my son's phone. I can't remember. I can't remember. Or we changed-- because we changed plans. I don't know if it was where we changed and got the family plan. I can't remember, sir. I can't remember.

Q. So which plan did you have at the time of the fatal accident, November 1st, 2017?

A. I can't remember if it was -- before I had Metro PCS. I think I had -- I can't remember. I can't remember that. I don't know if it was -- it was one of those rinky-dinky -- I can't remember the names. Something like Metro PCS, you

know, for the poor people.

O. B. Castillo April 25, 2022 deposition p. 41:9-25.

* * *

Q. All right. Do you see this photograph that I have up on the screen, Plaintiffs' Exhibit CD 5?

A. Yes, yes.

Q. All right. This is a photograph taken by the traffic homicide investigative team –

A. Okay.

Q. -- shortly after the fatal accident of November 1st, 2017. Do you see that there are two phones within the interior of your vehicle, sir?

A. Okay.

Q. Which one is your phone?

A. I can't remember. I have so many phones. There was -- there was a time I was buying and selling phones on Craigslist. So I can't remember.

Q. But you –

A. This could be my son's phone. I mean --

yeah, it could be his phone. I mean, it wasn't a smart phone. I guess if I was to -- if I was to -- I'd say the white one is mines, but I'm not sure.

Q. All right. So you're not certain which one is your phone appearing in this photo?

A. No. I'm not certain. I'm not certain. I mean, what I do is my phones get handed down. As I buy one that's three or four years old, like the one I have now, iPhone X, they get handed down to my kids, the X, the 7 plus, you know the 11. I got an 11 now. Thanks to God that my father helped me out because mines was broken.

But I can't recall because I've handed down so many phones to my kids and bought and sold off of Craigslist too, that I can't remember, sir.

O. B. Castillo April 25, 2022 deposition pp. 42:11-43:19.

* * *

Q. All right. Do you have any -- any of the billing records regarding either the phone in the middle, in the center console, which you testified you believe is yours, or the other phone sitting on the passenger seat, any billing information,

any billing records in connection with services provided with Uber?

A. Billing information? No, sir.

Q. Okay. Meaning payments for fares, anything having to do with services that you rendered in connection with Uber.

A. No information at all, sir.

Q. For either phone?

A. For either phone.

Q. Did you ever look for that information prior to giving your deposition here today?

A. What information?

Q. Whether there was any type of billing information, payment information, fare information appearing on anything for either one of those phones?

A. Where would one go look for that information, sir?

Q. I'm asking you if you ever looked for it.

A. But where would one go look for it? I don't even know where to start. So the

answer would be no.

Q. Well, if you had to, where would you go to?

MS. BROCK: Objection.

THE WITNESS: Where would one even start to look --

BY MR. RODRIGUEZ:

Q. So you wouldn't know where to go in terms of looking for payment information, fare information, receipt information for services rendered in connection with Uber?

A. They don't teach you that in middle school. I think you have to get to high school to learn that. So I would say -- I would ask you a question. Maybe I need it for the future. Where would one go look for such information?

Q. Mr. Castillo, you either know or you don't know.

A. No, sir. I don't have no type of information of no -- I don't keep none of that.

O. B. Castillo April 25, 2022 deposition pp. 49:17-

51:13.

Furthermore, as to the two affidavits signed by CASTILLO, he failed to specify which phones had access to the Uber Driver App at the time of Arlevys Molina's fatal accident; he failed to specify whether both phones inside his Chevrolet vehicle were logged off the Uber Driver App at the time of the subject fatal accident; he failed to provide any description of any phone that had the Uber Driver App; and he did not recall with certainty who wrote his two affidavits.

Q. Did you write this affidavit? Yes or no.

A. No.

Q. Do you know who wrote it?

A. Must have been the lawyer, Rebecca.

Q. Are you certain of that?

A. Am I certain of that? No, I'm not certain of that.

Q. As you sit here today, do you know what information or what documentation was reviewed to put together this affidavit that we've marked here today as Plaintiffs' Exhibit CD 3?

A. I don't know.

O. B. Castillo April 25, 2022 deposition pp. 20:15-21:2.

* * *

Q. So I have several questions concerning Plaintiffs' Exhibit CD 4, which is the affidavit that has the notary signature to it, Mr. Castillo.

A. Okay.

Q. Do you recall signing this document?

A. Yes.

Q. Okay. Do you recall reviewing this document before you signed it?

A. I -- I -- I can't -- I can't say I read through it because, I mean, if you have money, you read through stuff, but if you never had anything through your whole life -- I mean, I was homeless since I was 18 till it was 47, 48 years old. So I can't remember if -- I don't think I read -- I mean, I probably -- I just can't remember. I'm reading through it now or at least trying to.

Q. Did you write this document?

A. No.

Q. Did you give any information to anybody

who wrote this document?

A. I can't remember. Maybe, but I can't remember for sure.

Q. Do you know who wrote this affidavit?

A. Maybe the lawyer? Rebecca?

Q. Are you certain of that?

A. No, I'm not certain.

O. B. Castillo April 25, 2022 deposition pp. 28:21-29:22.

Todd Gaddis, employed with UBER TECHNOLOGIES, INC. as a Manager in Data Analytics in San Francisco, California, furnished an affidavit in the present case contending that CASTILLO was “offline”, and, therefore contending CASTILLO was not logged on at the time of Arlevys Molina’s fatal accident. *See* (App. H, SA10–SA11). Mr. Gaddis, however, had no communication whatsoever with CASTILLO in generating the aforesaid affidavit, and in fact he testified in his deposition that he did not know of anyone from Uber having any communication with CASTILLO regarding Arlevys Molina’s fatal accident.

Q. Have you ever had any communication or interaction with Orlando Baez Castillo?

A. Not to my knowledge, no.

Q. Have you ever had any conversations or communication with anyone involved with the investigation, including but not limited to police officers, concerning this fatal accident on November 1, 2017?

A. The only people I spoke to this about would be our legal team.

Q. Right. Do you know if anybody from Uber, including the claims department, if they have spoken to Mr. Castillo, or anyone for that matter that investigated Mr. Castillo's fatal accident on November 1, 2017?

A. I don't know.

Q. Who would know?

A. I don't know.

Todd Gaddis June 8, 2021 deposition pp. 45:21-46:13.

* * *

Q Did anyone from Uber, including anyone from the Uber claims department, ever interview or contact Orlando Baez Castillo to receive an explanation or an account of events surrounding the fatal accident of November 1, 2017?

A I believe I answered that previously. I don't know if someone did or not.

Todd Gaddis June 8, 2021 deposition p. 53:6-12.

* * *

Of key importance, Todd Gaddis' affidavit had attached to it as Exhibit A an undated and unsigned document absent the name of any company or entity, and which alleged to represent the data associated with CASTILLO's use of the Uber Driver App. *See* (App. H, SA10–SA11). In addition, UBER separately supplied application status data comprised of nine (9) pages which was also undated, unsigned, absent the name of any company or entity, and which also alleged to represent the data associated with CASTILLO's use of the Uber Driver App. *See* (SA1–SA9). However, said data attached to Mr. Gaddis' affidavit and the data separately supplied by UBER failed to specify the phone number associated with the entries; failed to specify the phone model associated with the entries; failed to specify the motor vehicle utilized by CASTILLO to furnish Uber services; and failed to specify the city, county and state of the Uber driver's location regarding each data entry. In fact, Mr. Gaddis' affidavit itself failed to specify which CASTILLO phone number he researched, the total number of phone numbers he researched, and whether all of CASTILLO's phones with the Uber Driver App were "offline" at the time of the subject fatal accident. *See* Mr. Gaddis' affidavit found at (App. H, SA10–SA11).

And, it was the legal team with whom Mr. Gaddis wrote his affidavit.

Q. Who wrote this affidavit?

A. I worked with the legal team to have this affidavit written.

Q. So you were not the single author of this affidavit?

A. That is correct.

Q. Well, not disclosing the names of attorneys, who else from Uber helped you write this affidavit?

MS. McGRATH: Object to any type of attorney-client privilege.

THE WITNESS: Yeah. As I mentioned, this was written with the legal team.

Todd Gaddis June 8, 2021 deposition p. 70:4-15.

* * *

Notably, Mr. Gaddis was unaware that CASTILLO had received sixty (60) citations in Miami-Dade County, Florida.

Q Were you aware that between Plaintiffs' Exhibit 8 and 9 as it relates to Orlando Baez Castillo, Mr. Castillo in

Miami-Dade County had a total of 60 citations?

MS. McGRATH: Object to the form.

BY MR. RODRIGUEZ:

Q You can answer.

MS. McGRATH: Lack of foundation.

BY MR. RODRIGUEZ:

Q You can answer.

A As I mentioned earlier, I'm not familiar with either of these.

Todd Gaddis June 8, 2021 deposition pp. 85:21-86:7.

* * *

Nor was Mr. Gaddis able to testify whether CASTILLO was a safe driver.

Q What I mean by that was whether Orlando Baez Castillo was a safe driver or was a person that would safely operate and drive a motor vehicle on the roadways within the state of Florida.

A I don't know.

Q Who would know?

A I don't know.

Todd Gaddis June 8, 2021 deposition pp. 92:23-93:4.

Brad Rosenthal was the designated person with the most knowledge regarding policies, procedures, practices, safety, safety reviews, training, evaluations, assessments, performance reviews, inspections, investigations, driver selection and retention and disciplinary actions or measures from UBER.

As was the case with Mr. Gaddis, Mr. Rosenthal was unaware that CASTILLO had received sixty (60) citations in Miami-Dade County, Florida.

Q. All right. So were you aware that between Plaintiff's Exhibit 17 and 18, that Mr. Castillo in Miami-Dade County alone had received 60 citations, 6-0?

MS. MCGRATH: Object to the form.

BY MR. RODRIGUEZ:

Q. You can answer.

A. I have no knowledge of what these documents are. I really can't opine to them, opine on them to determine what they are and whether or not he's received 60 citations or not. I just don't know what they are.

Brad Rosenthal June 9, 2021 deposition p. 72:11-22.

Notably, Mr. Rosenthal was unaware of anyone

from Uber having any communication with CASTILLO regarding Arlevys Molina's fatal accident.

Q. All right. Do you know if anybody from Uber had any communications or contact with Mr. Castillo as it relates to the fatal accident November 1st, 2017?

A. I'm not aware one way or the other.

Q. How about a third-party vendor, such as Checkr, concerning having communication with Mr. Castillo concerning the fatal accident November 1st, 2017?

A. I'm not aware one way or the other.

Brad Rosenthal June 9, 2021 deposition p. 41:13-22.

Mr. Rosenthal also testified that UBER reviewed a background search on CASTILLO. Yet, as set forth above, Mr. Rosenthal was not cognizant of the foregoing sixty (60) citations received by CASTILLO.

Q. Prior to entering into a relationship with Mr. Castillo, did Uber review all the criminal records, driving history records and crash records concerning Mr. Castillo before allowing Mr. Castillo to have access to and be given permission to utilize the Uber driver application?

- A. In the general course of our business we do review background checks, motor vehicle record checks that contain flags.

Brad Rosenthal June 9, 2021 deposition pp. 37:19-38:2.

Moreover, as it relates to lower tribunal Defendant UBER TECHNOLOGIES, INC., on February 2, 2017 nine (9) months *prior* to Arlevys Molina's fatal accident, a *Stipulated Order for Permanent Injunction and Monetary Judgment* was entered in Case No. 3:17-cv-00261-JST before the United States District Court for the Northern District of California San Francisco Division. Said *Stipulated Order for Permanent Injunction and Monetary Judgment* was entered against UBER TECHNOLOGIES, INC. and in favor of the Federal Trade Commission. The aforementioned Stipulated Order was comprised of several pages. In particular, on page four (4) of the respective Stipulated Order it states the following: "Judgment of the amount of twenty million dollars (\$20,000,000) is entered in favor of the Commission against Defendant as equitable relief." Furthermore, under the section entitled "VI. RECORDKEEPING" starting on page seven (7) of the Stipulated Order, it states the following:

IT IS FURTHER ORDERED that Defendant must create certain records for 9 years after entry of the Order, and retain each such record for 5 years. Specifically, Defendant must create and maintain the following records:

- A. accounting records showing the revenues

- from all goods or services sold;
- B. personnel records showing, for each person providing transportation services, whether as an independent contractor, employee or otherwise, that person's: name; addresses; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination of the relationship;
- C. records of all Driver complaints relating to Driver earnings or the Vehicle Program whether received directly or indirectly, such as through a third party, and any response;
- D. all records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the Commission; and
- E. a copy of each unique advertisement or other marketing material relating to the amount of money Drivers can earn driving on the Uber platform or the Vehicle Program.

In the case at bar, both the affidavit of Todd Gaddis and the attached data as well as the application status data separately furnished by UBER failed to include CASTILLO's telephone numbers and addresses – data that was certainly accessible to UBER. In so doing, UBER failed to reveal whether all of the phones with the Uber Driver App and to which CASTILLO had access at the time of Arlevys Molina's

fatal accident were in fact logged off. A jury should certainly be afforded the ability to draw adverse inferences against UBER based on this evidence.

In fact, according to the Technology Services Agreement, Section 2.7, entered into between CASTILLO and UBER, UBER was certainly able to “monitor, track and share with third parties Driver’s geo-location information obtained by the Driver App and Device for safety and security purposes.” Furthermore, Section 7.1 of the mentioned Technology Services Agreement states “[y]ou understand that Company may retain your personal data for legal, regulatory, safety and other necessary purposes after this Agreement is terminated.”

II. Randy J. Patrick, Petitioner’s safety and motor vehicle transportation safety expert.

Petitioner’s expert witness, Randy J. Patrick, is a safety and motor vehicle transportation safety expert as set forth in Plaintiffs’ Amended Expert Witness List.

Mr. Patrick’s reliable methodology included having reviewed a considerable and sufficient amount of facts, materials and documentation in order to formulate his professional expert opinions and furnish his expert deposition testimony.

Q. Other than the four depositions you listed earlier, what other documents have

you reviewed in this case?

- A. I have medical examiner's report, I have photographs of the traffic homicide case, I have the accident report, affidavit from Mr. Castillo, Ms. Molina's death certificate, community guidelines from Uber, Florida Statute 627.748 Transportation Network Companies statute, Florida Driver's License Handbook, my notice of taking a deposition, and several things with -- for Mr. Castillo with his driving record, criminal history, probation orders, his traffic online system documentation of his traffic citations, handwritten document from Mr. Castillo, plaintiffs' Complaint, plaintiffs' expert witness list, plaintiffs' Response To Opposition To Defense, plaintiffs' response, Rasier Technology Services Agreement, Rasier's vehicle inspection form, and then stipulated order for permanent injunction, monetary judgment, taking a deposition, Todd Gaddis' affidavit, and Exhibit A traffic homicide report, Uber Code of Conduct, and Uber application status data.

R. J. Patrick November 14, 2022 deposition pp. 7:13-8:7.

Having applied reliable principles and methods

to the facts of the instant case coupled with his extensive professional knowledge and experience, Mr. Patrick testified in his deposition that both lower tribunal Defendants, CASTILLO and UBER, were negligent in the present wrongful death case. In so doing, Mr. Patrick relied upon a considerable amount of facts, materials and documentation he reviewed in the present case, including his review of the following: Defendant Mr. Castillo's affidavit and deposition; information concerning Defendant Mr. Castillo's multiple phones and multiple phone numbers; Defendant Mr. Castillo's traffic citations; the affidavit and deposition testimony of Todd Gaddis, employed with UBER TECHNOLOGIES, INC. as a Manager in Data Analytics in San Francisco, California; and the Traffic Homicide photographs.

Q. Have you formulated opinions as a result of your review of the documents you've been provided?

A. Yes, I have.

Q. What are your opinions, please?

A. That Mr. Castillo operated his vehicle in an unsafe manner and caused the injury to -- injury and ultimate death -- of Ms. Molina. And that as operating as an Uber driver, he was also -- Uber was also negligent in that fact.

Q. How did you formulate your opinions

that Mr. Castillo operated his vehicle in an unsafe manner?

- A. Ms. Molina was -- knew the vehicle at the time he was driving. He was parked in a parking spot and he did not properly, as he was moving the vehicle, did not properly observe around him and backed his vehicle out and caused her to be knocked down and run over by the vehicle.

R. J. Patrick November 14, 2022 deposition p. 9:9-15.

* * *

- Q. Is it your opinion that Mr. Castillo was operating his vehicle at the time of the accident -- Strike that. I'll rephrase.

You had testified earlier that in your opinion, Uber is also negligent for the accident that occurred on November 1st of 2017?

- A. Yes.

- Q. What is the basis for that opinion?

- A. Mr. -- I believe Mr. Castillo was logged in to the app and was available for work at that time and he was acting as an Uber driver during that period.

R. J. Patrick November 14, 2022 deposition pp. 22:17-23:2.

* * *

Q. Okay. Now, your opinion that Uber is negligent, is that assuming that he was logged in to the Uber app at the time of the accident?

A. That and this accident probably wouldn't have happened had Uber not allowed him to be one of their drivers.

Q. What are you basing that -- what are you basing that on?

A. On his previous driving record. Mr. Castillo has over, I believe, 60 -- 6-0 -- traffic citations in the state of Florida and had Uber done a proper background check on his driving record, they would have seen those. And a company with driving, you know, having people, you know, being driven in vehicles, should not have hired him to work with them in that capacity.

R. J. Patrick November 14, 2022 deposition p. 27:11-25.

* * *

Q. So you're discounting Mr. Gaddis' testimony that Mr. Castillo was not logged into the app or he was not

available for trips simply based on the fact that there's not a unique identifier in an affidavit?

A. That's how Mr. Castillo was identified according to Mr. Gaddis and that unique identifier is nowhere on the report that I looked at nor is the unique identifier number in the affidavit that states that that was the number that he used to search for whether or not Mr. Castillo was on the app or not.

R. J. Patrick November 14, 2022 deposition p. 30:11-20.

* * *

Q. You can continue.

A. That he [Defendant Mr. Castillo] had had multiple phones, multiple phone numbers, and multiple carriers and he could not remember which one it was.

R. J. Patrick November 14, 2022 deposition p. 25:7-10.

* * *

Q. And did you review that affidavit – [Mr. Castillo's affidavit]

A. Yes, I did.

Q. -- before today's deposition?

A. Yes, I did.

Q. Okay. So would you say that shows he wasn't logged in?

A. Well, after reading that and reading his deposition, he didn't know if he was logged in or not. He didn't know which phone he was using. There were two phones in the car at the time, and he said he could not remember.

R. J. Patrick November 14, 2022 deposition p. 24:12-22.

Moreover, as a safety and motor vehicle transportation safety expert, Mr. Patrick professionally concluded that Mr. Castillo should not have been an Uber driver.

* * *

Q. And what is your opinion about Mr. Castillo being incentivized based on? Is there any studies? Any evidence in this case that you're relying on there?

A. Again, that was how Mr. Castillo was earning his living and since that time from his deposition, it sounds like he has not been working since that time. And if he was able to, or not able to, drive for Uber at the time, I believe that he would have worked harder to get it so that he

could. That seems to be the thing he has been able to do, is drive a vehicle.

Q. Do you have any other opinions as to how, in your opinion, Uber should be held responsible for this accident other than what we've discussed given the background and whether he was logged in to the app?

A. Again, as someone that had -- I, as a safety professional, looked at his driving record before he applied, and I would have made a recommendation not to have him as a driver for Uber.

R. J. Patrick November 14, 2022 deposition pp. 43:25-44:17.

* * *

Q. Your belief that Mr. Castillo would have been incentivized to improve his driving record, that's speculation; correct?

A. It's based on just with -- with -- with him not being able to perform his duties with Uber. I believe he could have done something to make the change. Again, that's the only work that appears he has done during that time is driving with Uber.

Q. So it's pure speculation; correct?

MR. RODRIGUEZ: Objection. Asked and answered.

BY MS. BROCK:

Q. You can answer.

A. It's a professional opinion. I wouldn't say speculation.

R. J. Patrick November 14, 2022 deposition p. 50:4-18.

III. UBER exercised a significant degree of control over CASTILLO contrary to an alleged independent contractor relationship.

UBER exercised a significant degree of control over CASTILLO contrary to an alleged independent contractor relationship.

In their depositions CASTILLO and Brad Rosenthal testified as to the significant degree of control exercised over CASTILLO by UBER. In fact, CASTILLO testified that UBER had the ability to see him via a camera.

Q. And the safety requirements were established by Uber, and you were required to comply with those safety requirements?

MS. HARARI: Form.

THE WITNESS: I don't know what safety requirements you're talking to me about.

BY MR. RODRIGUEZ:

Q. Drive safely, have your seat belt on or any other type of safety requirements.

A. Yes. Always have the seat belt on.

Q. Were those safety requirements required to be complied by you, sir, those Uber safety requirements?

A. I think so, yes. I mean, they can see you through the camera. So you've got to have your seat belt on and you've got to -- I mean, I put my seat belt on every day, and I drive like an old man -- well, I am an old man already.

Q. So --

A. I mean, yeah, yeah. I would say -- I would say -- I would say they had some videos on safety and that sort of stuff.

Q. So when you say they can see you through the camera, you're talking about Uber being able to see you in the car?

MS. HARARI: Objection. Form.

THE WITNESS: I think they can see you -- I think they can see you through the app. When the app is on, they could see you through the camera. I'm not sure that's got nothing to do with it. But just to -- I mean, if you don't have your seat belt on -- you got to have your seat belt on and everybody else -- that's the safety you're talking to me about, right, seat belts?

BY MR. RODRIGUEZ:

Q. Right. And you're talking about Uber being able to see you. This was something expected and standard operating procedure for Uber to be able to see the driver of the Uber vehicle?

MS. HARARI: Objection. Form.

THE WITNESS: Yes. That is -- I do remember that is one of the -- I do remember that it's one of the -- one of the messages they sent to you through the app.

BY MR. RODRIGUEZ:

Q. And that was the case throughout 2016?

A. I think so. I think so.

Q. And that was also the case throughout 2017?

A. I think so.

O. B. Castillo April 25, 2022 deposition pp. 111:12-113:13.

* * *

Q. Did Uber have a conduct guide while you were performing services for Uber?

MS. HARARI: Form.

THE WITNESS: Yes.

BY MR. RODRIGUEZ:

Q. What did this conduct guide consist of?

A. It consisted of you putting up with basically everything and being nice to the customer. I mean, the customers who's paying your bill. So you -- what the customer said was right. I mean, from my understanding, that's the way I feel about it. And I ran into people out on the street that don't think like that that work at different places. But to me, the customer is always right. So basically, I gave everybody a five star. Basically, I gave everybody a five star, and I never had any problems with anybody.

Q. So the conduct guide was established by Uber, and you were required to comply with that conduct guide?

MS. HARARI: Objection. Form.

THE WITNESS: Yes.

O. B. Castillo April 25, 2022 deposition pp. 110:12-111:10.

* * *

Q. Now, I'm going to come down to 2.7. [Technology Services Agreement] At the end of 2.7, which it starts off by saying, "Location Based Services." The last sentence reads, "In addition Company and its Affiliates may monitor, track and share with third parties Drivers geo-location information obtained by the Driver App and Device for safety and security purposes." Okay. Were you aware of that, Mr. Castillo?

A. Yes.

Q. How so?

A. They -- they can -- they know your navigation, where you're going and how you coming back, and everything. They can see your -- how you're navigating on the navigation.

Q. And were you aware that Uber and Rasier were sharing that information with other third parties?

A. No, I wasn't aware of that.

MS. HARARI: Form.

BY MR. RODRIGUEZ:

Q. This is the first you hear of it?

A. Yes. I mean, I think those companies -- I don't know if they've got to keep private -- that stuff private. That's the first time I hear of that.

O. B. Castillo February 16, 2022 deposition pp. 108:16-109:17.

* * *

Q. All right. The last sentence on 7.1 [Technology Services Agreement] reads, "You understand that Company may retain your personal data for legal, regulatory, safety and other necessary purposes after this Agreement is terminated." Were you aware of that, sir?

A. No.

Q. This is the first you're hearing of it?

A. Yes.

O. B. Castillo February 16, 2022 deposition pp. 112:25-113:9.

* * *

Q. All right. Sir, so now I'm going to draw

your attention to "3.2 [Technology Services Agreement], Vehicle Requirements," subsection "(d)," as in David.

It reads -- right before subsection (d) it says, "and (d)" "...standards for a Vehicle of its kind and any additional standards or requirements in the applicable Territory, and in a clean and sanitary condition."

And, in fact, I'll start before, subsection (c).

"(c) suitable for performing the passenger transportation services contemplated by this Agreement; and (d) maintained in good operating condition, consistent with industry safety and maintenance standards for a Vehicle of its kind and any additional standards or requirements in the applicable Territory, and in a clean and sanitary condition."

Were you aware of that requirement sir?

A. Yes.

Q. Were you aware that that was an requirement that was imposed on you by Uber and Rasier?

A. Yes. You have to have your car clean, yes.

O. B. Castillo February 16, 2022 deposition pp. 110:2-

111:2.

In fact, UBER required CASTILLO's Chevrolet Impala to undergo an annual vehicle inspection which needed to be documented on UBER's very own inspection form. The aforementioned "Annual Vehicle Inspection" form pertaining to CASTILLO's Chevrolet vehicle was required by UBER.

Of key importance, CASTILLO was paid by UBER for his Uber driving services, and the funds were placed in a bank and a type of account selected by UBER. Furthermore, lower tribunal Defendants UBER TECHNOLOGIES, INC., RASIER, LLC, RASIER (FL), LLC, RASIER-DC, LLC were the "payment collection agents" for CASTILLO.

Q. Do you have any documentation reflecting the payments made by Uber to you concerning the fares while you were driving that 2012 red Chevrolet Impala involved in the fatal accident on November 1st, 2017?

A. No.

Q. Why not?

A. Documentation?

Q. Yeah. That could include digital information that they supplied to you via e-mail?

A. I don't have any -- I don't -- I don't -- I only got to the ninth grade, sir. I don't -- I don't -- I don't keep documentation. I'm not too...

Q. Okay. So how did -- where did Uber send the money that you were generating in connection to Uber fares? Were they sent to a particular bank account --

A. Yes.

Q. -- that you had?

A. Yes.

Q. Okay. Which bank did you use for your bank account purposes regarding the 2012 Chevrolet Impala?

MS. BROCK: Form.

THE WITNESS: I think it was -- give me a second so I can remember the name of the bank.
I can't remember the bank now.

O. B. Castillo February 16, 2022 deposition pp. 30:18-31:22.

* * *

Q. So when I say bank account statements, I'm referring to either paper statements, Mr. Castillo, or statements sent to you

via e-mail, either format. While you were driving the 2012 red Chevrolet Impala, did the bank send you statements?

A. No, it was -- it was Uber who sent me the e-mails of how much I made that week.

O. B. Castillo February 16, 2022 deposition p. 32:14-21.

* * *

Q. All right. Who creates the account in which the riders fee is placed into?

A. Well, a rider -- or sorry, a driver has appointed us to be their limited payment collection agent per the terms in the technology services agreement. And so we collect the money and the bank account that the money sits in, I believe we open the account. And the account I cant remember if it's with -- I think it's with Citibank or was with Citibank.

Q. So does Uber select the bank and select the type of account that funding supplied by the rider to pay for the services placed into it?

A. Yeah, it's part of our responsibilities as the payment collection agents, as the driver again has appointed us to do. I believe we do select that account, yep.

Brad Rosenthal June 9, 2021 deposition pp. 21:19-22:10.

* * *

Q. All right. But based on your knowledge and experience, your impression is that Orlando Baez Castillo would not have access to that bank account?

A. I don't believe so, but I'm not positive.

Brad Rosenthal June 9, 2021 deposition p. 26:4-9.

REASONS FOR GRANTING THE PETITION

The Petitioner, Yesit Campo, et al., should be afforded the right to a trial by jury against the lower tribunal Defendants UBER TECHNOLOGIES, INC., RASIER, LLC, RASIER (FL), LLC and RASIER-DC, LLC in this wrongful death case. To do so, would allow the jury to hear and weigh the record evidence including the opportunity to draw adverse inferences from the record evidence. In their Complaint for Damages and Demand for Jury Trial, Petitioner, Yesit Campo, et al. demanded on all counts trial by jury, and this wrongful death case was also scheduled for a jury trial .

In *Hollywood, Inc. v. Hollywood*, 321 So. 2d 65 (Fla. 1975), the case arose from an action by the tax assessor seeking declaratory decree and equitable relief because the parties claimed title to the land. Petitioner corporation, that claimed title by deed,

appealed the Fourth District Court of Appeal's reversal of the trial court's judgment against respondent city which claimed title by dedication. The Florida Supreme Court concluded that "that portion of the District Court's opinion denying Respondent a jury trial is quashed with directions to remand for proceedings consistent herewith." *Id.* at 73.

In formulating its opinion in *Hollywood, Inc.*, the Florida Supreme Court set forth the following:

We hold that the Respondent was entitled to a jury trial on the issues of dedication and actual possession of the property and that the right to that jury trial has not been waived. Questions as to the right to a jury trial should be resolved, if at all possible, in favor of the party seeking the jury trial, for that right is fundamentally guaranteed by the U.S. and Florida Constitutions. *See* U.S. Constitution, Amendments 7 and 14, and Florida Constitution, Article I, Declaration of Rights, § 22.

Hollywood, Inc., 321 So. 2d at 71.

Such is the case here. Petitioner, Yesit Campo, et al., should be afforded the opportunity to present their case against the lower tribunal Defendants UBER TECHNOLOGIES, INC., RASIER, LLC, RASIER (FL), LLC and RASIER-DC, LLC to the jury, including the record evidence from which a jury can

reasonably draw inferences in arriving at a verdict.

With respect to *In re 1978 Chevrolet Van*, 493 So. 2d 433, 434-35 (Fla. 1986), the Florida Supreme Court asserted the following:

First, we note that the term “common law” does not appear in article I, section 22 or in any prior state constitutional provision on the subject, as it does in the provision’s federal counterpart. The seventh amendment to the United States Constitution provides in part:

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved. . . .

Although the seventh amendment guarantee to the right of trial by jury is only binding upon federal courts, this Court has recognized that federal decisions construing it are helpful and persuasive in construing this state’s constitutional provision of like import. *Dudley v. Harrison McCready & Co.*, 127 Fla. 687, 173 So. 820 (1937). Therefore, it is apparent to us that reference to the “common law” in regard to the right to a jury trial under our state constitution is the result of reliance on federal decisions construing that right under the seventh

amendment to the United States Constitution. As used in the context of the right to a jury trial under the seventh amendment, the term “common law” is used in a jurisdictional sense “in contradistinction to equity, and admiralty, and maritime jurisprudence.” *Parsons v. Bedford, Breedlove & Robeson*, 28 U.S. (3 Pet.) 433, 446, 7 L. Ed. 732 (1830). It includes not only the *lex non scripta* but also the written statutes enacted by both Parliament and Congress. *See, e.g., People v. One 1941 Chevrolet Coupe*, 37 Cal.2d 283, 231 P.2d 832, 835 (1951); *One 1976 Mercedes Benz*, 618 F.2d at 456-57.

The constitutional right to a trial by jury is not to be narrowly construed. *See Hollywood, Inc. v. City of Hollywood*, 321 So.2d 65 (Fla. 1975). This right is not limited strictly to those specific proceedings in which it existed before the adoption of our constitution, but should be extended to proceedings of like nature as they may arise. *Wiggins v. Williams*, 36 Fla. 637, 18 So. 859 (1896). *Accord, People v. One 1941 Chevrolet Coupe*, 37 Cal.2d 283, 231 P.2d 832 (1951); *State v. 1920 Studebaker*, 120 Or. 254, 251 P. 701 (1926); *Colon v. Lisk*, 13 A.D. 195, 43 N.Y.S. 364, *affd*, 153 N.Y. 188, 47 N.E. 302 (1897).

In *Dep't of Revenue v. Printing House*, 644 So. 2d 498, 500 (Fla. 1994), the Florida Supreme Court stated the following:

A right to a jury trial “shall be secure to all and remain inviolate.” Art. I, § 22, Fla. Const. These words guarantee Floridians the right to a jury trial “in those cases in which the right was enjoyed at the time this state’s first constitution became effective in 1845.” *In re Forfeiture of 1978 Chevrolet Van*, 493 So. 2d 433, 434 (Fla. 1986). When we have been called upon to interpret article I, section 22 of the Florida Constitution, we have found guidance in the Seventh Amendment to the United States Constitution. In *Chevrolet Van*, we stated that “although the seventh amendment guarantee to the right of trial by jury is only binding upon federal courts, . . . federal decisions construing it are helpful and persuasive in construing this state’s constitutional provision of like import.” 493 So. 2d at 434; *see also Dudley v. Harrison, McCready & Co.*, 127 Fla. 687, 173 So. 820, 825 (1937). Now, as in prior times, we seek guidance from previous interpretations of the Seventh Amendment. The amendment states:

In Suits at common law, where the value in controversy shall exceed twenty

dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law

U.S. Const. amend. VII.

Florida Rules of Civil Procedure 1.430 Demand for Jury Trial; Waiver includes the following rule: “**(a) Right Preserved.** The right of trial by jury as declared by the Constitution or by statute shall be preserved to the parties inviolate.” Petitioner, Yesit Campo, et al., fully preserved their right of trial by jury when they demanded it in all the counts found in their Complaint for Damages and Demand for Jury Trial, and when this wrongful death case was scheduled for a jury trial.

Indeed, as to the right of a jury trial and due process, the State of Florida has certainly looked to the Seventh and Fourteenth Amendments. In so doing, a party should be afforded the opportunity to present his or her case to the jury, including record evidence from which reasonable inferences may be drawn by the jury, and allow the jury to weigh the evidence. By granting UBER TECHNOLOGIES, INC.’s (“Uber”), RASIER, LLC’s, RASIER (FL), LLC’s, and RASIER-DC, LLC’s Motion for Summary Judgment, being affirmed by the Third District Court of Appeal, and having jurisdiction declined by the Florida Supreme Court, the Petitioner, Yesit Campo, et al., was unfairly deprived of their right to a jury trial and of their due process.

The U.S. Supreme Court has recognized the importance to the right of a jury trial. *Jacob v. New York City*, 315 U.S. 752, 62 S. Ct. 854 (1942) arises from the Petitioner employee appealing a decision from the Second Circuit Court of Appeals affirming the dismissal of a personal injury action under the Jones Act. In *Jacob*, the U.S. Supreme Court stated: “The right of jury trial in civil cases at common law is a basic and fundamental feature of our system of federal jurisprudence which is protected by the Seventh Amendment. A right so fundamental and sacred to the citizen, whether guaranteed by the Constitution or provided by statute, should be jealously guarded by the courts.” *Jacob*, 315 U.S. at 752-53, 62 S. Ct. at 854. The U.S. Supreme Court reversed and remanded to the District Court. *Id.* at 758.

The U.S. Supreme Court again underscored the importance to the right of a jury trial in *Beacon Theatres v. Westover*, 359 U.S. 500, 501, 79 S. Ct. 948, 952 (1959): “Maintenance of the jury as a fact-finding body is of such importance and occupies so firm a place in our history and jurisprudence that any seeming curtailment of the right to a jury trial should be scrutinized with the utmost care.” *Dimick v. Schiedt*, 293 U.S. 474, 486.”

Moreover, consistent with 1978 *Chevrolet Van* and *Dep’t of Revenue v. Printing House*, this petition seeks the insight and guidance of the U.S. Supreme Court in applying and preserving the Petitioners’ Seventh Amendment right to a jury trial and their Fourteenth Amendment right to due process in this

wrongful death case . And, as asserted in *Hollywood, Inc.*, 321 So. 2d at 71, the right to a jury trial “is fundamentally guaranteed by the U.S. and Florida Constitutions. See U.S. Constitution, Amendments 7 and 14, and Florida Constitution, Article I, Declaration of Rights, § 22.”

The crucial importance of having the right to a jury trial is not confined to the State of Florida, but, rather, it is important throughout the United States in order to allow parties who demand a jury trial to have their causes of action fully heard and addressed by a jury, including reviewing and weighing the record evidence. To do otherwise, would unfairly close the courthouse doors to our jury system.

CONCLUSION

Based on the grounds set forth above, Petitioners respectfully requests that this Petition for a Writ of Certiorari be granted by this Honorable Court.

Respectfully submitted,

March 31, 2026.

Ramon M. Rodriguez, Esq.	Raymond J. Rigat
Ramon M. Rodriguez, P.A.	<i>Counsel of Record</i>
Gables International Plaza	23 East Main Street
2655 S. LeJeune Road	Clinton, CT 06413
5th Floor	(860) 853-0039
Coral Gables, FL 33134	raymondjrigat@gmail.com
(305) 448-2008 Telephone	Connecticut Juris
(305) 448-2151 Facsimile	No. 403047
rmr.lawoffice@att.net	
FL Bar No. 832812	

Counsel for Petitioners