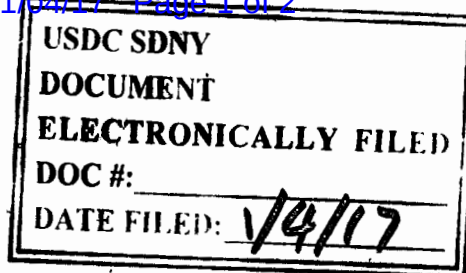


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
NEW YORK TAXI WORKERS ALLIANCE, et
al.,

Plaintiffs,

-against-

UBER TECHNOLOGIES, INC., et al.,

Defendants.
----- X

**ORDER DENYING PLAINTIFFS'
MOTION FOR A TEMPORARY
RESTRAINING ORDER,
INJUNCTIVE RELIEF, AND A
PROTECTIVE ORDER**

16 Civ. 4098 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

On December 28, 2016, I ordered defendants to show cause why plaintiffs' motion for a temporary restraining order, injunctive relief, and a protective order should not be granted in light of plaintiffs' allegations that defendants were actively engaged in the alteration and spoliation of records pertinent to plaintiffs' claims. [Dkt. No. 30]. A hearing was held on January 3, 2017.

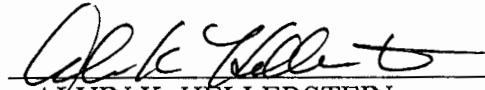
"Once a party reasonably anticipates litigation, it must suspend its routine document retention/destruction policy and put in place a 'litigation hold' to ensure the preservation of relevant documents." *Zubulake v. UBS Warburg LLC*, 220 F.R.D. 212, 218 (S.D.N.Y. 2003). Defendants represent that Uber has complied with this obligation, and that it has retained and preserved all driver and rider payment data since August 2013, when the first nationwide class action regarding independent contractor classification of drivers was filed against Uber. In light of this, plaintiffs' motion for a temporary restraining order, injunctive relief, and a protective order is academic, and therefore denied.

Defendants have filed a partial motion to dismiss, but that motion will not dispose of this action even if the Court grants it in full. Accordingly, discovery should proceed. The

parties shall exchange their Rule 26(a) initial disclosures by February 17, 2017. A case management conference will be held on March 3, 2017 at 10:00 a.m. At the conference, the parties will submit a proposed case management plan, which should include a briefing schedule for any motions regarding certification of a class or collective action.

SO ORDERED.

Dated: January 4, 2017
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge