

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

Date: June 3, 2014

MEMORANDUM

TO: Keith Pollock

FROM: Michael P. May, City Attorney
Sydney Hawthorne-Law Clerk

RE: Uber and Lyft-current litigation

I. Purpose

This memorandum provides information on pending national litigation against ridesharing companies Uber and Lyft. The information was gathered by Sydney Hawthorne, a law clerk in our office. The information is current as of May 27, 2014.

This information might be of interest to the TPC Subcommittee looking at the Uber and Lyft issues.

II. Background

Uber Technologies Inc.¹ (“Uber”) and Lyft Inc.² (“Lyft”) are transportation network companies (“TNCs”) that use mobile phone applications to connect passengers with drivers for rides. Both companies currently operate in Madison. Passengers download the company’s app, request a ride, and pay with their credit cards. Uber and Lyft drivers use their personal vehicles. Founded in 2012, Lyft operates in sixty U.S. cities. Lyft payments include a pickup fee and a ride fee based on time and distance. Lyft takes 20% of the fare. Uber has expanded to seventy cities and internationally since 2009. Depending on the city, Uber offers different vehicle classes with varying prices, these include UberX (everyday cars), UberSUV (SUVs), UberTaxi (local taxi drivers), and UberBlack (private drivers in qualified luxury vehicles). Uber rates vary by city.

¹ Background information on Uber is based on their website, <https://www.uber.com/>.

² Background information on Lyft is based on their website, <https://www.lyft.com/>.

A variety of legal issues arise from Lyft and Uber operations, including taxicab regulation compliance, liability, and fair business practices. Four states have enacted laws to regulate TNCs.³ Other states, like Arizona have entertained the idea of exempting TNCs from regulations.⁴ As a state, Wisconsin has not implemented any type of regulation over these companies. According to the Wisconsin State Journal, Madison police have been targeting rideshare companies for operating without taxicab licensing.⁵ Reportedly, two drivers for Lyft and Uber each received more than \$1,300 in citations.

III. Active Case Summaries⁶ (Organized by city)

Boston, Massachusetts

Boston Cab Dispatch, Inc. v. Uber Technologies, Inc., 2014 WL 1338148 (D. Mass. Mar. 27, 2014) (only the Westlaw citation is currently available)

Plaintiffs, Boston Cab Dispatch, Inc. and EJT Management allege “Uber has gained an unfair competitive advantage over traditional taxicab dispatch services and license-holders” by avoiding the costs and burdens of complying with taxicab regulations while reaping the benefits of others’ compliance. *Id.* at 1. Boston Police Department Rule 403 lays out a strict set of regulations for taxicab operators to follow, such as 24-hour dispatch, possession of medallions, and refrained cell phones usage. *Id.* at 1-2. Uber offers three kinds of vehicles for hire “Uber Black Cars,” “Uber SUVs,” and Uber Taxis, which are operated by Boston taxicab drivers. *Id.* at 2. Uber Taxi drivers subject to Rule 403 agree to be available for hire through Uber while working their regular taxicab shifts. *Id.* However, “Uber Black Cars” and “Uber SUVs” do not comply with many Rule 403 regulations. *Id.* at 3. Plaintiffs allege Uber “violated various federal and state false advertising and unfair competition laws and Boston taxicab ordinances.” *Id.* at 1.

On February 28, 2014, a federal magistrate recommended partially granting defendant’s motion to dismiss the complaint. The District Court reviewed the motion on March 27, 2014. In respect to Counts I and II, the court agreed that the plaintiffs had not pled a “cognizable injury caused by misrepresentation”

³ Elyce Kirchner, *Is Uber Keeping Riders Safe?*, NBC Bay Area, Apr. 25, 2014, <http://www.nbcbayarea.com/investigations/Is-Uber-Keeping-Riders-Safe-256438921.html>.

⁴ Astrid Galvan, *Arizona governor vetoes bill to exempt Uber, Lyft*, St. Louis Today, Apr. 24, 2014, http://www.stltoday.com/business/local/arizona-governor-vetoes-bill-to-exempt-uber-lyft/article_272f4c4d-4ba1-522f-905b-cd66dc16646b.html.

⁵ Nico Savidge, *Police: Lyft, Uber drivers cited in ride-sharing sting*, Wisconsin State Journal, Apr. 22, 2014, http://host.madison.com/news/local/crime_and_courts/police-lyft-uber-drivers-cited-in-ride-sharing-sting/article_8cf054ff-7c55-5448-8cff-eee89da884f2.html.

⁶ Case summaries are based on the available filing documents and media reports. No final rulings have been issued as of May 27, 2014.

arising under the Lanham Act.⁷ *Id.* at 6. It also found that possible sources of harm to plaintiffs lacked a causal connection to the alleged use of Boston Cab's color and marking. *Id.* at 4.

The court found plaintiffs failed to meet the pleading standards for Count III's alleged Massachusetts state statute violation. Count III was based on Uber's alleged misrepresentation that it is affiliated with medallion owners and radio associations, it collects only the Uber flat rates, and its service is lawful under Boston Taxi Rules. *Id.* at 6. The court agreed with the magistrate's findings that Uber had not made such explicit representations and that the plaintiffs lacked facts to support their allegations. *Id.* However, the court found "sufficient evidence" to support plaintiffs' claim under Count IV, which alleged Uber unfairly competes with plaintiffs in violation of Massachusetts state law. Similarly, the court found plaintiffs sufficiently stated a claim under Count V, alleging unfair competition in violation of Massachusetts common law.

To summarize, the district court found the plaintiffs' allegations of misrepresentation were insufficient, but their allegations of unfair competition were sufficient. The case is currently pending.

Lavitman v. Uber Technologies, Inc.

On December 18, 2012, plaintiff filed a class action suit in the Suffolk Superior Court against Uber for "unlawful retention, receipt, and failure to distribute the proceeds of gratuities collected from customers" for driving services plaintiff and other drivers performed. (Lavitman Complaint, page 1, 3.) Plaintiff claims this is a violation of Massachusetts state law (M.G.L. ch 149, § 150). Additionally, plaintiff alleges the defendants are liable under Massachusetts common law for unjust enrichment, quantum meruit, tortious interference with contractual and/or advantageous relations, and breach of contract. (*Id.* at 1, 5-6.) Plaintiff seeks payment for all compensation and gratuities.

The case was removed to the United States District Court for the District of Massachusetts pursuant defendant's motion filed January 28, 2013. On August 1, 2013, the District Court remanded the case to Suffolk County Superior Court because the defendants had not "demonstrated a reasonable probability that the amount in controversy exceeds \$5 million as required for subject matter

⁷ The Lanham Act, 15 U.S.C. §§ 1051 *et seq.*, "provides for a national system of trademark registration and protects the owner of a federally registered mark against the use of similar marks if such use is likely to result in consumer confusion, or if the dilution of a famous mark is likely to occur." Its scope is independent of and concurrent with state common law. LEGAL INFORMATION INSTITUTE, http://www.law.cornell.edu/wex/lanham_act (last visited May 27, 2014).

jurisdiction under the Class Action Fairness Act ("CAFA"), 28 U.S.C. §§ 1332(d) and 1453." The case is currently pending.

Los Angeles, California

Noorpavar v. Uber Technologies, Inc.

Plaintiff filed a class action suit against Uber Technologies on March 11, 2014 in the United States District Court for the Central District of California. Plaintiff seeks damages resulting from defendant's alleged illegal action in negligently and/or intentionally contacting the plaintiff on his cell phone in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227. (Noorpavar Complaint, pages 1, 13-14.) Plaintiff claims Uber Technologies continued to contact him via text message despite his efforts to unsubscribe. (*Id.* at 4-8.) Plaintiff brings this action on behalf of himself and all others similarly situated. (*Id.* at 8.)

On May 13, 2014, both parties stipulated to allow defendant to have a twenty-one day extension to reply to plaintiff's complaint by June 13, 2014.

San Francisco, California

Herrera, et al. v. Uber Technologies, Inc. et al.

On December 17, 2013, plaintiffs commenced action against Uber in the Superior Court of the State of California in San Francisco County. On September 25, 2013, plaintiffs arranged for a ride using the Uber phone application. (Herrera Complaint, page 5.) After defendant driver Elbatniji picked up the plaintiffs, Elbatniji collided with defendant Wagner. Plaintiffs were injured and needed medical attention. (*Id.*) As instructed by Uber, plaintiffs filed a claim with Elbatniji's personal motor vehicle insurance. They were denied coverage because Elbatniji lacked a commercial policy. (*Id.*) Plaintiffs argue Uber is the employer of Elbatniji and is vicariously liable for Elbatniji's actions under the respondeat superior doctrine. (*Id.* at 6.) Plaintiffs claim Uber was negligent in its failure to train and supervise its drivers. Additionally, plaintiffs claim that as a common carrier, Uber breached its duty of care to plaintiffs by failing to provide a safe and fit vehicle and properly insured drivers, as required by California law and advertised by Uber. (*Id.* at 7.)

Uber filed its answer on March 3, 2014. The case is pending.

Jiang Liu, et al. v. Uber Technologies, Inc.

On January 27, 2014, plaintiffs filed a complaint against defendants in the Superior Court of the State of California in San Francisco County. Defendants are Uber, Raiser LLC and Raiser-California LLC (Uber subsidiaries), and

Muzzafar (the adult driver of the vehicle that killed plaintiffs' family member). (Liu Complaint, pages 2-3.) On December 31, 2013, Muzzafar's vehicle hit the plaintiff family as they were crossing the street, causing the wrongful death of Sofia Lui and serious physical and mental injuries to the other plaintiffs. (*Id.* at 4.) Plaintiffs allege Uber was acting as the employer of Muzzafar and an agency relationship existed between them on the day of the accident. (*Id.* at 3.) Plaintiffs filed action for wrongful death, negligence (negligence of a motor vehicle; negligence of emotional distress; negligence in hiring, retention, training and supervision by Uber and Raiser), and loss of consortium. (*Id.* at 10-16.) Plaintiffs filed all causes of action under the California Civil Code. (*Id.* at 17.)

Uber's answer is pending. Defendant Muzzafar's hearing for motion to strike complaint is scheduled for May 14, 2014.

Ryan Lawrence v. Uber Technologies, Inc.

On December 6, 2013, plaintiff filed suit in the Superior Court of the State of California in San Francisco County against Uber, Rosenfield, and Gondim. Plaintiff alleges that on June 28, 2013, Gondim was transporting Rosenfield in exchange for payment and gratuity through Uber. (Lawrence Complaint, pages 2-3.) After stopping the vehicle, Gondim failed to take the necessary precautions and instructed Rosenfield to open his door. Subsequently, Rosenfield opened his door, hitting and injuring the plaintiff who was riding his bicycle. (*Id.*) Plaintiff argues Gondim was acting within the scope of his "partnership/agency/employment" with Uber at the time of the accident. (*Id.* at 2.) Plaintiff seeks damages against all defendants for negligence and against Uber pursuant to the respondeat superior doctrine. (*Id.* at 4.)

Currently, Uber's answer is pending. The court scheduled a show cause hearing for June 17, 2014 to determine why default judgment should not be entered against Uber.

Fahrbach v. Uber Technologies, Inc.

On July 25, 2013, plaintiff filed suit against defendants in the Superior Court of the State of California in San Francisco County. Defendants include Sleiman (owner and operator of a motor vehicle), Gafurov (taxicab driver acting within the course of his employment at the time of the accident), SF Limo (Gafurov's employer), and Uber Technologies (acting as a principal, partner, joint venture, affiliate, franchisor and/or employer of Gafurov and SF Limo). (Fahrbach Amended Complaint, page 2.) Plaintiff alleges that on March 12, 2013, Gafurov negligently operated his vehicle by failing to yield to oncoming traffic. As a result, Gafurov's vehicle collided with Sleiman's vehicle. After the collision, Sleiman continued in a northbound direction and collided with a fire hydrant, which was propelled into the air and struck the plaintiff. (*Id.* at 3.) Plaintiff suffered severe bodily injuries and seeks damages and relief.

Most recently, parties are undergoing discovery. On April 4, 2014, the court ordered this case to be consolidated with *Sleiman v. Gafurov* (CGC-13-532371).

Goncharov, et al. v. Uber Technologies, Inc.

On November 9, 2012, plaintiffs, licensed and permitted taxicab drivers filed a class action suit against Uber in the Superior Court of California in San Francisco County. (Goncharov Amended Complaint, page 2.) Plaintiffs seek to enjoin Uber from operating illegally in the City and County of San Francisco by partnering with unauthorized drivers and unlawfully competing with permitted taxicab drivers. (*Id.*) Plaintiffs argue Uber unfairly competes with the plaintiff class by refusing to comply with San Francisco's transportation rules, dispatching unlicensed limousines or "Black Cars," using illegal metering devices, and charging unauthorized rates. (*Id.*) Plaintiffs claim defendant's actions have resulted in unfair business practices in violation of California's Business and Professions Code §17200, intentional and negligent interference with prospective economic relations, a lack of accounting, and numerous city and state law violations. (*Id.* at 9-12.) Plaintiffs request declaratory relief, restitution, and preliminary and permanent injunctions. Plaintiffs also request class certification.

A case management conference is set for May 2014, at which plaintiffs' request for class certification will be heard. Currently, the parties are serving discovery requests.

O'Connor v. Uber Technologies, Inc.

On August 16, 2013, plaintiffs filed a class action suit in the United States District Court for Northern California against Uber to recover the full amount of gratuity they believe they are owed. Plaintiffs, former Uber drivers allege Uber falsely advertises to riders that gratuity is included in the total cost of the service. (O'Connor Complaint, pages 1-2.) Plaintiffs also claim Uber fails to remit the entire gratuity paid by customers to drivers (if any). (*Id.* at 2.) Plaintiffs argue Uber's actions give rise to unjust enrichment, tortious interference with contractual relations, California Gratuities Law (California Labor Code Section 351) violations, and California Unfair Competition Law (Ca. Bus. & Prof. Code §17200) violations. (*Id.* at 2, 8-10.) On August 16, 2013, the court issued an ADR scheduling order.

Later, plaintiffs filed a "renewed emergency motion for protecting order to strike arbitration clauses." C-13-3826 EMC, 2013 WL 6407583 (N.D. Cal. Dec. 6, 2013) *reconsideration denied*, C-13-3826 EMC, 2014 WL 1760314 (N.D. Cal. May 2, 2014) (only the Westlaw citation is currently available). The continued use of the Uber application was conditioned on the approval of an arbitration clause which was accepted by users' swipe of a button on their mobile phones. *Id.*

Opting out of the arbitration clause was a more onerous process which “required users to send a letter via hand delivery or overnight mail to Uber’s general counsel.” *Id.* On December 6, 2013, the Court issued an order enjoining Uber from issuing any agreement containing its standard arbitration agreement provision to “Uber drivers or prospective drivers” until the court approves revised notice and opt-out procedures. *Id.*

On February 12, 2014, the court granted a motion to relate the case to *Caren Ehret et al v. Uber Technologies Inc.* Case management conference is set for July 10, 2014.

Chicago, Illinois

Yellow Group, LLC, et al v. Uber Technologies, Inc.

Chicago taxi companies, subsidiaries, and affiliates filed suit against Uber in the United States District Court for the Northern District of Illinois Eastern Division on October 4, 2012. Plaintiffs allege that by contracting with drivers directly without the consent of plaintiffs, “Uber acts as a *de facto* transportation company while promoting the false impression to the riding public that when Plaintiffs’ vehicles respond to an Uber dispatch call, Plaintiffs are working with Uber.” (Yellow Group Complaint, page 1.) This false impression allows Uber to avoid the costs and time associated with Chicago’s taxi regulations and creates unfair competition with plaintiffs. (*Id.* at 2.)

Plaintiffs allege the nature of Uber’s business and affiliation misrepresentations lead to claims under Section 42(a) of the Lanham Act and Illinois state law (Illinois Deceptive Trade Practices Act). (*Id.* at 6.) Additionally, plaintiffs allege Uber’s unfair competition with compliant taxi companies violates Illinois Consumer Fraud and Deceptive Business Practices Act and that Uber’s operations tortiously interfere with contractual relations between taxi affiliations, medallion owners, and licensee drivers. (*Id.* at 13, 19.)

On September 30, 2013, the court denied defendant’s motion to dismiss for lack of subject matter jurisdiction. However, it granted defendant’s motion to dismiss for failure to state a claim for relief in respect to defendant’s statements on the “premium” and “high quality” nature of its services and its representation that it charged a 20% gratuity rate. The court also granted the motion to dismiss for plaintiffs’ claims regarding insurance misrepresentation and trademark breaches with drivers. On the same day, the court denied plaintiff’s motion for preliminary injunction. On May 15, 2014, the court referred the case to a settlement conference.

Miguel Manzo, et al. v. Uber Technologies, Inc. et al.

On February 21, 2013, plaintiffs filed a class action suit against Uber and Uber drivers or “agents” in the Circuit Court of Cook County, Illinois, County Department, Chancery Department. Plaintiffs assert plaintiff drivers abide by the City of Chicago’s taxicab regulations while defendants do not. (Manzo Complaint, page 2.) By avoiding the “operational costs and constraints associated with compliance,” plaintiffs argue defendants gain an unfair competitive advantage over them. (*Id.*) Additionally, plaintiffs claim Uber’s relationship with defendant drivers and taxi companies are “publically misleading.” (*Id.* at 4.) Plaintiffs allege defendants’ actions are in violation of the Illinois Consumer Fraud Act and Deceptive Business Practices Act. (*Id.* 8-13.)

On April 1, 2013, defendants removed the case to the United States District Court for the Northern District of Illinois Eastern Division. On April 8, 2013, defendants filed a motion to dismiss for failure to state a claim. The motion to dismiss is pending and a status hearing is scheduled for August 13, 2014.

Caren Ehret et al v. Uber Technologies Inc.

On October 1, 2012, plaintiff filed a class action suit against Uber in the Circuit Court of Cook County, Illinois, County Department, Chancery Department. The suit has been moved to the United States District Court for the Northern District of California. On January 8, 2014, plaintiffs submitted a complaint to the Northern District of California.

In 2012, plaintiff arranged and paid for taxicab rides in Chicago using the Uber app and was charged 20% above the “metered fare” for each ride in reliance upon Uber’s representation that the additional 20% was a “gratuity” different than the “metered fare.” (Ehret Complaint, page 4.) However, Uber retained for itself a substantial portion of the 20% “gratuity.” Plaintiff claims if it were not for Uber’s misrepresentations, she would not have agreed to pay Uber the full amount she was charged. (*Id.*) Plaintiffs allege defendants violated the California Unfair Competition Law (California Business and Professions Code § 17200) through their fraudulent misrepresentations and omissions. (*Id.* at 5.) Plaintiff requests relief and demands a trial by jury. (*Id.* at 6.) On March 11, 2014, defendants filed a motion to dismiss. On April 2, 2014, plaintiffs filed an amended complaint. A hearing for defendant’s motion to dismiss the amended complaint is scheduled for August 14, 2014.

Houston, Texas

Greater Houston Transportation Company, et al. v. Uber Technologies, Inc. and Lyft, Inc.

On April 8, 2014, plaintiffs, taxicab permit holders and limousine services licensed in Houston and San Antonio filed suit against Uber in the United States District Court for the Southern District of Texas. Defendants are operating “for hire” vehicles in Houston without following local licensing regulations. (Greater Houston Complaint, page 2.) Defendants continue to operate in violation of state and local law and ignore citations and cease and desist letters. (*Id.* at 2-3.) Plaintiffs’ complaint emphasizes the harm defendants’ actions have on public health, safety, and welfare. (*Id.*) Plaintiffs allege defendants’ disregard for the law results in city for-hire vehicle code violations, Lanham Act violations for misrepresentation of services, Texas common law unfair competition violations, and Racketeer Influenced and Corrupt Organization Act (RICO) violations. (*Id.* at 36-38.)

Plaintiffs request preliminary and permanent injunctions restraining defendants from operating in Houston and San Antonio. (*Id.* at 41.) On April 21, 2014, the court denied plaintiffs’ temporary restraining order. On May 5, 2014, defendants filed a motion to dismiss. An injunction hearing is scheduled for September 25, 2014.

New York, New York

Dundar v. Uber Technologies, Inc.

On October 2, 2013, Plaintiff filed suit against Uber in the Supreme Court of the State of New York in New York County.⁸ Plaintiff is a licensed taxicab driver in the City and State of New York. (Dundar Amended Complaint, page 1.) In December 2011, Plaintiff utilized the Uber software to perform cab services in New York City. (*Id.* at 2.) In order to make more money, plaintiff decided to purchase a new vehicle that qualified as a “Black Car” under Uber’s guidelines. After plaintiff drove his “Black Car” for three years, Uber changed its policy. Plaintiff’s vehicle no longer qualified as a “Black Car” and was demoted to the lower service grade “UberX” status. Plaintiff then purchased a new 2013 Chrysler vehicle for \$60,449.68 that qualified under Uber’s updated “Black Car List.” (*Id.* 4-5.) Nearly four months later, Uber changed its “Black Car” policy and plaintiff’s newly purchased vehicle did not qualify.

Plaintiff claims the duration of time in which Uber permitted him to operate as “Black Car” status following the purchase of the 2013 Chrysler was

⁸ Plaintiff’s original complaint has since been amended. On April 1, 2014 the court granted defendant’s Motion to Dismiss with respect to plaintiff’s original claim for promissory estoppels and negligent misrepresentation.

unreasonable. (*Id.* at 7.) Plaintiff claims his reliance on the January 11, 2013 “Black Car Approved Vehicles,” caused him to sustain a monetary loss of \$60,449.68 plus lost earnings. Plaintiff seeks judgment against defendant for monetary losses along with other costs. (*Id.*)

On May 16, 2014, defendants filed a motion to dismiss plaintiff’s amended complaint “because it fails to allege that Uber broke any promise to Plaintiff.” (Uber Motion to Dismiss, page 1.) The case is pending.

Columbus, Ohio

*City of Columbus v. Uber Technologies, Inc.*⁹

On April, 30, 2014, the City of Columbus filed suit in Franklin County Municipal Court to enjoin Uber from operating in Columbus. The suit was prompted by city investigations that found Uber drivers have been accepting fares without commercial licenses. Evan Weese, *Columbus sues Uber to stop car-hailing service*, Columbus Business First, Apr. 9, 2014, bizjournals.com/columbus/news/2014/04/09/columbus-sues-uber-to-stop-car-hailing-service.html. According to a Columbus assistant public safety officer, the city is planning on working with Uber, but because Columbus doesn’t have codes in place yet, Uber is in violation. *Id.* On April 30, 2014, the court denied plaintiff’s request for a temporary restraining order. According to the court’s website, Uber’s answer is still pending.

Seattle, Washington

Western Washington Taxicab Operators Association v. Uber Technologies, Inc.

On March 24, 2014, plaintiff filed suit against Uber in the Superior Court of the State of Washington in King County. On April 23, 2014, the case was removed to the United States District Court for the Western District of Washington at Seattle. Plaintiffs seek injunctive relief and monetary damages against Uber for threatening their livelihood as taxicab drivers. (Taxi Operators Association Complaint, page 1.) Plaintiffs claim that Uber’s operations in violation of state, county, and city laws lead to “unlawful and deceptive business practice which harms the economic interest of taxicab drivers . . . and the public at large.” (*Id.* at 1-2.) Specifically, plaintiffs allege defendants are in violation of the Washington Consumer Protection Act RCW 19.86. (*Id.* at 6.) Uber’s answer is pending.

⁹ Filing documents are not available to view on the court’s website. The information is largely based on the cited media report.

St. Louis, Missouri

City of St. Louis Metropolitan Taxicab Commission v. Lyft, Inc.

On April 18, 2014, plaintiff filed suit in the 22nd Judicial Circuit Court of Missouri against Lyft and its individual drivers. Plaintiffs are a political subdivision of Missouri organized to regulate vehicle for hire companies within St. Louis City and St. Louis County. (City of St. Louis Amended Complaint, page 2.) Plaintiffs allege “[d]efendants have engaged in conduct that violates and interferes with the enforcement of Missouri’s state statutes and the Metropolitan Taxicab Commission Vehicle for Hire Code” which puts the public at an immediate risk of harm. (*Id.* at 7.) Additionally, plaintiffs claim defendant’s conduct conflicts with the Commission’s “ability to exercise its police power to protect the public.” (*Id.*) Plaintiffs argue defendants will not be harmed if forced to obey with the regulations. (*Id.* at 7-8.) Plaintiffs request preliminary and permanent injunctions against defendant. (*Id.* at 9.)

On April 28, 2014, the state circuit court issued a temporary restraining order enjoining the defendant and its drivers “from providing transportation in the City of St. Louis or St. Louis County.” (Temporary Restraining Order, page 1.) On that same day, the case was removed to the United States District Court for the Eastern District of Missouri. However, on April 30, 2014, the case was remanded back to state court based on federal diversity jurisdiction. In the meantime, defendants have filed a motion to dissolve the temporary retaining order.