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Uber Just Scored a Major Win in New York Over Surge Pricing

Reuters   ...
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A federal judge on Friday granted a request by Uber Technologies and its chief executive officer to put a passenger's price-fixing lawsuit against them on hold, while they appeal his refusal to let them arbitrate the dispute.

Calling his decision a "close call," U.S. District Judge Jed Rakoff in Manhattan said the defendants had not made a "strong showing" that their appeal would likely succeed, though they would face irreparable harm if arbitration were wrongfully denied.

But he said the appeals court could clarify whether Spencer Meyer, the Connecticut plaintiff, and others like him consent to arbitration when they buy services subject to conditions in "clickwrap" and "browsewrap" agreements found online.

In his proposed nationwide class-action lawsuit, Meyer said Uber and CEO Travis Kalanick violated antitrust laws by conspiring with drivers to charge high "surge-pricing" fares during periods of heavy demand. Uber takes a share of drivers' earnings.

On July 29, Rakoff denied Uber's request for arbitration, saying Meyer never agreed to it and the San Francisco-based company did not properly notify him about its policies.

Meyer opposed delaying his case while Uber appealed that ruling.

"We look forward to defending Judge Rakoff's decision and having this matter returned to the district court," Brian Feldman, a lawyer for Meyer, said in an email.

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Uber and its lawyers did not immediately respond to requests for comment.

The company faces several lawsuits over its pricing and its treatment of drivers, and often tries to keep such disputes away from courthouses.

On Aug. 18, a federal judge in San Francisco voided Uber's $100 million settlement with drivers who claimed they were employees rather than independent contractors, and entitled to recoup costs such as gas and vehicle

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