

COURT EXHIBIT 9A

Designation Run Report for Cory Freivogel
as played in Court 1/21/2026 (February 6, 2025)

Cory Freivogel v4p As-Played in Court 01-21-25

Designation List Report



Freivogel, Cory

2025-02-06

Freivogel, Cory

2025-02-06

Our Designations

00:33:49

Their Counters

00:04:14

TOTAL RUN TIME

00:38:02



CFv4p-As-PlayedinCourt1-21-25 - Cory Freivogel v4p As-Played in Court 01-21-25

DESIGNATION	SOURCE	DURATION	ID
9:24 - 10:01	Freivogel, Cory 2025-02-06 MDL - PIP MP4 9:24 Could you just introduce yourself to 9:25 the jury? 10:01 A. My name is Cory Freivogel.	00:00:05	CFv4p-As-PlayedinCourt1-21-25.1
11:02 - 11:03	Freivogel, Cory 2025-02-06 MDL - PIP MP4 11:02 Q. Okay. So let's just talk a little bit 11:03 about your background.	00:00:02	CFv4p-As-PlayedinCourt1-21-25.2
11:25 - 12:05	Freivogel, Cory 2025-02-06 MDL - PIP MP4 11:25 Q. Okay. So currently you are the Head 12:01 of U.S. and Canada Platform Safety Operations at 12:02 Uber; is that right? 12:03 A. So I -- in September, my title changed 12:04 to the Head of Safety, U.S. and Canada, but yes, 12:05 that's my current role.	00:00:19	CFv4p-As-PlayedinCourt1-21-25.3
12:21 - 13:19	Freivogel, Cory 2025-02-06 MDL - PIP MP4 12:21 Q. What does it mean to be the Head of 12:22 Safety for the United States and Canada for 12:23 Uber? 12:24 A. It's similar to my former role, which 12:25 was the Head of Platform Safety Operations, and 13:01 what it refers to is that me and my team 13:02 ultimately develop standards and, you know, 13:03 proactive initiatives focused on on-trip safety 13:04 incidents on Uber. 13:05 Q. Okay. I think you've described your 13:06 job in the past as "bad stuff"; is that right? 13:07 A. I did say that in a conversation that 13:08 we had previously today or an old chat message. 13:09 Q. Okay. And that's because, you know, 13:10 your job deals with some of the worst stuff that 13:11 can happen while someone's using the Uber app, 13:12 right? 13:13 A. I mean, my job deals with a wide 13:14 variety of incidents on Uber, including the 13:15 worst -- or, the incidents, yes. 13:16 Q. Okay. And you've been at Uber for 13:17 about ten years now; is that right? 13:18 A. Almost. Just a few months shy of 13:19 that.	00:01:07	CFv4p-As-PlayedinCourt1-21-25.4

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DESIGNATION	SOURCE	DURATION	ID
21:04 - 21:08	Freivogel, Cory 2025-02-06 MDL - PIP MP4 21:04 Q. Do you agree that Uber should take 21:05 action when it can to prevent passengers from 21:06 being sexually assaulted by Uber drivers? 21:07 A. I believe that, yes, Uber should take 21:08 action when it can.	00:00:11	CFv4p-As-PlayedinCourt1-21-25.5
21:09 - 21:12	Freivogel, Cory 2025-02-06 MDL - PIP MP4 21:09 Q. And Uber should do research and 21:10 testing to find out what steps work to prevent 21:11 passengers from being sexually assaulted by Uber 21:12 drivers, true?	00:00:09	CFv4p-As-PlayedinCourt1-21-25.6
21:14 - 21:21	Freivogel, Cory 2025-02-06 MDL - PIP MP4 21:14 THE WITNESS: You're using these terms 21:15 "prevent" and "work." I think that we 21:16 should do what we can to try and mitigate 21:17 the risk of sexual assault, absolutely, and 21:18 we should take action. But I don't know 21:19 that there's anything which would 21:20 necessarily solve or eliminate sexual 21:21 assault, if that's what you mean by "work."	00:00:18	CFv4p-As-PlayedinCourt1-21-25.7
22:21 - 23:02	Freivogel, Cory 2025-02-06 MDL - PIP MP4 22:21 I'm asking you, do you think Uber can 22:22 prevent individual instances of sexual assault? 22:23 A. Again, I don't know if our actions or 22:24 any actions would necessarily prevent a sexual 22:25 assault from occurring. I think we can, and do, 23:01 take actions which we believe can mitigate that 23:02 risk on the platform.	00:00:19	CFv4p-As-PlayedinCourt1-21-25.8
23:03 - 23:07	Freivogel, Cory 2025-02-06 MDL - PIP MP4 23:03 Q. Okay. Do you believe that Uber should 23:04 devote money and resources towards attempting to 23:05 prevent passengers from being sexually assaulted 23:06 by Uber drivers? 23:07 A. Absolutely. Yes.	00:00:09	CFv4p-As-PlayedinCourt1-21-25.9
27:02 - 27:07	Freivogel, Cory 2025-02-06 MDL - PIP MP4 27:02 Q. Well, Uber tracks drivers' ratings, 27:03 right? 27:04 A. Yeah, we track ratings. 27:05 Q. Uber tracks drivers' cancellation	00:00:09	CFv4p-As-PlayedinCourt1-21-25.10

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DESIGNATION	SOURCE	DURATION	ID
	27:06 rates, right?		
	27:07 A. They do track that, yeah.		
32:24 - 33:03	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:09	CFv4p-As-PlayedinCourt1-21-25.11
	32:24 Would you agree that Uber tells the		
	32:25 public that it has zero tolerance for sexual		
	33:01 offenders?		
	33:02 A. I think we have used that language		
	33:03 before, yes.		
33:21 - 34:03	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:18	CFv4p-As-PlayedinCourt1-21-25.12
	33:21 Q. Okay. Let's talk a little bit about		
	33:22 Uber and safety, okay?		
	33:23 A. Okay.		
	33:24 Q. Uber should transport its passengers		
	33:25 safely, true?		
	34:01 A. I would agree with that, yeah.		
	34:02 Q. Uber rides should be safe, right?		
	34:03 A. Yeah. I think we do a lot to promote		
34:04 - 34:04	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:02	CFv4p-As-PlayedinCourt1-21-25.13
	34:04 safety on the platform, yes.		
34:07 - 34:12	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:15	CFv4p-As-PlayedinCourt1-21-25.14
	34:07 In general, a safe ride includes a		
	34:08 trip without sexual violence, true?		
	34:09 A. I would say that's true, yeah.		
	34:10 Q. A passenger being sexually assaulted		
	34:11 by a driver makes a ride unsafe, true?		
	34:12 A. Yes, I would say that's true.		
34:25 - 35:02	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:00	CFv4p-As-PlayedinCourt1-21-25.15
	34:25 (Exhibit 40, Document Bates-stamped		
	35:01 UBER_JCCP_MDL_000418750, marked for		
	35:02 identification as of this date.)		
36:11 - 36:12	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:07	CFv4p-As-PlayedinCourt1-21-25.16
	36:11 Do you recognize this document?		
	36:12 A. I've seen it before, yes.		
36:19 - 36:25	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:14	CFv4p-As-PlayedinCourt1-21-25.17
	36:19 Q. Okay. And this is a presentation --		
	36:20 if you go to that page 2, I guess -- 3, maybe it		
	36:21 might be for you --		
	36:22 A. Uh-huh.		

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DESIGNATION	SOURCE	DURATION	ID
	36:23 Q. -- called "Personal Safety Deep Drive, 36:24 Sexual Assault Focus," do you see that? 36:25 A. I do.		
37:06 - 38:01	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:59	CFv4p-As-PlayedinCourt1-21-25.18
	37:06 Q. All right. And it says, "Sexual 37:07 assaults are one of the most horrific and 37:08 infuriating types of incidents that can occur on 37:09 the Uber platform." 37:10 Do you see that? 37:11 A. I do. 37:12 Q. It goes on to say, "While there is 37:13 most certainly reporting trends and 37:14 categorization differences across mega-regions 37:15 that influence these metrics, the issue is 37:16 generally more pronounced in the U.S. and Canada 37:17 vs. other mega-regions." 37:18 Do you see that? 37:19 A. I do see that. 37:20 Q. And then there's a -- there is a 37:21 graphic of a globe. Do you see that? 37:22 A. Yes, I see the globe. 37:23 Q. And and over where the United States 37:24 and Canada are on the globe, it says "11 per 1 37:25 million trips, U.S. & Canada," do you see that? 38:01 A. I do, yes.		
38:24 - 39:01	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:03	CFv4p-As-PlayedinCourt1-21-25.19
	38:24 Q. You see this one says "Data Insights," 38:25 right? 39:01 A. Yes.		
53:07 - 55:03	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:01:52	CFv4p-As-PlayedinCourt1-21-25.20
	53:07 Q. Then the next slide says, 53:08 "Forward-Looking Actions," do you see that 53:09 heading? 53:10 A. Yes. 53:11 Q. Great. And if you flip to the next 53:12 one, it says, "Safety & Insurance 'Safety Risk 53:13 Assessed Dispatch (S-RAD)' Model." 53:14 Do you see that? 53:15 A. I do. 53:16 Q. What's the S-RAD model?		

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DESIGNATION	SOURCE	DURATION	ID
53:17	A. It's a sort of matching algorithm that		
53:18	is used to -- with the intention of minimizing		
53:19	risky pairings.		
53:20	Q. Okay. And there's a heading or a		
53:21	bullet that says "Motivation," do you see that?		
53:22	A. I do.		
53:23	Q. It says, "Prevent sexual assaults on		
53:24	the Uber platform," right?		
53:25	A. It does say that there, yeah.		
54:01	Q. Okay. And this is -- the purpose of		
54:02	this S-RAD, the motivation of the S-RAD model		
54:03	was to prevent sexual assaults on the Uber		
54:04	platform; is that true?		
54:05	A. I mean, it says, "Motivation: Prevent		
54:06	sexual assaults on the Uber platform."		
54:07	Q. And then it says, "Intervention		
54:08	Design: Leverage machine learning to flag		
54:09	driver-rider matches with elevated risks and		
54:10	down-rank those matches at the point of dispatch		
54:11	(subject to marketplace constraints)," do you		
54:12	see that?		
54:13	A. I do see it says that there, yeah.		
54:14	Q. So the idea here is, like you said, to		
54:15	prevent risky drivers from matching in risky		
54:16	situations with passengers, right?		
54:17	A. I mean, that's what it lists as the		
54:18	motivation here, yeah, to minimize risky		
54:19	pairings.		
54:20	Q. Okay. And it has preliminary results,		
54:21	right, do you see that bullet?		
54:22	A. That's what it says there, yeah.		
54:23	Q. And there's one bullet and then a		
54:24	series of two bullets, and it says, "Can predict		
54:25	more than 15 percent of sexual assaults by		
55:01	flagging 1 percent of highest risk trips."		
55:02	Do you see that?		
55:03	A. That's what it says there, yeah.		
55:04 - 55:07	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:08	CFv4p-As-PlayedinCourt1-21-25.21
55:04	Q. And it says, "Better at predicting		
55:05	sexual assaults involving female drivers than		

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DESIGNATION	SOURCE	DURATION	ID
	55:06 male drivers," do you see that?		
	55:07 A. I do see it say that there, yeah.		
55:08 - 56:03	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:48	CFv4p-As-PlayedinCourt1-21-25.22
	55:08 Q. Were you involved in building S-RAD in		
	55:09 any way?		
	55:10 A. I was not involved in building it or		
	55:11 its development.		
	55:12 Q. Do you over -- is S-RAD in -- is S-RAD		
	55:13 a thing that Uber uses today?		
	55:14 A. S-RAD is a thing that exists today.		
	55:15 It's largely managed outside of my team. It's a		
	55:16 matching algorithm, so...		
	55:17 Q. Okay. So the Safety Team does not		
	55:18 manage this S-RAD model whose motivation is to		
	55:19 prevent sexual assaults on Uber --		
	55:20 A. Well, there are -- there are different		
	55:21 teams that focus on different aspects of safety.		
	55:22 This is describing a matching algorithm. I'm		
	55:23 not an engineer, so I don't directly manage the		
	55:24 S-RAD model.		
	55:25 Q. Which team directly manages the S-RAD		
	56:01 model?		
	56:02 A. I believe they would be called the		
	56:03 Safety Marketplace Team.		
61:09 - 61:13	Freivogel, Cory 2025-02-06 MDL - WIT MP4	00:00:19	CFv4p-As-PlayedinCourt1-21-25.23
	61:09 Q. Okay. Going back to S-RAD for a		
	61:10 second, when did the S-RAD go into effect?		
	61:11 A. I don't know exactly when it went into		
	61:12 effect. I think here it's a 2018 or 2019		
	61:13 document. May have been around that time.		
87:07 - 87:09	Freivogel, Cory 2025-02-06 MDL - WIT MP4	00:00:07	CFv4p-As-PlayedinCourt1-21-25.24
	87:07 Q. Would you agree that a lack of		
	87:08 transparency then makes a business inherently		
	87:09 untrustworthy?		
87:11 - 87:18	Freivogel, Cory 2025-02-06 MDL - WIT MP4	00:00:14	CFv4p-As-PlayedinCourt1-21-25.25
	87:11 THE WITNESS: I think transparency is		
	87:12 important. I'm aligned with what we		
	87:13 produced in the safety report. I think it		
	87:14 goes a long way towards building trust.		

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DESIGNATION	SOURCE	DURATION	ID
	87:15 BY MR. SMITH:		
	87:16 Q. So do you agree that a lack of		
	87:17 transparency makes a business inherently		
	87:18 untrustworthy?		
88:19 - 88:20	Freivogel, Cory 2025-02-06 MDL - WIT MP4	00:00:02	CFv4p-As-PlayedinCourt1-21-25.26
	88:19 prior to that as well, but that's what I said,		
	88:20 yeah.		
88:24 - 89:09	Freivogel, Cory 2025-02-06 MDL - WIT MP4	00:00:21	CFv4p-As-PlayedinCourt1-21-25.27
	88:24 You agree that a lack of transparency		
	88:25 then makes a business inherently untrustworthy,		
	89:01 right?		
	89:02 A. Again, same sort of response. There's		
	89:03 a lot of context explaining my response, but,		
	89:04 yeah, I'm not -- I agree that transparency is		
	89:05 important and critical to building trust.		
	89:06 Q. And a lack of it makes a business		
	89:07 inherently untrustworthy?		
	89:08 A. Yeah, I mean, I don't disagree with		
	89:09 that statement.		
137:24 - 138:03	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:21	CFv4p-As-PlayedinCourt1-21-25.28
	137:24 Q. So, okay, I've just handed you a		
	137:25 document that we have marked as Exhibit 46, and		
	138:01 it's stamped UBER_JCCP_MDL_000420913.		
	138:02 Do you see that?		
	138:03 A. Yes.		
143:01 - 143:04	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:12	CFv4p-As-PlayedinCourt1-21-25.29
	143:01 Q. If Uber thought it was impossible to		
	143:02 reduce sexual assault, any incident of sexual		
	143:03 assault, it wouldn't launch an initiative to try		
	143:04 and reduce sexual assault, right?		
143:07 - 143:15	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:21	CFv4p-As-PlayedinCourt1-21-25.30
	143:07 THE WITNESS: I think -- I guess I'm		
	143:08 not totally sure I follow. My point that I		
	143:09 was making, and I think what this is getting		
	143:10 at here, is that we should launch		
	143:11 initiatives which are focused on, you know,		
	143:12 have the goal of, reducing sexual assaults.		
	143:13 The fact that we can't guarantee		
	143:14 success does not mean that, you know, it's		

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DESIGNATION	SOURCE	DURATION	ID
	143:15 not something we would do.		
145:08 - 146:18	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:01:24	CFv4p-As-PlayedinCourt1-21-25.31
	145:08 Let's go to page 931, and do you see		
	145:09 it says "Out-of-Scope Areas for 2019 U.S. &		
	145:10 Canada Safety Operations," right?		
	145:11 A. Yes.		
	145:12 Q. And there's this bubble that says		
	145:13 "Non-Sexual Assault Incidents," right?		
	145:14 A. That's what it says.		
	145:15 Q. And then just read what it says under		
	145:16 that bubble, that first sentence there.		
	145:17 A. "We will be focused on reducing sexual		
	145:18 assault incidents, as they pose the largest		
	145:19 safety, reputational, and financial risk. This		
	145:20 means that we will be deliberately		
	145:21 deprioritizing other incident types, like		
	145:22 physical assault. Note - this is subject to		
	145:23 change if we launch cash to 100 percent of		
	145:24 customers in 2019."		
	145:25 Q. Okay. So it says we will be -- Uber		
	146:01 will be focused on reducing sexual assault		
	146:02 incidents, right?		
	146:03 A. That's what it says.		
	146:04 Q. Because sexual assault incidents pose		
	146:05 the largest safety, reputational, and financial		
	146:06 risk to Uber, true?		
	146:07 A. That's what's written here, yeah.		
	146:08 Q. Okay. And do you have that		
	146:09 understanding as well, that sexual assault		
	146:10 incidents pose the largest safety, reputational,		
	146:11 and financial risk to Uber?		
	146:12 A. I don't know that I would necessarily		
	146:13 couch it in reputational terms, but I think		
	146:14 sexual assault is -- should be, you know, a top		
	146:15 focus for us as a Safety Team, absolutely.		
	146:16 Q. You wouldn't couch it in reputational		
	146:17 terms. Why not?		
	146:18 A. I don't think in that way, I suppose.		
147:07 - 147:10	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:12	CFv4p-As-PlayedinCourt1-21-25.32
	147:07 If people thought there was a		

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DESIGNATION	SOURCE	DURATION	ID
	147:08 significantly high risk of being sexual		
	147:09 assaulted in an Uber, do you think that would be		
	147:10 good or bad for Uber's reputation?		
147:13 - 147:25	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:32	CFv4p-As-PlayedinCourt1-21-25.33
	147:13 THE WITNESS: You -- you're asking if		
	147:14 people thought that there was a larger risk		
	147:15 of sexual assault, it would be bad for		
	147:16 Uber's reputation?		
	147:17 BY MR. SMITH:		
	147:18 Q. Yeah; would it be good or bad?		
	147:19 A. It would likely be bad if people		
	147:20 thought that.		
	147:21 Q. And then if we go to page 936, the		
	147:22 heading says "2019 Key U.S. and Canada Safety		
	147:23 Operations Initiatives."		
	147:24 Do you see that?		
	147:25 A. I do.		
148:05 - 148:22	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:43	CFv4p-As-PlayedinCourt1-21-25.34
	148:05 Q. And under "User-Level Interventions		
	148:06 and Deactivations," can you read what's bolded		
	148:07 there?		
	148:08 A. "Reducing incident rate by changing a		
	148:09 user's behavior and sharpening deactivation		
	148:10 criteria."		
	148:11 Q. "Sharpening deactivation criteria"		
	148:12 means -- means what, in your mind?		
	148:13 A. I didn't write it. I assume it means		
	148:14 deactivating more people.		
	148:15 Q. Okay, deactivating more people.		
	148:16 And then under the "Sample Key		
	148:17 Projects," there is a sentence down there that		
	148:18 says "Success," do you see that?		
	148:19 A. Yes.		
	148:20 Q. Can you read what it says?		
	148:21 A. "Success will mean reducing the sexual		
	148:22 assault rate -- incident rate."		
148:23 - 149:22	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:58	CFv4p-As-PlayedinCourt1-21-25.35
	148:23 Q. All right. So Uber here, on these		
	148:24 key -- on this key initiative, is measuring		
	148:25 success by whether it reduces the sexual assault		

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DESIGNATION	SOURCE	DURATION	ID
	149:01 incident rate, true?		
	149:02 A. That's what the document says, yeah.		
	149:03 Q. Right. "Trip-Level Interventions and		
	149:04 Deactivations," do you see that column?		
	149:05 A. I do.		
	149:06 Q. It says under it, "Reducing incident		
	149:07 rate by preventing the trip or match from		
	149:08 happening at all or changing the circumstances		
	149:09 of the trip."		
	149:10 Do you see that?		
	149:11 A. I see that's what's stated there,		
	149:12 yeah.		
	149:13 Q. Right. And then, under it, it says,		
	149:14 "Success will mean reducing the sexual assault		
	149:15 incident rate," true?		
	149:16 A. Yeah, all of this is suggesting these		
	149:17 are initiatives focused on that.		
	149:18 Q. Right. And Uber is saying that it's		
	149:19 going to measure the success of trip-level		
	149:20 interventions and deactivations by whether it		
	149:21 reduces the sexual assault incident rate, true?		
	149:22 A. I mean, that's what the document says.		
197:19 - 197:22	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:08	CFv4p-As-PlayedinCourt1-21-25.36
	197:19 Q. Do you agree that Uber has a		
	197:20 responsibility to help keep the people Uber		
	197:21 serves safe?		
	197:22 A. Yeah, I agree with that statement.		
199:23 - 200:01	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:10	CFv4p-As-PlayedinCourt1-21-25.37
	199:23 BY MR. SMITH:		
	199:24 Q. Well, how about I ask you this		
	199:25 question: Today, right now, 2025, is safety		
	200:01 Uber's number one priority?		
200:03 - 200:08	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:14	CFv4p-As-PlayedinCourt1-21-25.38
	200:03 THE WITNESS: Again, my response is		
	200:04 that Uber doesn't have a number one		
	200:05 priority. It has a set of core values and		
	200:06 priorities that it focused on. Stand for		
	200:07 safety is, and has been for a very long		
	200:08 time, one of its top priorities, yes.		

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DESIGNATION	SOURCE	DURATION	ID
200:11 - 200:16	Freivogel, Cory 2025-02-06 MDL - PIP MP4 200:11 We're going to mark this as Exhibit 200:12 50. 200:13 (Exhibit 50, Document Bates-stamped 200:14 UBER_JCCP_MDL_000255128 through 128.0077, 200:15 marked for identification as of this date.) 200:16 BY MR. SMITH:	00:00:02	CFv4p-As-PlayedinCourt1-21-25.39
200:17 - 200:18	Freivogel, Cory 2025-02-06 MDL - PIP MP4 200:17 Q. All right. Mr. Freivogel, here you 200:18 go.	00:00:05	CFv4p-As-PlayedinCourt1-21-25.40
202:21 - 203:17	Freivogel, Cory 2025-02-06 MDL - PIP MP4 202:21 Q. All right. And do you see there's a 202:22 slide that says "Safety As a Top Priority for 202:23 Uber"? 202:24 A. I do. 202:25 Q. See that? 203:01 Okay. And it says, "In 2019, we chose 203:02 to extend Safety as one of the company's top 203:03 priorities." 203:04 You see that? 203:05 A. I do. 203:06 Q. "This was driven by four key reasons." 203:07 It says "Business Legitimacy," "Brand 203:08 Stability," "Future Competitive Advantage," and 203:09 "Cost Structure," right? 203:10 A. That's what it says there, yeah. 203:11 Q. All right. I want you to flip to the 203:12 next page and look at the notes for the slide 203:13 here. 203:14 And it says, "Externally, we should 203:15 say that safety is 'one of our top priorities' 203:16 rather than our #1 priority," right? 203:17 A. That's what it says there.	00:00:48	CFv4p-As-PlayedinCourt1-21-25.41
204:08 - 204:25	Freivogel, Cory 2025-02-06 MDL - PIP MP4 204:08 Q. The question is: In October of 2019, 204:09 this document is saying, "Externally, Uber 204:10 employees should say that safety is 'one of our 204:11 top priorities' rather than our #1 priority," 204:12 right? 204:13 A. That's what's listed there in the	00:00:41	CFv4p-As-PlayedinCourt1-21-25.42

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DESIGNATION	SOURCE	DURATION	ID
	204:14 notes.		
	204:15 Q. Okay. And then, two months later, in		
	204:16 December of 2019, Uber's safety report is		
	204:17 telling the public that safety is the company's		
	204:18 top priority, right?		
	204:19 A. I think we read the sentence. It		
	204:20 says, Dara Khosrowshahi, in his first year made		
	204:21 safety a top priority.		
	204:22 Q. And that -- that's what it said,		
	204:23 right?		
	204:24 A. I mean, we just read it, yes, I'm not		
	204:25 disagreeing with you.		
205:04 - 206:05	Freivogel, Cory 2025-02-06 MDL - WIT MP4	00:01:07	CFv4p-As-PlayedinCourt1-21-25.43
	205:04 Q. Uber as a business sometimes turns		
	205:05 away from safety, true?		
	205:06 A. I don't know that I would say that.		
	205:07 Q. Uber as a business sometimes turns		
	205:08 away from safety to focus more on supply, right?		
	205:09 A. I think that's an unfair		
	205:10 characterization.		
	205:11 Q. Uber as a business sometimes turns		
	205:12 away from safety to focus more on growth?		
	205:13 A. Again, I would say that Uber as a		
	205:14 business focuses on supply and growth, but I		
	205:15 don't think "turns away from safety" or "doesn't		
	205:16 focus on safety" is an inappropriate [sic]		
	205:17 characterization.		
	205:18 Q. Uber employees sometimes feel as		
	205:19 though Uber as a business does not want to hear		
	205:20 the voice of concern or caution with respect to		
	205:21 safety issues, true?		
	205:22 A. I'm sure that Uber employees have, at		
	205:23 certain points, expressed concern about that.		
	205:24 Q. Is the answer to my question yes?		
	205:25 A. Potentially, yes. If you could repeat		
	206:01 it again just to make sure, but...		
	206:02 Q. Sure. Uber employees sometimes feel		
	206:03 as though Uber as a business does not want to		
	206:04 hear the voice of concern or caution with		
	206:05 respect to safety issues, true?		

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DESIGNATION	SOURCE	DURATION	ID
206:08 - 207:01	Freivogel, Cory 2025-02-06 MDL - WIT MP4 206:08 THE WITNESS: Again, I don't want to 206:09 generalize. I'm sure that, from time to 206:10 time, people have expressed frustration over 206:11 disagreements between safety and other parts 206:12 of the business. 206:13 BY MR. SMITH: 206:14 Q. When Uber as a business turns away 206:15 from safety to focus on supply or growth, it can 206:16 lead to all sorts of massive problems, true? 206:17 A. Again, I think that that's too general 206:18 of a statement. I also think that, at least in 206:19 my experience, Uber has not turned away from 206:20 safety. 206:21 There are some disagreements, 206:22 certainly, about whether we should do or not do 206:23 something. 206:24 Q. When Uber as a business turns away 206:25 from safety, the platform can become less safe, 207:01 true?	00:00:43	CFv4p-As-PlayedinCourt1-21-25.44
207:05 - 207:13	Freivogel, Cory 2025-02-06 MDL - WIT MP4 207:05 If Uber truly did turn away from 207:06 safety, then the platform could become less 207:07 safe, but in my experience, that's not been 207:08 the case. 207:09 BY MR. SMITH: 207:10 Q. In your experience, it's not been the 207:11 case that Uber as a business turns away from 207:12 safety? That's what you're saying? 207:13 A. That's what I'm saying, yeah.	00:00:21	CFv4p-As-PlayedinCourt1-21-25.45
209:06 - 209:11	Freivogel, Cory 2025-02-06 MDL - PIP MP4 209:06 Q. Here you are, Mr. Freivogel. 209:07 A. Thanks. 209:08 Q. That's Exhibit 51. 209:09 (Exhibit 51, Document Bates-stamped 209:10 UBER_JCCP_MDL_000352325 through 333, marked 209:11 for identification as of this date.)	00:00:04	CFv4p-As-PlayedinCourt1-21-25.46
209:17 - 210:17	Freivogel, Cory 2025-02-06 MDL - PIP MP4 209:17 Q. If we look at this, this is marked -- 209:18 what we marked as Exhibit 51 is	00:00:51	CFv4p-As-PlayedinCourt1-21-25.47

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DESIGNATION	SOURCE	DURATION	ID
	209:19 UBER_JCCP_MDL_00352325.		
	209:20 Do you see that?		
	209:21 A. Yeah.		
	209:22 Q. And "Application" says "Slack		
	209:23 Channel."		
	209:24 Do you see that on the metadata sheet?		
	209:25 A. Yes.		
	210:01 Q. Okay. And "All Custodians" says Cory		
	210:02 Freivogel, right?		
	210:03 A. Yes.		
	210:04 Q. And this is from your account, right?		
	210:05 A. That's right.		
	210:06 Q. And it's dated -- not in the metadata		
	210:07 sheet, but if we look at the actual chat, look		
	210:08 at the first one there, it's dated August 16,		
	210:09 2021; is that right?		
	210:10 A. Yes.		
	210:11 Q. Okay. And the first chat here comes		
	210:12 from Mr. Adam Abeles? Is that how you say his		
	210:13 name?		
	210:14 A. I've always pronounced it Abeles.		
	210:15 Q. Abeles.		
	210:16 A. But I don't know if I've said it		
	210:17 aloud. I could be wrong.		
210:23 - 212:25	Freivogel, Cory 2025-02-06 MDL - WIT MP4	00:02:09	CFv4p-As-PlayedinCourt1-21-25.48
	210:23 All right. Well, the second message		
	210:24 that Mr. -- I'll call him Abeles -- says here		
	210:25 was -- is, "Was thinking about this over the		
	211:01 weekend. Do you think that it's 'okay' (for		
	211:02 lack of a better word) that safety people would		
	211:03 feel less crucial when we as a company turn away		
	211:04 from safety given other P0s."		
	211:05 Do you see that?		
	211:06 A. I do.		
	211:07 Q. And "P0s" is priorities?		
	211:08 A. Correct.		
	211:09 Q. He says, "Like, should we be able to		
	211:10 pull them back to understanding why they're work		
	211:11 matters at all times, or should we invest in		
	211:12 flexibility and moving people (temporarily) onto		

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DESIGNATION	SOURCE	DURATION	ID
	211:13 P0 things, even if they aren't safety? We		
	211:14 struggle with this on my team as well."		
	211:15 Do you see that?		
	211:16 A. I do.		
	211:17 Q. Okay. And then there's a message from		
	211:18 you, right?		
	211:19 A. Yes.		
	211:20 Q. It says, "That's a good question.		
	211:21 From my perspective, I feel like it's critical		
	211:22 that Safety Ops remain vigilant and focused on		
	211:23 safety when the business turns away from it."		
	211:24 Do you see that?		
	211:25 A. I see it's stated there, yeah.		
	212:01 Q. August 16, 2021, you said that your		
	212:02 perspective was that it was critical for Safety		
	212:03 Ops to remain vigilant and focused on safety		
	212:04 when the business turns away from it, right?		
	212:05 A. That's what I said there.		
	212:06 Q. "In my opinion, when the business		
	212:07 starts to focus more on supply and growth, it		
	212:08 becomes more critical that we try to put		
	212:09 guardrails in place to avoid making catastrophic		
	212:10 decisions, even if the business ends up ignoring		
	212:11 those risks."		
	212:12 Did I read that correctly?		
	212:13 A. That's what I said there, yeah.		
	212:14 Q. Then you said, "This kind of happened		
	212:15 with some of the onboarding changes made on the		
	212:16 Eats side." You see that?		
	212:17 A. That's what I said there.		
	212:18 Q. All right. And then you said, "But		
	212:19 whether or not I think it's okay is sort of		
	212:20 different than the reality," right?		
	212:21 A. Yes, that's what it says there.		
	212:22 Q. And you said, "Because safety is		
	212:23 ultimately not a decision-maker. We assess		
	212:24 risks and make recommendations." Right?		
	212:25 A. That's what it says there.		
215:23 - 216:15	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:42	CFv4p-As-Playedi
	215:23 Then Mr. Abeles says: "Right! Safety		nCourt1-21-25.49

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DESIGNATION	SOURCE	DURATION	ID
	215:24 is one of the few teams that should say, 'This		
	215:25 is our mission and we're going to do it		
	216:01 rigorously throughout changes in company needs.'		
	216:02 So people should stay empowered? But, yeah, get		
	216:03 that it's hard to always be the voice of		
	216:04 concern/caution when it doesn't feel wanted."		
	216:05 Do you see that?		
	216:06 A. I do.		
	216:07 Q. And then you said, "Yeah -- that's the		
	216:08 message I try to deliver to our team. It's just		
	216:09 been hard (and has at least in part contributed		
	216:10 to some attrition on our team)."		
	216:11 Do you see that?		
	216:12 A. I do.		
	216:13 Q. Okay. And "attrition" means people		
	216:14 leaving the company, right?		
	216:15 A. That's right.		
216:16 - 216:23	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:15	CFv4p-As-PlayedinCourt1-21-25.50
	216:16 Q. And so this conversation you're having		
	216:17 with Mr. Abeles up to this point, this isn't a		
	216:18 hypothetical conversation you're having with		
	216:19 him.		
	216:20 Your team actually experienced the		
	216:21 pressure Mr. Abeles is describing in these		
	216:22 messages, right?		
	216:23 A. Yeah, I think, you know, the message		
216:24 - 217:09	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:26	CFv4p-As-PlayedinCourt1-21-25.51
	216:24 goes on to describe what I think is how I feel		
	216:25 about this even if it always doesn't feel like		
	217:01 that at the time, which is that there are two		
	217:02 teams who are focused, as their, you know, main		
	217:03 priority or area, oftentimes on different		
	217:04 things, and so there's healthy debate that		
	217:05 happens on that.		
	217:06 Some people find it frustrating.		
	217:07 Myself, I found it frustrating at times, but		
	217:08 it's ultimately a productive way of engaging		
	217:09 with multiple teams throughout the company.		
218:13 - 218:17	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:09	CFv4p-As-PlayedinCourt1-21-25.52
	218:13 Q. You then said, "We kind of become		

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DESIGNATION	SOURCE	DURATION	ID
	218:14 punching bags who are seen as not trying to		
	218:15 support the business through a tough time."		
	218:16 Do you see that?		
	218:17 A. That's what I said there.		
219:20 - 220:22	Freivogel, Cory 2025-02-06 MDL - WIT MP4	00:01:11	CFv4p-As-PlayedinCourt1-21-25.53
	219:20 Q. And it says -- there's a message from		
	219:21 you at 17:00:21, do you see that?		
	219:22 A. Yes.		
	219:23 Q. All right. It says, "Yeah, for sure.		
	219:24 I do think, though, that it's fairly		
	219:25 disheartening for leadership to be like your one		
	220:01 safety person can't work on safety because we		
	220:02 need to focus on supply and shit. Because when		
	220:03 something goes south, then it becomes safety's		
	220:04 problem to fix."		
	220:05 You see that?		
	220:06 A. Yes.		
	220:07 Q. And you said, "The exact problem is		
	220:08 happening right now because we basically decided		
	220:09 to stop requiring onboarding docs and profile		
	220:10 photos on Eats," right?		
	220:11 A. That's what it said there.		
	220:12 Q. All right. So the exact problem you		
	220:13 are describing here is where "leadership says		
	220:14 your one safety person can't work on safety		
	220:15 because we need to focus on supply and shit,"		
	220:16 right?		
	220:17 A. I mean, I'm speaking to Adam about		
	220:18 something he was dealing with, which is whether		
	220:19 or not he should shift people's focus areas		
	220:20 within his Data Science Team. So I'm not		
	220:21 making, I think, a statement writ large. I'm		
	220:22 talking to him about what he came to me with.		
221:18 - 223:01	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:01:10	CFv4p-As-PlayedinCourt1-21-25.54
	221:18 Q. And Mr. Abeles said -- or, Mr. Abeles,		
	221:19 excuse me, said, "And now the platform is less		
	221:20 safe, basically?"		
	221:21 You see that?		
	221:22 A. That's what he said there.		
	221:23 Q. That's a question to you, right?		

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DESIGNATION	SOURCE	DURATION	ID
	221:24 A. Yes.		
	221:25 Q. And you said, "Yeah," right?		
	222:01 A. I said -- yes, I go on to describe		
	222:02 what I'm talking about.		
	222:03 Q. Okay. You said, "Yeah, a few thousand		
	222:04 fraudsters signed up with the same Social		
	222:05 Security number and did over 1 million in NROs		
	222:06 in less than 30 days. Someone with a fake ID		
	222:07 onboarded and got in an L4 crash."		
	222:08 Do you see that?		
	222:09 A. I do.		
	222:10 Q. What's an "NRO"?		
	222:11 A. It means never received order. It's		
	222:12 if he stole someone's food.		
	222:13 Q. So a few thousand fraudsters signed up		
	222:14 with the same Social Security number and stole,		
	222:15 essentially, a million dollars in less than 30		
	222:16 days, right?		
	222:17 A. That's what it says there, yeah. I'm		
	222:18 mostly describing fraud.		
	222:19 Q. And someone with a fake ID driving on		
	222:20 Uber's platform on the delivery side got in an		
	222:21 L4 crash, right?		
	222:22 A. That's what I stated there.		
	222:23 Q. The L4 crash, what kind of crash is		
	222:24 that?		
	222:25 A. It would be a crash involving fatality		
	223:01 or life-altering injuries.		
228:06 - 229:03	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:47	CFv4p-As-PlayedinCourt1-21-25.55
	228:06 Q. Mr. Freivogel, Mr. Abeles asked you		
	228:07 that question, right? Mr. Abeles said, "And now		
	228:08 the platform is less safe basically?" Right?		
	228:09 That's what he asked you?		
	228:10 A. That's what it says there, yeah.		
	228:11 Q. And you said, "Yeah," did you not?		
	228:12 A. I said, "Yeah" there, yeah.		
	228:13 Q. Okay. And then you said, "And all		
	228:14 that happened within two months of changing the		
	228:15 requirements," right?		
	228:16 A. That's what I said there.		

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DESIGNATION	SOURCE	DURATION	ID
	228:17 Q. And what did Mr. Abeles say?		
	228:18 A. He said, "Holy shit."		
	228:19 Q. And then he said, "Sorry to hear		
	228:20 that," right?		
	228:21 A. Yes.		
	228:22 Q. And what was the last thing Mr. Abeles		
	228:23 said in this chat?		
	228:24 A. "Not surprising, I guess."		
	228:25 Q. And you said, "Yeah, it was really sad		
	229:01 to see," right?		
	229:02 A. That's what I said there, yeah.		
	229:03 Q. Thank you. Okay.		
236:17 - 236:24	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:12	CFv4p-As-PlayedinCourt1-21-25.56
	236:17 (Exhibit 53, Document Bates-stamped		
	236:18 UBER_JCC_MDL_000904808 through 817, marked		
	236:19 for identification as of this date.)		
	236:20 BY MR. SMITH:		
	236:21 Q. What I have handed you as Exhibit 53		
	236:22 is UBER_JCCP_MDL_000904808.		
	236:23 Do you see that?		
	236:24 A. Yes.		
238:03 - 238:21	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:37	CFv4p-As-PlayedinCourt1-21-25.57
	238:03 Q. It says, "Uber Community Guidelines,		
	238:04 United States and Canada"?		
	238:05 A. Yes.		
	238:06 Q. And it says -- the second paragraph		
	238:07 under that heading says, "The guidelines below		
	238:08 help explain some of the specific kinds of		
	238:09 behavior or circumstances that may cause you to		
	238:10 lose access to the Uber platform."		
	238:11 Do you see that?		
	238:12 A. Yes.		
	238:13 Q. Then it says right under that,		
	238:14 "Guidelines for us all."		
	238:15 Do you see that?		
	238:16 A. Yes.		
	238:17 Q. It says, "Everyone who signs up for an		
	238:18 Uber account is required to follow Uber's		
	238:19 Community Guidelines."		
	238:20 Do you see that?		

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DESIGNATION	SOURCE	DURATION	ID
	238:21 A. I do.		
241:08 - 242:06	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:50	CFv4p-As-PlayedinCourt1-21-25.58
	241:08 Q. It would be bad if Uber allowed its		
	241:09 drivers to sexually assault Uber passengers,		
	241:10 right?		
	241:11 A. I agree. We should -- yeah.		
	241:12 Q. It would be bad if Uber allowed its		
	241:13 drivers to commit sexual misconduct against		
	241:14 Uber's passengers, true?		
	241:15 A. Yes; that's why it's in the community		
	241:16 guidelines.		
	241:17 Q. It would be wrong for Uber to allow		
	241:18 Uber drivers to sexually assault Uber		
	241:19 passengers, right?		
	241:20 A. Yeah; to allow any sexual assaults or		
	241:21 misconduct, yes.		
	241:22 Q. It would be wrong for Uber to allow		
	241:23 Uber drivers to commit sexual misconduct against		
	241:24 Uber passengers, right?		
	241:25 A. Yeah, again, all of these things are		
	242:01 written here as violations of our community		
	242:02 guidelines.		
	242:03 Q. Okay. And earlier, you testified that		
	242:04 a safe ride includes a ride free from sexual		
	242:05 assault, do you remember that?		
	242:06 A. I do.		
243:06 - 243:10	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:12	CFv4p-As-PlayedinCourt1-21-25.59
	243:06 Q. I'm just asking you: If Uber allowed		
	243:07 Uber drivers to commit sexual misconduct against		
	243:08 Uber passengers, that would show some		
	243:09 indifference to the safety of Uber passengers,		
	243:10 true?		
243:12 - 243:17	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:10	CFv4p-As-PlayedinCourt1-21-25.60
	243:12 THE WITNESS: I'm not sure what you		
	243:13 mean exactly by -- when you say "allowed."		
	243:14 It's a violation of our community		
	243:15 guidelines.		
	243:16 We document and react to every report		
	243:17 of misconduct and assault.		

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DESIGNATION	SOURCE	DURATION	ID
243:19 - 244:03	Freivogel, Cory 2025-02-06 MDL - PIP MP4 243:19 Q. What did you think I meant when I said 243:20 it would be bad if Uber allowed its drivers to 243:21 commit sexual misconduct? 243:22 A. Well, I don't know what exactly you 243:23 mean by the term "allow," so I'm agreeing with 243:24 you. Like, we established community guidelines 243:25 to list that it's prohibited, and we react when 244:01 it's reported, and it would be bad if we ever 244:02 looked or didn't do anything about those 244:03 reports.	00:00:21	CFv4p-As-PlayedinCourt1-21-25.61
245:05 - 245:15	Freivogel, Cory 2025-02-06 MDL - PIP MP4 245:05 Q. Okay. If Uber did nothing when sexual 245:06 misconduct against Uber's passengers was 245:07 reported, that would show an indifference to the 245:08 safety of Uber's passengers, right? 245:09 A. I think that's a fair statement. It 245:10 would show an indifference to any users of Uber 245:11 if we didn't respond to reports of community 245:12 guideline violations. 245:13 Q. All right. Uber has a three strikes 245:14 policy for certain kinds of sexual misconduct, 245:15 true?	00:00:26	CFv4p-As-PlayedinCourt1-21-25.62
245:17 - 246:22	Freivogel, Cory 2025-02-06 MDL - PIP MP4 245:17 THE WITNESS: There are certain 245:18 reports where we would deactivate after -- 245:19 certain types of incidents where we 245:20 deactivate after three reports. 245:21 BY MR. SMITH: 245:22 Q. There are incidents where, after a 245:23 first report, you would not deactivate, right? 245:24 A. That's correct. 245:25 Q. There are incidents after a second 246:01 report, you would not deactivate, right? 246:02 A. That's correct. 246:03 Q. These are sexual misconduct incidents, 246:04 right? 246:05 A. Well, there are reports. We don't 246:06 deactivate on every single report of misconduct. 246:07 Q. Let me -- let me get the question	00:01:10	CFv4p-As-PlayedinCourt1-21-25.63

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DESIGNATION	SOURCE	DURATION	ID
	246:08 right again. Sorry.		
	246:09 There are sexual misconduct incidents		
	246:10 where Uber would not deactivate a driver after		
	246:11 the first report, right?		
	246:12 A. You phrased it as "sexual misconduct		
	246:13 incidents." I think it's an important		
	246:14 distinction: If we get two reports of		
	246:15 something, we wouldn't necessarily deactivate		
	246:16 just based on that.		
	246:17 Q. Just answer my question first. We're		
	246:18 going to get everywhere you want to go, I think.		
	246:19 There are sexual misconduct incidents		
	246:20 where Uber would not deactivate a driver after		
	246:21 the first report, true?		
	246:22 A. Yeah, I -- I think that's fair, yeah,		
246:23 - 247:02	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:07	CFv4p-As-PlayedinCourt1-21-25.64
	246:23 my only point is that I -- I don't want to		
	246:24 conflate the word "incident" and "report," but		
	246:25 we don't need to --		
	247:01 Q. Okay. Yeah.		
	247:02 A. -- quibble over the details.		
247:09 - 247:14	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:17	CFv4p-As-PlayedinCourt1-21-25.65
	247:09 And there are sexual misconduct		
	247:10 reports where Uber would not deactivate the		
	247:11 driver after the second report, right?		
	247:12 A. There are certain reports, like		
	247:13 staring or leering, for example, where we may		
	247:14 not deactivate after the second report.		
247:22 - 247:25	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:10	CFv4p-As-PlayedinCourt1-21-25.66
	247:22 Q. Exhibit 54 that I've just handed you		
	247:23 is stamped UBER_JCCP_MDL_000011515.		
	247:24 Do you see that?		
	247:25 A. Yes.		
248:14 - 248:22	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:14	CFv4p-As-PlayedinCourt1-21-25.67
	248:14 And the date is October 15, 2018,		
	248:15 right?		
	248:16 A. That's right.		
	248:17 Q. And the subject is "Three Strikes		
	248:18 Sexual Misconduct Policy," right?		

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DESIGNATION	SOURCE	DURATION	ID
	248:19 A. That's right.		
	248:20 Q. And you're sending this e-mail, at		
	248:21 least, to Avinash Kalbarga, right?		
	248:22 A. Yes.		
250:04 - 250:12	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:16	CFv4p-As-PlayedinCourt1-21-25.68
	250:04 Q. It says, "@Cory: Can you please		
	250:05 confirm on the current standard for		
	250:06 deactivations and the contact types to include?		
	250:07 Is below accurate?"		
	250:08 And then there's a chart, right, where		
	250:09 it says: Two strikes, sexual misconduct, and		
	250:10 then three strikes, and there is a category		
	250:11 sexual misconduct, right?		
	250:12 A. Yes.		
250:21 - 251:15	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:41	CFv4p-As-PlayedinCourt1-21-25.69
	250:21 Q. And you just said, "That's correct!"		
	250:22 Right?		
	250:23 A. Yes.		
	250:24 Q. So, at least at this time, the chart		
	250:25 below is correct for what is subject to the two		
	251:01 strikes deactivation policy and what's subject		
	251:02 to the three strikes deactivation policy, right?		
	251:03 A. That's right.		
	251:04 Q. All right. So, "Sexual Misconduct:		
	251:05 Comments or Gestures - Explicit Comments,"		
	251:06 right, that's subject to two strikes?		
	251:07 A. Yes.		
	251:08 Q. And, "Comments or Gestures - Explicit		
	251:09 Gestures," that's subject to two strikes, right?		
	251:10 A. That's right.		
	251:11 Q. So after the first report of explicit		
	251:12 gestures, a driver is not deactivated, right?		
	251:13 A. That's correct.		
	251:14 Q. It's only after the second report?		
	251:15 A. Yes.		
251:25 - 252:05	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:15	CFv4p-As-PlayedinCourt1-21-25.70
	251:25 Q. Listen to my question one more time		
	252:01 just really closely, okay?		
	252:02 After the first report of sexual		
	252:03 gestures -- of explicit gestures or explicit		

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DESIGNATION	SOURCE	DURATION	ID
	252:04 comments, Uber does nothing with respect to		
	252:05 deactivating the driver, right?		
252:07 - 252:08	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:03	CFv4p-As-PlayedinCourt1-21-25.71
	252:07 THE WITNESS: It does not deactivate		
	252:08 the driver as a matter of policy.		
252:21 - 254:05	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:01:36	CFv4p-As-PlayedinCourt1-21-25.72
	252:21 Q. Okay. And there are one, two, three,		
	252:22 four, five, six, seven, eight, nine, ten, eleven		
	252:23 categories here listed under the three strikes		
	252:24 deactivation policy, right?		
	252:25 A. Yeah; I think it's important to point		
	253:01 out that the explicit comments and gestures are		
	253:02 included in both policies, so -- but yes.		
	253:03 Q. Okay. One of the things here is		
	253:04 "Indecent photography/videography without		
	253:05 consent," right? Do you see that?		
	253:06 A. That's right.		
	253:07 Q. Okay. I think we talked earlier about		
	253:08 this category, right? Do you remember that?		
	253:09 A. Yes.		
	253:10 Q. And you told me that encompasses when		
	253:11 someone might take a picture of a woman's skirt		
	253:12 without her consent, right?		
	253:13 A. I believe so. I don't know if there		
	253:14 was an urgent version of that contact type, but		
	253:15 that's one aspect of it or an allegation that		
	253:16 that could have occurred.		
	253:17 Q. And so, after the first report of a		
	253:18 driver taking a picture of a woman's skirt		
	253:19 without her consent, Uber does not deactivate		
	253:20 the driver, true?		
	253:21 A. You're saying "does not." The policy		
	253:22 at the time was that that was part of the		
	253:23 three-strike sexual misconduct policy.		
	253:24 Q. The policy at the time was that, after		
	253:25 the first report of a driver taking a picture of		
	254:01 a woman's skirt without her consent, Uber would		
	254:02 not automatically deactivate the driver, true?		
	254:03 A. I don't think that's the totality of		
	254:04 this issue type, but that issue type was subject		

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DESIGNATION	SOURCE	DURATION	ID
	254:05 to the three-strike deactivation policy.		
254:06 - 254:09	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:09	CFv4p-As-PlayedinCourt1-21-25.73
	254:06 And again, there's, I think, a		
	254:07 distinction between kind of the base-level		
	254:08 policy and whether or not a decision might be		
	254:09 made to deactivate someone.		
257:25 - 258:15	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:37	CFv4p-As-PlayedinCourt1-21-25.74
	257:25 Q. Okay. Do the community guidelines		
	258:01 tell users that there's a three strikes policies		
	258:02 for drivers for certain sexual misconduct?		
	258:03 A. They don't lay out strike policies for		
	258:04 any sort of behavior.		
	258:05 Q. So it does not tell drivers that there		
	258:06 is a three strikes policy for certain sexual		
	258:07 misconduct, right?		
	258:08 A. Again, like I said, it doesn't		
	258:09 describe the strike policies for any behavior.		
	258:10 Q. Okay. So then this should be an easy		
	258:11 question to answer: Does the -- do the		
	258:12 guidelines tell users that there is a three		
	258:13 strikes policy for drivers for certain sexual		
	258:14 misconduct, yes or no?		
	258:15 A. It doesn't --		
258:18 - 258:25	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:16	CFv4p-As-PlayedinCourt1-21-25.75
	258:18 THE WITNESS: It doesn't say that in		
	258:19 the document.		
	258:20 BY MR. SMITH:		
	258:21 Q. Okay. Do the Uber community		
	258:22 guidelines tell users that there is a two		
	258:23 strikes policy for certain sexual misconduct?		
	258:24 A. Same response. It doesn't describe		
	258:25 the strike policies for any safety issues.		
267:07 - 268:07	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:01:04	CFv4p-As-PlayedinCourt1-21-25.76
	267:07 Q. Okay. We were looking at some		
	267:08 documents that were dated in 2017 and 2018, I		
	267:09 think, before.		
	267:10 Does that sound about right?		
	267:11 A. You're referring to the e-mails?		
	267:12 Q. The last two exhibits we looked at.		

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DESIGNATION	SOURCE	DURATION	ID
	267:13 One -- I think the last e-mail we looked at was		
	267:14 2017, right?		
	267:15 A. I think that's right, yeah.		
	267:16 Q. And then we looked at that three		
	267:17 strikes/two strikes chart.		
	267:18 That was around that same time period,		
	267:19 maybe 2018?		
	267:20 A. Yes, I think so.		
	267:21 Q. Okay. Today, now -- well, first I'll		
	267:22 ask you: That was all before the safety report		
	267:23 came out, right?		
	267:24 A. Yeah, it would have been.		
	267:25 Q. Okay. Then after the safety report		
	268:01 came out, the first one, did Uber still have a		
	268:02 three strikes and two strikes policy for certain		
	268:03 sexual misconduct incidents?		
	268:04 A. I mean, the policy for sexual assault		
	268:05 and misconduct changed quite a bit around 2019,		
	268:06 but there would still be certain categories of		
	268:07 misconduct that would require multiple strikes.		
350:09 - 350:13	Freivogel, Cory 2025-02-06 MDL - WIT MP4	00:00:11	CFv4p-As-PlayedinCourt1-21-25.77
	350:09 Uber does not require Uber drivers to		
	350:10 use dashcams when providing rides to Uber		
	350:11 passengers, true?		
	350:12 A. Dashcams are not required to be used		
	350:13 on Uber trips. We have --		
350:15 - 350:17	Freivogel, Cory 2025-02-06 MDL - WIT MP4	00:00:08	CFv4p-As-PlayedinCourt1-21-25.78
	350:15 A. We have a variety of tools that we use		
	350:16 to encourage the use of recording products, but		
	350:17 dashcams are not a requirement, no.		
350:20 - 350:22	Freivogel, Cory 2025-02-06 MDL - WIT MP4	00:00:07	CFv4p-As-PlayedinCourt1-21-25.79
	350:20 If Uber wanted to, it could require		
	350:21 drivers to use dashcams when providing rides to		
	350:22 Uber passengers, true?		
350:24 - 351:02	Freivogel, Cory 2025-02-06 MDL - WIT MP4	00:00:09	CFv4p-As-PlayedinCourt1-21-25.80
	350:24 THE WITNESS: I don't think you can		
	350:25 easily just sort of install or mandate the		
	351:01 use of dashcams on every single trip that		
	351:02 happens in the United States.		

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DESIGNATION	SOURCE	DURATION	ID
351:04 - 351:07	Freivogel, Cory 2025-02-06 MDL - WIT MP4 351:04 Q. You're not sure about that? 351:05 A. Well, you can't just say we suddenly 351:06 require it, and then it would happen. It's more 351:07 complicated than that.	00:00:06	CFv4p-As-PlayedinCourt1-21-25.81
351:19 - 351:21	Freivogel, Cory 2025-02-06 MDL - WIT MP4 351:19 Q. Okay. Let's look at a document. This 351:20 is Tab 21. We're going to mark it as Exhibit 351:21 64.	00:00:05	CFv4p-As-PlayedinCourt1-21-25.82
352:02 - 352:11	Freivogel, Cory 2025-02-06 MDL - PIP MP4 352:02 Q. All right. I have handed you what we 352:03 marked as Exhibit 64, and it is stamped 352:04 UBER_JCCP_MDL_000243135. 352:05 Do you see that? 352:06 A. I do. 352:07 Q. Okay. And this is an e-mail chain 352:08 with Nick Murphy, do you see that? 352:09 A. That's right. 352:10 Q. And it's dated November 10, 2020, 352:11 right?	00:00:29	CFv4p-As-PlayedinCourt1-21-25.83
352:21 - 353:24	Freivogel, Cory 2025-02-06 MDL - PIP MP4 352:21 Q. Okay. And it says "Dashcams," right? 352:22 A. It does. 352:23 Q. It says, "Description: Drivers who 352:24 installed dashcam have reduced incident rate 352:25 across all categories and reduction in dangerous 353:01 driving is stat sig." 353:02 Do you see that? 353:03 A. Yes. 353:04 Q. Do you understand "stat sig" to mean 353:05 statistically significant? 353:06 A. I do. 353:07 Q. "With the opportunity here to drive 353:08 down incidents and insurance/litigation costs 353:09 too, we want to run a pilot to understand types 353:10 of models (\$ vs. \$\$\$) and a scalable 353:11 distribution model." 353:12 Do you see that? 353:13 A. I do. 353:14 Q. All right. So, at this time in 2020,	00:01:19	CFv4p-As-PlayedinCourt1-21-25.84

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DESIGNATION	SOURCE	DURATION	ID
	353:15 Uber employees had information that drivers who		
	353:16 installed dashcam have reduced incident rate		
	353:17 across all categories, right?		
	353:18 A. I don't think that I would phrase it		
	353:19 that way, although Nick did.		
	353:20 I think what he's referencing is that,		
	353:21 if you lump all of interpersonal conflict		
	353:22 together and make no distinction between		
	353:23 categories, there's perhaps some data to suggest		
	353:24 that the incident rate could go down.		
355:17 - 355:22	Freivogel, Cory 2025-02-06 MDL - PIP MP4	00:00:12	CFv4p-As-PlayedinCourt1-21-25.85
	355:17 Q. All right. And then -- but in any		
	355:18 event, in 2020, Uber did not require its drivers		
	355:19 to have dashcams, right?		
	355:20 A. It was not a requirement, no. There		
	355:21 was a large investment on the tech and physical		
	355:22 dashcam side, yeah.		

Our Designations	00:33:49
Their Counters	00:04:14
TOTAL RUN TIME	00:38:02