

In the Supreme Court of Nevada

UBER SEXUAL ASSAULT SURVIVORS FOR LEGAL ACCOUNTABILITY and
NEVADA JUSTICE ASSOCIATION,
Appellants,

Electronically Filed
Aug 06 2024 02:53 PM
Elizabeth A. Brown
Clerk of Supreme Court

v.

UBER TECHNOLOGIES, Inc., a Delaware corporation; MATT GRIFFIN, JOHN GRIFFIN, SCOTT GILLES, and TIA WHITE, individuals; NEVADANS FOR FAIR RECOVERY, a registered Nevada political action committee; and FRANCISCO V. AGUILAR, in his official capacity as Nevada Secretary of State,
Respondents.

Case No. 88813
On Appeal from the First Judicial District Court,
Case No. 24-OC-000561B

**MOTION FOR LEAVE TO FILE PROPOSED BRIEF OF AMICUS CURIAE
CHAMBER OF PROGRESS IN SUPPORT OF RESPONDENT, UBER
TECHNOLOGIES, INC.**

Roger Grandgenett II
Nevada State Bar No. 6323
Rgrandgenett@littler.com
Andrew S. Clark
Nevada State Bar No. 14854
asclark@littler.com
LITTLER MENDELSON, P.C.
3960 Howard Hughes Parkway
Suite 300
Las Vegas, NV 89169-5937
Telephone: 702.862.8800
Attorneys for Chamber of Progress

Chamber of Progress seeks leave under Nev. R. App. P. 29(c) to file the accompanying Brief of Amicus Curiae in support of Respondent Uber Technologies, Inc. Chamber of Progress sought consent from the parties to file its proposed Amicus Brief before filing this motion, but it was unable to obtain unanimous consent as required by Nev. R. App. P. 29(a). Chamber of Progress's interest in this case, coupled with its unique insight into the issues raised therein, provide the Court a valuable perspective to resolving this appeal. Accordingly, Chamber of Progress asks that the Court grant its motion and file the accompanying proposed Brief of Amicus Curiae.

INTEREST OF AMICUS CURIAE

Chamber of Progress is a tech-industry coalition devoted to a progressive society, economy, workforce, and consumer climate. As an industry organization, Chamber of Progress supports public policies that build a fairer, more inclusive country in which all people benefit from technological leaps. Chamber of Progress's work is supported by corporate partners, many of whom share interests in promoting innovative, technology-driven labor-market solutions.

Chamber of Progress has a significant interest in this case. The mission of Chamber of Progress is to promote fair public policies. Integral to that mission is Chamber of Progress’s dedication to equal access to justice. The Initiative Petition at issue here—Petition No. S-04-2024 (the “Petition”)—advances that mission by protecting lower-income people from excessive legal fees. Chamber of Progress’s proposed Amicus Curiae Brief expands on the legal, policy, and social advantages of that protection, including fairer fee arrangements for people with lesser means. It also provides additional insight into these important matters.

REASONS THE PROPOSED AMICUS CURIAE BRIEF IS DESIRABLE

Briefs of amici curiae are generally desirable when they provide the Court “ideas, arguments, theories, insights, facts, or data that are not to be found in the parties’ briefs.” *Voices for Choices v. Ill. Bell Tel. Co.*, 339 F.3d 542, 545 (7th Cir. 2003); *see also Nat’l Org. for Women, Inc. v. Scheidler*, 223 F.3d 615, 617 (7th Cir. 2003) (recognizing the desirability of an amicus curiae brief where “the amicus has a unique perspective, or information, that can assist the court of appeals beyond what the parties are able to do”); *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1063 (7th Cir. 1997).

Chamber of Progress’s proposed Amicus Curiae Brief outlines the benefits associated with capping contingency fees as a means to protect lower-income individuals. Although contingency-fee arrangements can help lower-income people get into court with little or no up-front cost, they often lead to plaintiffs receiving only a fraction of any ultimate settlement or judgment. The Petition would create a more equitable contingency-fee system, whereby lower-income individuals may still access the courts while receiving more of the recovery to which they are entitled.

While the parties’ merits briefing focuses on the legal sufficiency of the Petition, Chamber of Progress’s proposed Amicus Curiae Brief outlines the practical benefits to lower-income individuals of capping contingency-fee arrangements, including the erection of important guardrails against abusive and unnecessary attorney fees. The proposed Amicus Curiae Brief also undercuts Appellants’ contention that capping contingency fees will restrict access to legal services. Indeed, as the proposed Amicus Curiae Brief explains, several states have already capped contingency-fee arrangements in various situations. And some

studies have found that fee caps have little, if any, effect on the supply of attorneys willing to take cases on a contingency-fee basis.

In sum, the Petition would protect lower-income individuals while preserving the advantages of contingency-fee arrangements. Accordingly, Chamber of Progress respectfully requests leave to file the proposed Brief of Amicus Curiae.

Dated: August 6, 2024

/s/ Roger Grandgenett II

Roger Grandgenett II

RGrandgenett@littler.com

Andrew Clark

asclark@littler.com

LITTLER MENDELSON, P.C.

3960 Howard Hughes Parkway

Suite 300

Las Vegas, NV 89169-5937

Telephone: 702.862.7723

Attorneys for Chamber of Progress

CERTIFICATE OF SERVICE

This is to certify that on August 6, 2024, a true and correct copy of the foregoing **MOTION FOR LEAVE TO FILE PROPOSED BRIEF OF AMICUS CURIAE CHAMBER OF PROGRESS IN SUPPORT OF RESPONDENT, UBER TECHNOLOGIES, INC.** was served upon all counsel of record by electronically filing the document using the Nevada Supreme Court's electronic filing system.

/s/ Roger Grandgenett II

Roger Grandgenett II

RGrandgenett@littler.com

Andrew Clark

asclark@littler.com

LITTLER MENDELSON, P.C.

3960 Howard Hughes Parkway

Suite 300

Las Vegas, NV 89169-5937

Telephone: 702.862.7723

Attorneys for Chamber of Progress

Conti, Joanne

From: efilings@nvcourts.nv.gov
Sent: Tuesday, August 6, 2024 2:53 PM
To: Grandgenett, Roger
Cc: Melwak, Erin; Catelo, Samantha
Subject: Acceptance of Electronic Document. UBER SEXUAL ASSAULT SURVIVORS FOR LEGAL ACCOUNTABILITY VS. UBER TECH. INC. (BALLOT ISSUE). No. 88813.

ACCEPTANCE OF ELECTRONIC DOCUMENT SUBMITTED FOR FILING

Case Title: UBER SEXUAL ASSAULT SURVIVORS FOR LEGAL ACCOUNTABILITY VS. UBER TECH. INC. (BALLOT ISSUE)
Docket Number: 88813
Case Category: Civil Appeal
Submitted By: Roger L. Grandgenett, II
Date Submitted: 08-06-2024 02:50:52 PM
Official File Stamp: 08-06-2024 02:53:10 PM
Note from Clerk: (none provided)
Document Category: Motion for Permission to File Document
Document Title: Motion for Leave to File Proposed Brief of Amicus Curiae Chamber of Progress in Support of Respondent Uber Technologies, Inc.
Filing Status: Accepted and Filed

This notice was automatically generated by the [electronic filing system](#). Do not respond to this email. If you have any questions, contact the Nevada Supreme Court Clerk's office at 775-684-1600 or 702-486-9300.