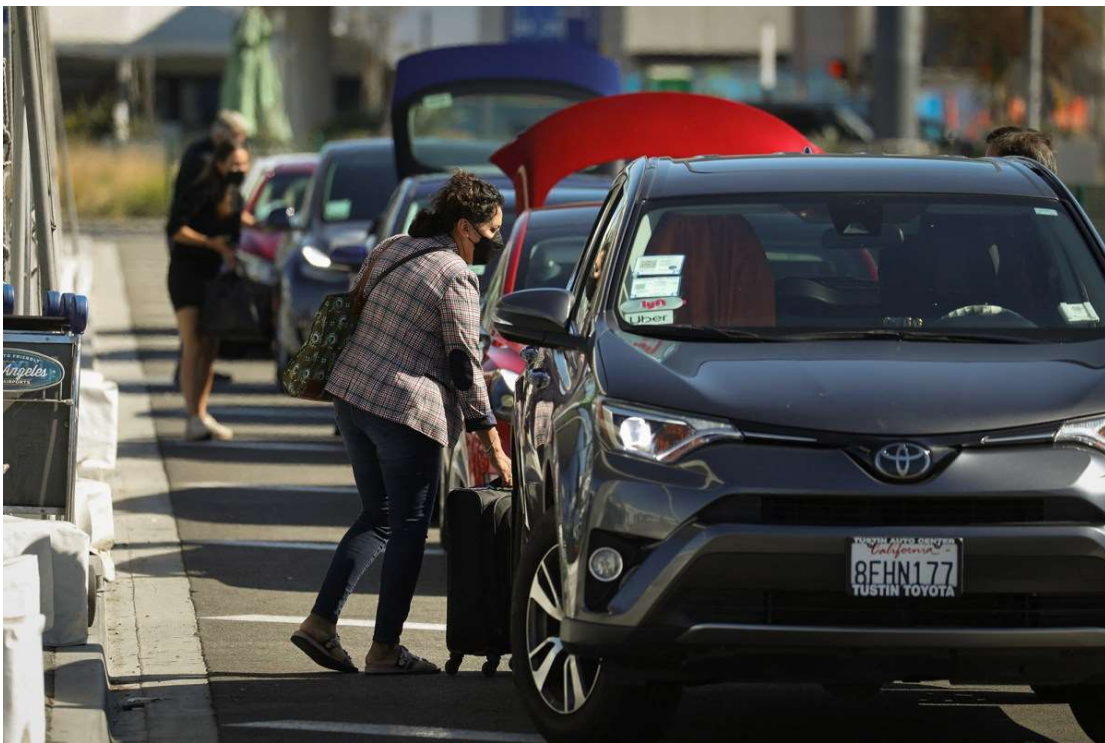


Rideshare drivers sue Uber over being kicked off app in new challenge to California law



BY LEVI SUMAGAYSAY

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Passengers wait for Uber ride-share cars at Los Angeles International Airport in Los Angeles, on July 10, 2022. Photo by David Swanson, Reuters

Uber has failed to create an appeals system to give drivers due process when they're kicked off the app, violating the California law it carved out that declared app-based drivers independent contractors, a lawsuit filed Monday alleges.

In 2020, voters approved Proposition 22, a ballot initiative that exempted Uber and other app platforms from labor law and allowed them to keep classifying their workers as contractors instead of employees. The measure included a promise that drivers would have an appeals process.

Rideshare Drivers United, a drivers group that says it has about 20,000 members in California, said Monday that because Uber has violated Prop. 22 by not delivering on all its promises, it should not be allowed to continue to assert that its drivers are independent contractors.

“Uber has not met the conditions to take advantage of Prop. 22,” Shannon Liss-Riordan, a Massachusetts-based lawyer who has challenged Uber and other gig companies for years and is representing the California group, told CalMatters.

Many deactivated drivers report that they struggle to appeal their cases. They say they are initially sent to sites where they appear to be talking with bots, then eventually reach agents who are working from a script and appear to be in another country. Rarely do they reach people who are empowered to truly help them, they say.

Liss-Riordan said at a news conference in San Francisco that she is seeking a declaration from the court saying that the company is violating the law it wrote, which she said should help drivers who are pursuing individual arbitration of their cases.

“We’re going to seek back pay and other damages for them if they were unfairly deactivated, and we’re also going to be seeking their rights under the labor code,” she said.

Among the promises of Prop. 22: guaranteed minimum earnings of 120% of minimum wage for active ride or delivery time; health care stipends for those who qualify; occupational accident

insurance and accidental death insurance; and “mandatory contractual rights and appeal processes,” according to the initiative’s text. The text does not specify what the requirements for an appeals process should be.

Devins Baker said he has driven for Uber and Lyft in the Bay Area for eight years and was deactivated by Uber right before Christmas in 2024.

He told CalMatters that he thinks Uber deactivated him after he had to brake hard to avoid hitting a person who darted across the freeway, causing his passenger — who was not wearing a seatbelt — to fall out of his seat.

“I don’t know because we never find out which passenger complained,” Baker said, adding that he thinks some people report drivers to try to get a free ride from Uber.

Baker got emotional during the news conference, saying he is trying to “keep it together” and is scrambling to find other ways to make money so he will not become homeless.

Uber spokesperson Ramona Prieto called Liss-Riordan an “opportunistic trial lawyer” in an email to CalMatters and said the company will “fight this publicity stunt in court.” Prieto said the company provides drivers with a clear appeals process, and pointed to a company blog post from last week that explains what drivers can expect when they challenge deactivations.

‘It has turned my life upside down’

Another deactivated driver from the Bay Area, Mirwais Noory, said Uber kicked him off the app in November 2024 over what the company said were safety concerns. He said he tried to show Uber dashcam video to plead his case, to no avail.

Getting deactivated caused financial hardship as he tries to support four children, he said. He has found work as a security guard since then, and now occasionally drives for Lyft.

“I’m the only one with income,” Noory told CalMatters. “It has turned my life upside down.”

Jason Munderloh, chair of the Bay Area chapter of Rideshare Drivers United, said at the news conference: “Once they’re deactivated, there is no unemployment insurance (because drivers are not considered employees). This leads to poverty and desperation.”

“The minute someone joins RDU, their first concern is pay and the second is deactivations,” Nicole Moore, president of Rideshare Drivers United, told CalMatters ahead of the news conference.

Uber, a multibillion-dollar company based in San Francisco, was the lead backer of the \$205 million Prop. 22 campaign that was also funded by DoorDash, Lyft, Instacart and Postmates. Uber spent a total of \$59.5 million in cash and in-kind contributions, and Postmates — which Uber bought in a deal that was completed in 2020 — spent \$13.3 million.

The lawsuit filed Monday in San Francisco Superior Court is the latest of many legal challenges against Prop. 22, which CalMatters has found has no state agency assigned to enforce it. The state Supreme Court upheld the gig-work law in 2024.

The plaintiffs also allege Uber deactivates drivers based on grounds not specified in its “Platform Access Agreement,” and that the company does not provide drivers with enough information about their earnings to determine that they are receiving 120% of minimum wage.

Separately, Uber is facing a lawsuit by the state Justice Department and the cities of San Francisco, Los Angeles and San Diego over thousands of wage-theft claims that predate Prop. 22. A trial-clock deadline for that lawsuit as well as a similar one against Lyft is set for December 2027.



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