

Michigan

# Uber driver who recorded U-M student's rant sues Uber for tips



Uber driver Artur Zawada takes a call during an interview at Argieros Italian Restaurant on Tuesday, March 29, 2016. Melanie Maxwell | The Ann Arbor News (Melanie Maxwell | The Ann Arbor News)



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ANN ARBOR, MI - The Uber driver who took video of a **University of Michigan student launching an anti-gay tirade** at him is now part of a class action lawsuit to get tips and other benefits from Uber.

Artur Zawada, 50, is listed as one of two plaintiffs listed in the civil case filed on April 12 with the Eastern District of Michigan U.S. District Court for an alleged violation of the Fair Labor Standards Act.

Adam Linkner, an attorney for the Ann Arbor-based law firm Hooper Hathaway, which is representing the plaintiffs, said Uber improperly classifies drivers as "independent contractors" when they are employees.

The move deprives drivers of benefits including itemized wage statements, minimum wages, overtime premium pay, health insurance, workers' compensation and paid time off, according to the complaint.

An Ann Arbor driver named Nashat Farha is also listed as a plaintiff in the case against Uber Technologies and Raiser LLC, but the case was filed on behalf of all former and current Uber drivers in Michigan, Linkner said.

## U-M STUDENT'S RANT AGAINST UBER DRIVER

In addition to the classification, Uber fails to remit tips and expenses for use and maintenance of vehicles to drivers, according to the complaint.

[University of Michigan student won't be prosecuted for yelling anti-gay slurs at Uber driver](#)

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[Uber driver who recorded U-M student's rant sues Uber for tips](#)

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[Uber driver describes history with U-M student who yelled anti-gay slurs](#)

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[Police say U-M student, Uber driver both filed reports -- but not initially about anti-gay or ethnic slurs](#)

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[University of Michigan student who yelled anti-gay slurs at Uber driver responds to viral video](#)

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"One of Uber's key selling points is that passengers do not need to tip their drivers because gratuity is included in the fare," according to the complaint. "However, Uber drivers are not compensated for gratuities, and Uber specifically instructs its drivers via a training video to refuse a cash gratuity if offered."

The lawsuit also notes the company does not offer insurance to drivers and accuses the company of "engaging in unfair methods of competition and unfair or deceptive acts or practices."

The plaintiffs seek damages - although an exact amount was not specified - and an injunction, according to the complaint.

Following the viral video, a representative for Uber said accounts for Zawada and the student involved in the tirade, Jake Croman, were suspended so the incident could be investigated. Croman [released a statement](#) accusing Zawada of making anti-Semitic comments prior to the footage.

At the time, Zawada said the company [should pay him for his lost wages](#) in the interim. He also expressed frustration with how the company was handling the video incident, and said Uber previously denied his requests to cover the costs of a camera to record incidents in his vehicle.

"Uber wants to do whatever they want - they will do whatever they want," he said.

Zawada declined to speak after the lawsuit was filed.

The complaint states that Zawada is not currently a driver for Uber, but Farha is.

Uber has not responded to request for comment on Zawada's status with the company or the pending lawsuit.

The ride-hailing company, embroiled in several legal battles, is [set for trial in California](#) on similar grounds.

In addition, Lyft, another ride-hailing service, recently attempted to settle a class action lawsuit for misclassification [for \\$12.25 million](#), but the settlement [has been denied](#).

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