

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR PALM BEACH
COUNTY, FLORIDA

CASE NO.:

KELLY ROTHENBURG,

Plaintiff,

vs.

UBER TECHNOLOGIES, INC., RAISER, LLC
and JASLAIN ELISMOND,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, KELLY ROTHENBURG, by and through undersigned attorneys, and files this Complaint and Demand for Jury Trial against Defendants, UBER TECHNOLOGIES, INC., RAISER, LLC, and JASLAIN ELISMOND and alleges as follows:

PARTIES, VENUE, AND JURISDICTION

1. This is an action for damages exceeding \$50,000.00 exclusive of costs, interest, and attorney's fees, related to an automobile collision that occurred in Palm Beach County, Florida.
2. The Plaintiff, KELLY ROTHENBURG, an individual, is a citizen of the State of Florida and is a natural person over the age of 21 and otherwise *sui juris*, and a resident of Palm Beach County, Florida.
3. The Defendant JASLAIN ELISMOND (hereinafter "ELISMOND"), is, and at all times material hereto was, a natural person over the age of 21 and otherwise *sui juris*, and a resident of Palm Beach County, Florida.

4. The Defendant RAISER LLC (hereinafter "RAISER"), is, and at all times material hereto was, a foreign corporation doing business in the State of Florida, including in Palm Beach County.

5. The Defendant UBER TECHNOLOGIES, INC. (hereinafter "UBER"), is, and at all times material hereto was, a foreign corporation doing business in the State of Florida, including in Palm Beach County.

GENERAL ALLEGATIONS

6. At all times material hereto, ELISMOND operated a 2022 Toyota Highlander ("TOYOTA") upon the roadways of Palm Beach County, Florida.

7. At all times material hereto, non-party, Devin Robert, operated a 2023 Dodge Ram 1500 ("DODGE") upon the roadways of Palm Beach County, Florida

8. At all times material hereto, Defendant, ELISMOND, was an "Uber Driver-Partner" operating a motor vehicle in the course and scope of his employment, agency, partnership and joint venture with the Defendants, RAISER and/or UBER.

9. At all times material hereto, ELISMOND was operating the TOYOTA with the purpose, at least in part, to accomplish the tasks assigned and required by Defendants, RAISER and/or UBER.

10. On or about April 19, 2025, Plaintiff was a passenger in the TOYOTA operated by ELISMOND.

11. On or about April 19, 2025, ELISMOND recklessly and negligently operated the TOYOTA and caused a collision between with the TOYOTA occupied by the Plaintiff and the DODGE operated by non-party, Devin Roberts.

12. As a direct and proximate result of the Defendants' actions, omissions and/or misrepresentations, Plaintiff has suffered permanent damages.

COUNT I

NEGLIGENCE CLAIM AGAINST JASLAIN ELISMOND

Plaintiff hereby adopts and re-alleges the allegations set forth in Paragraphs 1-12 above as though fully and expressly set forth herein and further allege as follows:

13. At all times material hereto, ELISMOND owed a duty to operate the TOYOTA in a careful, prudent, and lawful manner so as not to endanger others on the roadways, including Plaintiff.

14. At all times material hereto, ELISMOND breached said duty by negligently and recklessly operating the TOYOTA and causing said vehicle to violently strike the DODGE while Plaintiff was a passenger in the TOYOTA.

15. As a direct and proximate result of the above-described negligence of Defendant, ELISMOND, the Plaintiff, KELLY ROTHENBURG, sustained the following damages:

- a. Permanent bodily injury and past, present, and future pain and suffering;
- b. Past, present and future aggravation of pre-existing conditions or physical defects;
- c. Past, present, and future disability or physical impairment;
- d. Past, present, and future disfigurement;
- e. Past, present, and future mental anguish;
- f. Past, present, and future inconvenience;
- g. Past, present and future loss of capacity for the enjoyment of life;

- h. Past, present and future medical expenses; and/or
- i. Past, present and future lost earnings and loss of earning capacity.

WHEREFORE, Plaintiff, KELLY ROTHENBURG, demands judgment for damages against Defendant, JASLAIN ELISMOND, and further demand trial by jury, and such other relief as this Honorable Court deems just and proper.

COUNT II

VICARIOUS LIABILITY CLAIM AGAINST RASIER LLC AND/OR UBER TECHNOLOGIES, INC.

Plaintiff hereby adopts and re-alleges the allegations set forth in Paragraphs 1-15 above as though fully and expressly set forth herein and further allege as follows:

16. At all times material hereto, ELISMOND was an employee and/or agent of RAISER and/or UBER.

17. Prior to and at the time of the impact described above, ELISMOND was engaged in the scope of his employment and in furtherance of the tasks and assignments given to ELISMOND by RAISER and/or UBER.

18. At all times material hereto, RAISER and/or UBER and its employee and/or agent owed a duty to operate the TOYOTA in a careful and prudent manner so as not to endanger the others on the roadways, including Plaintiff.

19. At all times material hereto, RAISER and/or UBER and its employee and/or agent breached said duty by negligently and recklessly operating the TOYOTA and causing said vehicle to violently strike the DODGE while Plaintiff was a passenger in the TOYOTA.

20. As a direct and proximate result of the above-described negligence of Defendant, ELISMOND, and the vicarious liability of RAISER and/or UBER, the Plaintiff, KELLY ROTHENBURG, sustained the following damages:

- a. Permanent bodily injury and past, present, and future pain and suffering;
- b. Past, present and future aggravation of pre-existing conditions or physical defects;
- c. Past, present, and future disability or physical impairment;
- d. Past, present, and future disfigurement;
- e. Past, present, and future mental anguish;
- f. Past, present, and future inconvenience;
- g. Past, present and future loss of capacity for the enjoyment of life;
- h. Past, present and future medical expenses; and/or
- i. Past, present and future lost earnings and loss of earning capacity.

WHEREFORE, Plaintiff, KELLY ROTHENBURG, demands judgment for damages against Defendant, RASIER LLC AND/OR UBER TECHNOLOGIES, INC., and further demand trial by jury, and such other relief as this Honorable Court deems just and proper.

COUNT III

NEGLIGENT HIRING CLAIM AGAINST RASIER, LLC AND/OR UBER TECHNOLOGIES, INC.

Plaintiff hereby adopts and re-alleges the allegations set forth in Paragraphs 1-20 above as though fully and expressly set forth herein and further allege as follows:

21. At all times material hereto, ELISMOND was RAISER and/or UBER's employee and/or agent whose express job duties included the operation of the TOYOTA upon the roadways of the State of Florida, including Palm Beach County.

22. At all times material hereto, RAISER and/or UBER was required to make an appropriate and reasonably thorough investigation of ELISMOND before hiring and entrusting ELISMOND with the operation of a motor vehicle in furtherance of the tasks and assignments given by RAISER and/or UBER to ELISMOND.

23. RAISER and/or UBER failed to make such appropriate and reasonably thorough investigation of ELISMOND.

24. An appropriate and reasonably thorough investigation of ELISMOND would have revealed that ELISMOND was unsuitable for the tasks that RAISER and/or UBER required ELISMOND, including the operation of vehicles upon the roadways of the State of Florida.

25. RAISER and/or UBER's decision to hire ELISMOND for tasks including the operation of vehicles was reckless and unreasonable due to the fact that RAISER and/or UBER knew or should have known that ELISMOND was unsuitable for such tasks.

26. As a direct and proximate result of RAISER and/or UBER's negligent hiring of ELISMOND, the Plaintiff KELLY ROTHENBURG, sustained the following damages:

- a. Permanent bodily injury and past, present, and future pain and suffering;
- b. Past, present and future aggravation of pre-existing conditions or physical defects;

- c. Past, present, and future disability or physical impairment;
- d. Past, present, and future disfigurement;
- e. Past, present, and future mental anguish;
- f. Past, present, and future inconvenience;
- g. Past, present and future loss of capacity for the enjoyment of life;
- h. Past, present and future medical expenses; and/or
- i. Past, present and future lost earnings and loss of earning capacity.

WHEREFORE, Plaintiff, KELLY ROTHENBURG, demands judgment for damages against Defendant, RASIER LLC AND/OR UBER TECHNOLOGIES, INC., and further demand trial by jury, and such other relief as this Honorable Court deems just and proper.

Dated this 4th day of December, 2025.

Respectfully submitted,

/s/ Gregory Huber
Gregory Huber, Esq.
Zele Huber Trial Attorneys, P.A.
4600 Military Trail, Suite 212
Jupiter, FL 33458
(561) 630-9700
(561) 370-6211 – Fax
ghuber@zhattorneys.com
tcoe@zhattorneys.com
Attorney for Plaintiff
Florida Bar No. 0116130