EXHIBIT 1

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	IN THE COURT OF COMMON PLEAS
Crista Linares Grainger, as Personal Representative of the Estate of Sebastian Linares Grainger, Plaintiff, v. Uber Technologies, Inc., Rasier, LLC, and Jesse McNeal, Defendants.	Case No.: 2020-CP-10-01553 **ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

This matter comes before the Court on Defendants Uber Technologies, Inc. and Rasier, LLC's (collectively, "Uber") Motion for Summary Judgment (the "Motion") as to all claims asserted by Plaintiff Crista Linares Grainger, as Personal Representative of the Estate of Sebastian Linares Grainger ("Plaintiff"). The Court conducted a hearing on August 26, 2025. After considering the Motion, the parties' memoranda and exhibits thereto, and the arguments made by counsel during the hearing, the Court grants summary judgment in favor of Uber as detailed below.

SUMMARY JUDGMENT STANDARD

Summary judgment is appropriate when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Rule 56(c), SCRCP. In other words, "[s]ummary judgment is appropriate in those cases in which plain, palpable and indisputable facts exist on which reasonable minds cannot differ." *Main v. Corley*, 281 S.C. 525, 526, 316 S.E.2d 406, 407 (1984).

"Under Rule 56(c), SCRCP, the party seeking summary judgment has the initial burden of demonstrating the absence of a genuine issue of material fact." *Trivelas v. S.C. Dep't of Transp.*,

348 S.C. 125, 130, 558 S.E.2d 271, 273 (Ct. App. 2001). When determining whether a genuine issue of material fact exists, "the evidence and all reasonable inferences therefrom must be viewed in the light most favorable to the party opposing summary judgment." *Id.*

After the moving party meets its "initial burden of showing an absence of evidentiary support for the opponent's case, the opponent cannot simply rest on mere allegations or denials contained in the pleadings." *Gauld v. O'Shaugnessy Realty Co.*, 380 S.C. 548, 558-59, 671 S.E.2d 79, 85 (Ct. App. 2008) (quoting *Moore v. Weinberg*, 373 S.C. 209, 217, 644 S.E.2d 740, 744 (Ct. App. 2007), *aff'd*, 383 S.C. 583, 681 S.E.2d 875 (2009)). Rather, to defeat a motion for summary judgment, the "nonmoving party must present specific facts showing a genuine issue for trial." *Id.*; *see also Kitchen Planners, LLC v. Friedman*, 440 S.C. 456, 892 S.E.2d 297 (2023) (rejecting the "scintilla of evidence" standard and affirming that a nonmoving party must present facts that permit a reasonable inference to be drawn from the evidence that creates an issue of fact for trial).

The Court "should grant summary judgment against a party who fails to make a showing sufficient to establish the existence of an essential element of the party's case." *Brinkman v. Weston & Sampson Eng'rs, Inc.*, 435 S.C. 354, 360, 867 S.E.2d 460, 463 (Ct. App. 2021) (quoting *Fender & Latham, Inc. v. First Union Nat'l Bank of S.C.*, 316 S.C. 48, 50, 446 S.E.2d 448, 449 (Ct. App. 1994)); *see also Boone v. Sunbelt Newspapers, Inc.*, 347 S.C. 571, 579, 556 S.E.2d 732, 736 (Ct. App. 2001) ("The plain language of Rule 56(c), SCRCP, mandates the entry of summary judgment, after adequate time for discovery against a party who fails to make a showing sufficient to establish the existence of an element essential to the party's case and on which that party will bear the burden of proof at trial.").

UNDISPUTED FACTS

Decedent and Defendant McNeal became acquainted through a single, mutual use of the Uber Application, which is a platform that facilitates the connection of individuals in need of a ride who have access to the rider version of the application, with individuals who are willing to provide transportation services and have access to the driver version of the application ("Uber App"). On March 21, 2017, Defendant McNeal was using the driver version of the Uber App to provide transportation services for riders when Decedent requested a ride using the rider version of the Uber App. Upon Decedent's request, Defendant McNeal picked Decedent up at his residence at 11:42 p.m., and then dropped Decedent off at his destination at 12:41 a.m. the following morning (the "Trip"). Decedent and Defendant McNeal exchanged personal cell phone numbers during the Trip. After completion of this Trip, Decedent and Defendant McNeal had no further communications on the Uber App and no further trips together.

On March 23, 2017, Decedent sent a text message from his personal cell phone to Defendant McNeal's personal cell phone number. Decedent introduced himself, referenced the Trip "last night," and requested "brick," which is a term used for crack cocaine. Defendant McNeal ultimately provided crack cocaine to Decedent.

On April 3, 2017, 12 days after the completion of the Trip, Decedent asked Defendant McNeal, through their personal cell phone numbers, to acquire heroin and painkillers for him. That evening, Defendant McNeal provided pain killers and what was believed to be heroin to Decedent's residence, in exchange for payment by Decedent.

On April 5, 2017, officers from the Charleston County Police Department performed a wellness check at Decedent's residence and discovered him deceased. The responding officers observed valium pills and a substance that the South Carolina Law Enforcement Division

determined to be heroin and fentanyl in Decedent's bedroom. Decedent's autopsy estimated his death to be on April 3rd or April 4th, 2017, and identified his cause of death to be "[a]cute mixed drug toxicity with heroin, fentanyl, diazepam."

DISCUSSION

Plaintiff brought a wrongful death action against Uber on behalf of Decedent's heirs under S.C. Code § 15-51-10, asserting two theories of recovery: (1) Uber should be vicariously liable for the negligence of Defendant McNeal; and (2) Uber is directly liable for failing to properly screen and supervise Defendant McNeal. Plaintiff is unable to establish a genuine issue of material fact as to issues of vicarious liability and as to proximate causation because the record lacks evidence that could permit a reasonable inference that Uber is vicariously liable for Plaintiff's damages or that Uber proximately caused Decedent's death or Plaintiff's damages. Any alleged negligence of Uber is too attenuated from Decedent's death to be the proximate cause.

This case is undisputedly tragic. However, the lack of evidence to support a reasonable inference of vicarious liability or proximate causation is sufficient for the Court to grant summary judgment in favor of Uber as to each of Plaintiff's claims. Thus, it is unnecessary for the Court to determine Defendant McNeal's status as an employee, agent, or independent contractor.

A. Vicarious Liability

First, Plaintiff's vicarious liability theory of recovery fails regardless of whether Defendant McNeal was an employee, agent, or independent contractor.[1] Even if the Court assumes arguendo that Defendant McNeal was an employee or agent of Uber, Plaintiff's vicarious liability theory of

[1] Uber maintains that Defendant McNeal was an independent contractor. If Defendant McNeal was an independent contractor, Uber is not vicariously liable for Defendant McNeal's negligence and the vicarious liability claim fails. *See Rock Hill Tel. Co. v. Globe Commc'ns, Inc.*, 363 S.C. 385, 390, 611 S.E.2d 235, 238 (2005) ("The general rule is that an employer is not vicariously liable for the negligent acts of an independent contractor.").

recovery fails. A plaintiff seeking recovery from an employer for injuries caused by an employee must establish that the employee "was then about his master's business and acting within the scope of his employment." *Armstrong v. Food Lion, Inc.*, 371 S.C. 271, 276, 639 S.E.2d 50, 52 (2006) (citing *Lane v. Mod. Music, Inc.*, 244 S.C. 299, 136 S.E.2d 713 (1964)). "An act is within the scope of a servant's employment where reasonably necessary to accomplish the purpose of his employment and in furtherance of the master's business." *Id.* at 276, 639 S.E.2d at 53. Thus, an act of an employee "done to effect some independent purpose of his own and not with reference to the service in which he is employed, or while he is acting as his own master for the time being, is not within the scope of his employment so as to render the master liable therefor." *Id.*

Here, the illegal drug transaction which Plaintiff alleges resulted in Decedent's death occurred twelve days after the completion of the Trip, during a time where Defendant McNeal's actions were not in furtherance of Uber's business and were for purposes wholly disconnected from his use of the Uber App. The illegal drug transactions indisputably occurred on Defendant McNeal's personal time. The only reasonable inference from the record is that Defendant McNeal's actions encompassing the illegal drug transactions were outside of the scope and course of his use of the Uber App because they were done to effect an independent purpose of his own. Accordingly, the Court grants Uber's Motion as to the vicarious liability claim. *See Anderson v. United States*, No. 8:12-3203-TMC-KDW, 2015 WL 9918406, at *21 (D.S.C. Oct. 9, 2015), *report and recommendation adopted*, No. 8:12-3203-TMC, 2016 WL 320076 (D.S.C. Jan. 27, 2016) (applying South Carolina law and holding summary judgment on a vicarious liability claim was appropriate after determining the employee's actions were outside of the scope of employment)).

B. Negligent Screening, Supervision, and Retention

In a negligence action, "a plaintiff must show (1) the defendant owed a duty of care to the plaintiff, (2) the defendant breached the duty by a negligent act or omission, (3) the defendant's breach was an actual and proximate cause of the plaintiff's injury, and (4) the plaintiff suffered injury or damages." *Wright v. PRG Real Est. Mgmt., Inc.*, 426 S.C. 202, 212, 826 S.E.2d 285, 290 (2019). In South Carolina, a negligence claim is "not actionable unless it is a proximate cause of the injury." *Bishop v. S.C. Dep't of Mental Health*, 331 S.C. 79, 88, 502 S.E.2d 78, 83 (1998). Thus, to survive the Motion, Plaintiff must show that Uber's alleged negligent hiring, supervision, or retention was the proximate cause of Plaintiff's damages. *See Jenkins v. CEC Ent. Inc.*, 421 F. Supp. 3d 257, 262 (D.S.C. 2019) (applying the proximate cause requirement to negligent supervision and negligent hiring/retention claims).

"Proximate cause requires proof of: (1) causation-in-fact, and (2) legal cause." *J.T. Baggerly v. CSX Transp., Inc.,* 370 S.C. 362, 369, 635 S.E.2d 97, 101 (2006). "Causation-in-fact is proved by establishing the injury would not have occurred 'but for' the defendant's negligence, and legal cause is proved by establishing foreseeability." *Id.* "The touchstone of proximate cause in South Carolina is foreseeability" which "is determined by looking to the natural and probable consequences of the act complained of." *Koester v. Carolina Rental Ctr., Inc.*, 313 S.C. 490, 493, 443 S.E.2d 392, 394 (1994). Thus, to establish proximate causation, a plaintiff must be able to demonstrate that the defendant foresaw or should have foreseen that its conduct would likely cause injury. *Bishop*, 331 S.C. at 89, 502 S.E.2d at 83.

The issue of proximate cause is generally an issue of fact for the jury; however, "when the evidence is susceptible of only one inference, [] proximate cause becomes a matter of law for the court." *Id.* Thus, the Court "should dispose of the matter on a dispositive motion when no

reasonable factfinder could find the risk foreseeable or the employer's conduct to have fallen below the acceptable standard." *Kase v. Ebert*, 392 S.C. 57, 63, 707 S.E.2d 456, 459 (Ct. App. 2011) (quoting *Doe v. ATC, Inc.*, 367 S.C. 199, 206, 624 S.E.2d 447, 450 (Ct. App. 2005)).

Plaintiff failed to present specific facts showing a genuine issue for trial regarding proximate cause as to Uber's alleged negligence. The record reflects that Uber hired a nationally accredited third party vendor to perform local and national background checks as required under the TNC Act, which revealed no prior drug-related charges or any history of dealing illegal drugs. Additionally, the evidence shows that Uber verifies drivers' compliance with its requirements annually. If a driver's compliance is not verified, Uber will not permit the driver to provide transportation services via the Uber App. Based on Uber's process of screening of Defendant McNeal, it would not have been reasonable for Uber to foresee the circumstances surrounding Decedent's death. Therefore, the only reasonable inference that can be reached is that Uber's screening and selection of Defendant McNeal was not the proximate cause of Decedent's death and Plaintiff's damages.

Similarly, the causal chain is too attenuated and speculative to present a genuine issue of fact as to Uber's alleged supervision or retention of Defendant McNeal. Plaintiff alleges Uber failed to investigate rider feedback reporting smoke (potentially marijuana smoke) in Defendant McNeal's vehicle in 2015. However, there is no evidence in the record to support a reasonable inference that such rider feedback makes it reasonably foreseeable to Uber that two years later, Defendant McNeal would have met a passenger, provided his personal phone number, and – undisputedly on his personal time – provided heroin, fentanyl, and painkillers to the Decedent.

In other words, a reasonable person would not foresee the circumstances surrounding Decedent's death as a natural or probable consequence of Uber's alleged negligent screening or

supervision of Defendant McNeal. There is no evidence in the record which could allow a reasonable factfinder to find that Uber foresaw or should have foreseen that its conduct would likely cause Decedent's death. *See Bishop*, 331 S.C. at 89, 502 S.E.2d at 83.

The only reasonable inference that can be reached is that Uber was not the proximate cause of Plaintiff's damages because any alleged negligence was too remote from Decedent's death. *See Oliver v. South Carolina Dep't of Highways & Public Transp.*, 309 S.C. 313, 316-17, 422 S.E.2d 128, 131 (1992) (stating that an intervening cause can render initial negligence too remote). Although foreseeability is generally an issue of fact, the Court grants Uber's Motion as to all of Plaintiff's claims because Plaintiff failed to make a showing sufficient to establish the existence of proximate cause, an essential element of Plaintiff's claims. *See Kase*, 392 S.C. at 63, 707 S.E.2d at 459 (explaining the Court "should dispose of the matter on a dispositive motion when no reasonable factfinder could find the risk foreseeable or the employer's conduct to have fallen below the acceptable standard"); *Brinkman*, 435 S.C. at 360, 867 S.E.2d at 463 (explaining that the Court "should grant summary judgment against a party who fails to make a showing sufficient to establish the existence of an essential element of the party's case").

CONCLUSION

For the reasons stated above, Defendants' Motion for Summary Judgment as to each of Plaintiff's claims is hereby **GRANTED**.

IT IS SO ORDERED.

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The Honorable Thomas J. Rode
Circuit Court Judge
Ninth Judicial Circuit

September ___, 2025

Charleston Common Pleas

Case Caption:	Crista Linares Grainger , plaintiff, et al VS Uber Technologies Inc , defendant, et al
Case Number:	2020CP1001553
Type:	Order/Summary Judgment

So Ordered

s/ T.J. Rode (#2792)