



**Littler Mendelson, P.C.**  
625 Liberty Avenue  
26th Floor  
Pittsburgh, PA 15222

Robert W. Pritchard  
412.201.7628 direct  
412.201.7600 main  
412.774.1957 fax  
rpritchard@littler.com

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**VIA CM/ECF**

Office of the Clerk  
United States Court of Appeals for the Third Circuit  
21400 United States Courthouse  
601 Market Street  
Philadelphia, PA 19106-1790

**Re: Ali Razak, et al. v. Uber Technologies, Inc., et al.**  
**Case Number 18-1944**  
**Citation of Supplemental Authority**

To whom it may concern:

Pursuant to Rule 28(j) of the Federal Rules of Appellate Procedure, Appellees Uber Technologies, Inc. and Gegen LLC advise the Office of the Clerk of a pertinent and significant authority that was issued after the January 15, 2019 oral argument in this matter.

On April 29, 2019, the Wage and Hour Division of the United States Department of Labor issued an opinion on whether service providers who use a software platform provided by a virtual marketplace company to connect with end-market consumers are employees or independent contractors of the virtual marketplace company under the Fair Labor Standards Act. WHD Opinion Letter FLSA2019-6 (Apr. 29, 2019). Based on the facts described in the letter, the Wage and Hour Division opined that the service providers described in the letter are independent contractors.

In its letter, the Wage and Hour Division discussed the six non-exclusive factors relevant to the consideration of whether an individual is an employee or an independent contractor that were discussed at length in the Brief of Appellees at pages 28-52. The Wage and Hour Division opined that all six factors (including skill and integrality, as well as control, permanency, investment, and opportunity for profit or loss) weighed in favor of independent contractor status.

Sincerely,

*/s/ Robert W. Pritchard*

Robert W. Pritchard

cc: All counsel of record (via CM/ECF)