

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 29th day of August, two thousand and seventeen.

Before: Reena Raggi,
Denny Chin,
Susan L. Carney,
Circuit Judges.

Spencer Meyer, Individually and on behalf of
those similarly situated,

Plaintiff-Counter-Defendant - Appellee,

v.

Uber Technologies, Inc.,

Defendant-Counter-Claimant - Appellant,

Travis Kalanick,

Defendant-Appellant.

ORDER

Docket Nos. 16-2750(L), 16-2752(Con)

Plaintiff-Appellee Spencer Meyer filed a motion requesting that the Court amend its August 17, 2017 opinion to clarify that, on remand, the district court may consider the extent to which Meyer may have been unable to see Uber's Terms of Service hyperlink, including when entering his credit card information, and whether, under those circumstances, Meyer still would have formed an agreement to arbitrate. Defendants-Appellants oppose the motion.

IT IS HEREBY ORDERED that the motion is DENIED without prejudice to Meyer raising the issue in the district court in the first instance but also without foreclosing defendants from arguing waiver.

For the Court:
Catherine O'Hagan Wolfe,
Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit





