

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

KARLEASA MITCHELL, on behalf of  
herself and on behalf of others similarly  
situated,

Plaintiff,

v.

SOUTHWEST AIRLINES CO.,

Defendant.

Case No.:

CLASS ACTION COMPLAINT FOR  
VIOLATION OF THE CONSUMER  
PROTECTION ACT, RCW 19.86, AND  
THE COMMERCIAL ELECTRONIC  
MAIL ACT, RCW 19.190

DEMAND FOR TRIAL BY JURY

**I. NATURE OF THE ACTION**

1. This is a class action against Southwest Airlines, Co. (“Southwest” or “Defendant”) for illegally sending false and misleading emails. Defendant uses different types of false and misleading information in email subject lines to trick consumers into opening their email and making purchases. For example, the subject line will claim: “Last Day” but at the end of the timeframe advertised, Defendant sends emails stating the “sale” has been “EXTENDED.” Both email subject lines are false and misleading: Defendant never intended to only offer the sale for the initial time period advertised and planned for it to be offered for a longer period of time. Defendant has a pattern and practice of advertising fake sale extensions.

2. Defendant sends these emails with false and misleading subject lines to create the illusion of a good deal and impart a sense of urgency and induce fear in consumers that they might

miss out on that good deal, spurring consumers to make purchases in a hurry and thereby increasing Defendant's sales revenue.

3. Defendant also uses its illusory "sales" and preplanned extensions as an excuse to send consumers additional emails purporting to notify them that a sale is being offered, is ending, or that a sale has been extended. This practice causes consumers' inboxes to become inflated with spam.

4. Defendant's practice of sending serial emails about illusory sales with imaginary time limits and fake extensions violates the Washington Commercial Electronic Mail Act ("CEMA"), RCW 19.190, and the Washington Consumer Protection Act, RCW 19.86.

5. By sending emails with false and misleading information to Plaintiff and the Class (defined below), Defendant clogs email inboxes with false information and violates Plaintiff's and Class members' right to be free from deceptive commercial e-mails.

6. Plaintiff brings this action as a class action on behalf of persons residing in Washington who also received Defendant's false and misleading emails. Plaintiff's requested relief includes an injunction to end these practices, an award to Plaintiff and Class members of statutory and exemplary damages for each illegal email, and an award of attorneys' fees and costs.

## II. PARTIES

7. Plaintiff Karleasa Mitchell is a resident of the state of Washington, residing in King County, Washington.

8. Defendant Southwest Airlines Co. is a corporation with its principal place of business at 2702 Love Field Drive, Dallas, Texas, and is incorporated in Texas. Southwest engages in substantial business activities in Washington, including by selling airline tickets to Washington consumers from its website, flying in and out of Seattle-Tacoma International Airport, and sending the marketing emails at issue in this Complaint to consumers throughout Washington.

### III. JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction over this civil action pursuant to the Class Action Fairness Act, 28 U.S.C. 1332(d)(2) because the amount in controversy exceeds \$5,000,000 and at least one member of the class is a citizen of a different state than Defendant.

10. This Court may exercise personal jurisdiction over the out-of-state Defendant because the claims alleged in this civil action arose from, without limitation, Defendant's transmission of false and misleading commercial emails to consumers within the State of Washington. In addition, Defendant intended, knew, or is chargeable with the knowledge that its out-of-state actions would have a consequence within Washington.

11. Venue is proper under 28 U.S.C. 1391 because a substantial part of the events or omissions giving rise to the claim occurred in this District, namely in King County, because, at all relevant times, Plaintiff Mitchell has resided in King County and received the alleged false and misleading emails while residing in this County. Venue is also proper because Defendant has transacted business in King County, including without limitation by sending the marketing emails alleged herein to residents of King County and conducting substantial business with residents in King County.

### IV. LEGAL FRAMEWORK

12. Washington's Commercial Electronic Mail Act (CEMA) regulates deceptive email marketing.

13. CEMA prohibits sending an email advertisement to a Washington resident that "[c]ontains false or misleading information in the subject line." RCW 19.190.020(1)(b). A violation of this prohibition is an unfair or deceptive act that occurs in trade or commerce and violates the public interest under the Consumer Protection Act. RCW 19.190.030(3).

14. "CEMA's prohibition on sending commercial e-mails with false or misleading subject lines . . . creates a substantive right to be free from deceptive commercial e-mails." *Harbers v. Eddie Bauer, LLC*, 415 F. Supp. 3d 999, 1011 (W.D. Wash. 2019) (holding that the plaintiff

1 sufficiently pleaded concrete injury-in-fact for alleged CEMA violations based on her receipt of  
 2 marketing emails from the defendant containing allegedly false “xx% off” statements in the subject  
 3 line). Washington courts have held that “[t]he harms resulting from deceptive commercial e-mails  
 4 resemble the type of harms remedied by nuisance or fraud actions.” *Id.* at 1008.

5 15. An injury occurs anytime a commercial e-mail is transmitted that contains false or  
 6 misleading information in the subject line. *Id.* at 1011.

7 16. Under CEMA, it is irrelevant whether misleading commercial e-mails were  
 8 solicited. *Id.*

9 17. CEMA creates a private right of action for injunctive relief for people who receive  
 10 commercial emails with subject lines containing false or misleading information. RCW  
 11 19.190.090(1). A plaintiff who successfully alleges and proves such a violation may obtain, among  
 12 other things, an injunction against the person who initiated the transmission. RCW 19.190.090(1).  
 13 *Wright v. Lyft, Inc.*, 189 Wash.2d 718, 728 n.3 (2017) (“we note that a plaintiff may bring an action  
 14 to enjoin any CEMA violation.”).

15 18. It is a violation of the Consumer Protection Act (RCW 19.86 *et seq.*) to send or  
 16 conspire with another person to send an email that contains false or misleading information in the  
 17 subject line. RCW 19.190.030(1); *see also* RCW 19.190.030(2) (providing “that the practices  
 18 covered by this chapter are matters vitally affecting the public interest for the purpose of applying  
 19 the consumer protection act, chapter 19.86 RCW. The Legislature declared that a violation of  
 20 section 030 is not reasonable in relation to the development and preservation of business and is an  
 21 unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose  
 22 of applying the consumer protection act, chapter 19.86 RCW.”).

23 19. Damages for a violation of the prohibition on sending an email with false or  
 24 misleading information in the subject line are \$500 or actual damages, whichever is greater. RCW  
 25 19.190.040.

20. To establish a violation of Washington’s Consumer Protection Act (“CPA”), a claimant must establish five elements: (1) an unfair or deceptive act or practice, (2) in trade or commerce, (3) that affects the public interest, (4) injury to plaintiff’s business or property, and (5) causation. *Hangman Ridge Stables, Inc. v. Safeco Title Ins. Co.*, 105 Wash.2d 778, 719 P.2d 531, 533 (1986). Washington and federal courts have held that a plaintiff states a CPA claim solely by alleging a violation of the CEMA. *See State v. Heckel*, 143 Wash.2d 824, 24 P.3d 404, 407 (2001) (“RCW 19.190.030 makes a violation of [CEMA] a per se violation of the [CPA].”). Indeed, by alleging a CEMA violation of RCW 19.190.020, a plaintiff alleges all five elements of a CPA violation. *See Gordon v. Virtumundo, Inc.*, 575 F.3d 1040, 1065 (9th Cir. 2009) (citing *Hangman Ridge*, 719 P.2d at 535–37); *Wright*, 406 P.3d at 1155 (“We conclude that RCW 19.190.040 establishes the injury and causation elements of a CPA claim as a matter of law.”).

## V. FACTUAL ALLEGATIONS

### A. Defendant initiates (or conspires to initiate) the transmission of commercial e-mails with false or misleading subject lines.

21. Defendant has initiated (or conspired with its marketing companies to initiate) the transmission of dozens of commercial electronic mail messages with false or misleading subject lines to Plaintiff and the Class. The emails were electronic mail messages, in that they were each an electronic message sent to an electronic mail address; the emails from Defendant also referred to an internet domain, whether or not displayed, to which an electronic mail message can or could be sent or delivered.

22. Defendant sent the emails for the purpose of promoting its goods for sale.

23. The emails were sent at Defendant’s direction and were approved by Defendant.

24. Defendant uses sales that are purportedly limited in nature to send more emails to consumers than it otherwise might. Defendant commonly sends marketing emails every day, many of them advertising sales that are purportedly ending or being extended. For example, Defendant will send emails (i) when a limited time sale starts, (ii) while the sale is ongoing, (iii) when the

1 sale is close to ending, (iv) when the sale is (purportedly) in its final hours, and (v) when the sale  
 2 has been “extended” or renewed. When several emails contain the same false and misleading  
 3 information, the emails clog up inboxes with spam and waste limited data space.

4 25. Defendant violates CEMA because many of the statements in the email subject  
 5 lines that are intended to seduce consumers into opening the email and/or making a purchase are  
 6 false and misleading on several fronts. There are numerous examples of Defendant’s emails that  
 7 can be shown to have false and misleading information in the subject lines. While there are too  
 8 many examples to include them all here, the facts alleged below show the types of false and  
 9 misleading email subject lines Defendant routinely deploys.

10 **1. Defendant sends emails advertising in subject lines that a sale is “extended,”**  
 11 **but Defendant always planned to continue the sale during the purported**  
 12 **“extension.”**

13 26. Defendant misrepresents how long it is offering a sale by sending emails with  
 14 subject lines stating that a sale has been “extended.” Discovery will show that Defendant’s  
 15 employees did not gather at the end of the planned sale and determine that the sale should be  
 16 extended. Instead, the sale was always planned to continue, and the advertised “extension” is fake.

17 27. For example, Defendant sent the following emails to Plaintiff advertising a sale that  
 18 would end on February 20, 2025, but thereafter sent another email on February 21, 2025, saying  
 19 the sale was extended:

Date	Email Subject Line
Feb. 18, 2025	Wanna earn Promotional Companion Pass
Feb. 20, 2025	LAST DAY Earn Promotional Companion Pass easy as 1,2,3!
Feb. 21, 2025	EXTENDED: Promotional Companion Pass® offer ends today, so register now!

25 28. The subject line of the email Defendant sent on February 20, 2025 stating “LAST  
 26 DAY Earn Promotional Companion Pass easy as 1,2,3!” was false and misleading because

Defendant knew (or should have known) at the time that February 20, 2025 was not the final day of the sale and, instead, that the sale would be extended on February 21, 2025. Likewise, the February 21, 2025 email stating “**EXTENDED:** Promotional Companion Pass® offer ends today, so register now!” was false and misleading because the sale was not actually extended on that day, Defendant always planned for the sale to continue until February 21, 2025.

**B. Defendant Sends commercial emails to consumers whom it knows, or has reason to know, reside in Washington.**

29. Defendant sent the misleading commercial emails to email addresses that Defendant knew, or had reason to know, belonged to Washington residents, either because (i) Defendant had a physical Washington address that was associated with the recipient; (ii) Defendant had access to data regarding the recipient indicating that they were in Washington; or (iii) information was available to Defendant upon request from the registrant of the internet domain name contained in the recipient’s electronic mail address.

30. First, for any person that buys airline tickets from Defendant, Defendant associates that person with a billing address and shipping address.

31. Second, discovery will show that Defendant employs methods to track the effectiveness of its marketing emails and to identify consumers that click on links contained in Defendant’s social medial advertising and marketing emails, including by identifying their physical location. For example, discovery will also show that Defendant gathers information such as geocoordinates and IP addresses from individuals who click on links in Defendant’s commercial emails, and that Defendant can use such information to determine whether the recipient is in Washington.

32. Third, Defendant also utilizes cookies, pixels, and other online tracking technologies to identify and locate the consumers that click on links contained in Defendant’s marketing emails and that visit its website. For example, Defendant has installed the Meta Pixel on its website, which identifies website visitors and can identify specific Facebook and Instagram

1 users that visit Defendant's website—information that can be associated with the data collected by  
 2 Meta on where consumers reside. Defendant also employs tracking technologies provided by other  
 3 companies, such as Google, Inc., that may be able to locate consumers in the state of Washington.

4 33. Lastly, Defendant also knew, should have known, or had reason to know that it  
 5 sends marketing emails to Washington residents due to its presence in the State and the volume of  
 6 marketing emails it sends to people around the country. *See Heckel*, 122 Wash. App. at 6 (holding  
 7 as a matter of law that a defendant had a reason to know that he sent emails to Washington residents  
 8 by sending over 100,000 emails a week to people around the country).

9 34. Discovery will show that, at the time it sent the emails with false and misleading  
 10 subject lines, Defendant had access to the data described above regarding the location of  
 11 consumers in Washington to whom it sent the emails.

12 **C. Defendant initiated (or conspired to initiate) the transmission of illegal emails to**  
 13 **Plaintiff.**

14 35. At all times relevant to this Complaint, Plaintiff resided in the State of Washington.

15 36. Plaintiff Mitchell received emails from Defendant at a gmail email address.  
 16 Plaintiff has received over one hundred emails from Defendant since at least 2023.

17 37. Defendant knows, or has reason to know, that Plaintiff's email address is held by a  
 18 King County, Washington resident. Plaintiff visited Defendant's website from her electronic  
 19 devices located in Washington and has clicked on links contained in Defendant's emails on her  
 20 phone while in Washington. Plaintiff has further completed at least one purchase from Defendant's  
 21 website and provided a Washington address at checkout that is associated with their email address  
 22 by Defendant.

23 38. Defendant sent emails with false and misleading subject lines to Plaintiff for the  
 24 purpose of promoting Defendant's goods for sale.

25 39. Defendant initiated the transmission or conspired to initiate the transmission of  
 26 these commercial electronic mail messages to Plaintiff.



40. Plaintiff does not want to receive emails with false and misleading subject lines from Defendant, though she would like to continue receiving truthful information from Defendant regarding its products. However, due to Defendant's conduct, Plaintiff cannot tell based on Defendant's email subject lines, many of which are false or misleading, which of Defendant's emails she actually wants to open.

## VI. CLASS ACTION ALLEGATIONS

41. Class Definition. Plaintiff brings this case as a class action under Civil Rule 23(b)(3), on behalf of a Class defined as:

All persons<sup>1</sup> who, while a Washington resident, received an email from or at the behest of Defendant that contained a subject line stating that (1) a sale, discount, price, or other offer is being extended, when Defendant planned to offer the sale, discount, price, or other offer through the extension period advertised; (2) the consumer is being granted "early" access, but in fact the sale was accessible to everyone at the same time; (3) a sale, discount, price, or other offer is starting but it had in fact already been on offer; or (4) a sale, discount, price, or other offer is time limited or ending when Defendant continued to offer the sale, discount, price, or other offer for a longer period of time.

Excluded from the Class are Defendant, any entity in which Defendant has a controlling interest or that has a controlling interest in Defendant, and Defendant's legal representatives, assignees, and successors. Also excluded are the judge to whom this case is assigned and any member of the judge's immediate family.

42. Numerosity. The Class is so numerous that joinder of all members is impracticable. The Class has more than 100 members. Moreover, the disposition of the claims of the Class in a single action will provide substantial benefits to all parties and the Court.

43. Commonality. There are numerous questions of law and fact common to Plaintiff and members of the Class. The common questions of law and fact include, but are not limited to:

<sup>1</sup> As that term is defined in RCW 19.190.010(11) and RCW 19.86.010(a)

1 a. Whether Defendant sent commercial electronic mail messages with false  
2 and misleading information in the subject lines;

3 b. Whether Defendant initiated the transmission or conspired to initiate the  
4 transmission of commercial electronic mail messages to recipients residing in Washington State  
5 in violation of RCW 19.190.020;

6 c. Whether a violation of RCW 19.190.020 establishes all the elements of a  
7 claim under Washington's Consumer Protection Act, RCW 19.86 *et seq.*;

8 d. Whether Plaintiff and the proposed Class are entitled to an injunction  
9 enjoining Defendant from sending the unlawful emails in the future; and

10 e. The nature and extent of Class-wide injury and damages.

11 44. Typicality. Plaintiff's claims are typical of the claims of the Class. Plaintiff's  
12 claims, like the claims of the Class, arise out of the same common course of conduct by Defendant  
13 and are based on the same legal and remedial theories.

14 45. Adequacy. Plaintiff will fairly and adequately protect the interests of the Class.  
15 Plaintiff has retained competent and capable attorneys with significant experience in complex and  
16 class action litigation, including consumer class actions and class actions involving violations of  
17 CEMA. Plaintiff and her counsel are committed to prosecuting this action vigorously on behalf of  
18 the Class and have the financial resources to do so. Neither Plaintiff nor her counsel have interests  
19 that are contrary to or that conflict with those of the proposed Class.

20 46. Predominance. Defendant has a standard practice of initiating or conspiring to  
21 initiate commercial electronic mail messages to email addresses of Washington residents. The  
22 common issues arising from this conduct predominate over any individual issues. Adjudication of  
23 these issues in a single action has important and desirable advantages of judicial economy.

24 47. Superiority. Plaintiff and members of the Class have been injured by Defendant's  
25 unlawful conduct. Absent a class action, however, most Class members likely would find the cost  
26 of litigating their claims prohibitive. Class treatment is superior to multiple individual suits or

piecemeal litigation because it conserves judicial resources, promotes consistency and efficiency of adjudication, provides a forum for small claimants, and deters illegal activities. The members of the Class are readily identifiable from Defendant's records and there will be no significant difficulty in the management of this case as a class action.

48. Injunctive Relief. Defendant's conduct is uniform as to all members of the Class. Defendant has acted or refused to act on grounds that apply generally to the Class, so that final injunctive relief or declaratory relief is appropriate with respect to the Class as a whole. Plaintiff further alleges, on information and belief, that the emails described in this Complaint are substantially likely to continue in the future if an injunction is not entered.

## VII. CAUSES OF ACTION

### FIRST CLAIM FOR RELIEF

#### (Violations of Washington's Commercial Electronic Mail Act, RCW 19.190 *et seq.*)

49. Plaintiff realleges and incorporates by reference each and every allegation set forth in the preceding paragraphs.

50. Washington's CEMA prohibits any "person," as that term is defined in RCW 19.190.010(11), from initiating or conspiring to initiate the transmission of a commercial electronic mail message from a computer located in Washington or to an electronic mail address that the sender knows, or has reason to know, is held by a Washington resident that contains false or misleading information in the subject line.

51. Defendant is a "person" within the meaning of the CEMA, RCW 19.190.010(11).

52. Defendant initiated the transmission or conspired to initiate the transmission of one or more commercial electronic mail messages to Plaintiff and proposed Class members with false or misleading information in the subject line.

53. Defendant's acts and omissions violated RCW 19.190.020(1)(b).

54. Defendant's acts and omissions injured Plaintiff and proposed Class members.

55. The balance of the equities favors the entry of permanent injunctive relief against Defendant. Plaintiff, the members of the Class and the general public will be irreparably harmed absent the entry of permanent injunctive relief against Defendant. A permanent injunction against Defendant is in the public interest. Defendant's unlawful behavior is, based on information and belief, ongoing as of the date of the filing of this pleading. Absent the entry of a permanent injunction, Defendant's unlawful behavior will not cease and, in the unlikely event that it voluntarily ceases, is likely to reoccur.

56. Plaintiff and Class members are therefore entitled to injunctive relief in the form of an order enjoining further violations of RCW 19.190.020(1)(b).

## SECOND CLAIM FOR RELIEF

**(Per se violation of Washington's Consumer Protection Act, RCW 19.86 et seq.)**

57. Plaintiff realleges and incorporates by reference each and every allegation set forth in the preceding paragraphs.

58. Plaintiff and Class members are "persons" within the meaning of the CPA, RCW 19.86.010(1).

59. Defendant violated the CEMA by initiating or conspiring to initiate the transmission of a commercial electronic mail messages to Plaintiff and Class members that contains false or misleading information in the subject line.

60. A violation of CEMA is a "per se" violation of the Washington Consumer Protection Act ("CPA"), RCW 19.86.010, et seq. RCW 19.190.030.

61. A violation of the CEMA establishes all five elements of the CPA as a matter of law.

62. Defendant's violations of the CEMA are unfair or deceptive acts or practices that occur in trade or commerce under the CPA. RCW 19.190.100.

63. Defendant's unfair or deceptive acts or practices vitally affect the public interest and thus impact the public interest for purposes of applying the CPA. RCW 19.190.100.

64. Pursuant to RCW 19.19.040(1), damages to each recipient of a commercial electronic mail message sent in violation of the CEMA are the greater of \$500 for each such message or actual damages, which establishes the injury and causation elements of a CPA claim as a matter of law. *Lyft*, 406 P.3d at 1155.

65. Defendant engaged in a pattern and practice of violating the CEMA. As a result of Defendant's acts and omissions, Plaintiff and Class members have sustained damages, including \$500 in statutory damages for each email that violates the CEMA. The full amount of damages will be proven at trial. Plaintiff and Class members are entitled to recover treble damages, together with reasonable attorneys' fees and costs, under RCW 19.86.090.

66. Under the CPA, Plaintiff and members of the Class are also entitled to, and do seek, injunctive relief prohibiting Defendant from violating the CPA in the future.

#### VIII. REQUEST FOR RELIEF

WHEREFORE, Plaintiff, on her own behalf and on behalf of the members of the Class, requests judgment against Defendant as follows:

- A. That the Court certify the proposed Class;
- B. That the Court appoint Plaintiff as Class Representative.
- C. That the Court appoint the undersigned counsel as counsel for the Class;
- D. That the Court should grant declaratory, equitable, and/or injunctive relief as permitted by law to ensure that Defendant will not continue to engage in the unlawful conduct described in this Complaint;
- E. That the Court enter a judgment awarding any other injunctive relief necessary to ensure Defendant's compliance with the CEMA;
- F. That Defendant be immediately restrained from altering, deleting or destroying any documents or records that could be used to identify members of the Class;

G. That Plaintiff and all Class members be awarded statutory damages in the amount of \$500 for each violation of the CEMA, and treble damages under RCW 19.190.020(1)(b) and RCW 19.86.090;

H. That the Court enter an order awarding Plaintiff's reasonable attorneys' fees and costs; and

I. That Plaintiff and all Class members be granted other relief as is just and equitable under the circumstances.

### IX. TRIAL BY JURY

Plaintiff demands a trial by jury for all issues so triable.

TERRELL MARSHALL LAW GROUP PLLC

By: /s/ Beth E. Terrell

Beth E. Terrell, WSBA #26759

Email: bterrell@terrellmarshall.com

By: /s/ Jennifer Rust Murray

Jennifer Rust Murray, WSBA #36983

Email: jmurray@terrellmarshall.com

By: /s/ Blythe H. Chandler

Blythe H. Chandler, WSBA #43387

Email: bchandler@terrellmarshall.com

By: /s/ Eden B. Nordby

Eden B. Nordby, WSBA #58654

Email: enordby@terrellmarshall.com

936 North 34th Street, Suite 300

Seattle, Washington 98103

Telephone: (206) 816-6603

Facsimile: (206) 319-5450

E. Michelle Drake, *Pro Hac Vice Forthcoming*

Email: emdrake@bm.net

BERGER MONTAGUE PC

43 SE Main Street, Suite 505

Minneapolis, MN 55414

Telephone: (612) 594-5933

Facsimile: (612) 584-4470

Mark B. DeSanto, *Pro Hac Vice Forthcoming*

Email: mdesanto@bm.net

BERGER MONTAGUE PC

1818 Market Street, Suite 3600

Philadelphia, PA 19103

Telephone: (215) 875-3046

Facsimile: (215) 875-4604

Colleen Fewer, *Pro Hac Vice Forthcoming*

Email: cfewer@bergermontague.com

BERGER MONTAGUE PC

505 Montgomery Street, Suite 625

San Francisco, California 94111

Telephone: (415) 376-2097

*Attorneys for Plaintiff*

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

KARLEASA MITCHELL

(b) County of Residence of First Listed Plaintiff King  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Beth E. Terrell, Jennifer Rust Murray, Blythe H. Chandler, Eden B. Nordby  
Terrell Marshall Law Group PLLC,  
936 N 34th Street, Suite 300, Seattle, WA 98103, (206) 816-6603

**DEFENDANTS**

SOUTHWEST AIRLINES CO.

County of Residence of First Listed Defendant Dallas County, Texas  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
RCW 19.190.010 et seq.; RCW 19.86.010 et seq.; 28 U.S.C. § 1332(d)

Brief description of cause:

Southwest violated the Washington Consumer Electronic Mail Act, RCW 19.190.010 et seq.

**VII. REQUESTED IN COMPLAINT:**

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Tiffany Cartwright

DOCKET NUMBER 3:25-CV-05625

DATE

Aug 20, 2025

SIGNATURE OF ATTORNEY OF RECORD

/s/ Beth E. Terrell

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Western District of Washington

KARLEASA MITCHELL

*Plaintiff(s)*

v.

SOUTHWEST AIRLINES CO.

*Defendant(s)*

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Southwest Airlines Co.  
c/o The Prentice-Hall Corporation System, Inc.  
300 Deschutes Way SW, Suite 208 MC-CSC1  
Tumwater, WA 98501

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Beth E. Terrell, WSBA No. 26759  
Terrell Marshall Law Group PLLC  
936 North 34th Street, Suite 300  
Seattle, Washington 98103

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: