

Jonathan D. Selbin
Annika K. Martin
Anne B. Shaver (Colorado Bar No. 39933)
Rachel E. Green
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013-1413
Telephone: (212) 355-9500
Facsimile: (212) 355-9592
E-mail: jselbin@lchb.com
akmartin@lchb.com
ashaver@lchb.com
rgreen@lchb.com

Civil Action No. 1:19-cv-03544

Tyler H. Fox
TYLER FOX, ESQ.
689 Massachusetts Ave.
Cambridge, MA 02139
Telephone: (866) 296-1965
E-mail: tylerfox@verizon.net

Pamela Maass (Colorado Bar No. 42408)
MAASS LAW
26 W. Dry Creek Cir., Suite 600
Littleton, CO 80120
Telephone: (720) 899-3541
E-mail: pam@lifelegacyfirm.com

Attorneys for Plaintiffs and the Putative Class

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Lena Ramsay and Jane Doe, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

FRONTIER, INC.,

Defendant.

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

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Plaintiffs Lena Ramsay and Jane Doe (“Plaintiffs”), on behalf of themselves and all others similarly situated, file this class action against Frontier, Inc. (“Frontier”), and allege as follows:

NATURE OF THE ACTION

1. This is a class action against Frontier for failure to have and/or follow policies and procedures to prevent, report, and respond to sexual assault of its passengers on its flights.

2. The prevalence of passenger-on-passenger in-flight sexual assault is a well-known, and growing, problem. In fact, in 2018, the FBI issued a warning – to airlines and the public at large – that the number of sexual assaults reported during commercial airline flights has been increasing “at an alarming rate.”¹

3. Frontier, like all airlines, has an affirmative duty to aid and protect its passengers. This duty includes protecting passengers from sexual assaults by fellow passengers, and responding properly to in-flight sexual assaults that do occur.

4. Frontier violated this duty by failing to implement and enforce appropriate policies and procedures to prevent, or properly respond to, sexual assaults that occur on its flights; failing to report in-flight sexual assaults to the proper authorities, or to any authorities; and failing to cooperate with authorities in the reporting and investigation process into in-flight sexual assaults.

¹ Javier De Diego et al., *FBI: Sexual Assaults on Flights Increasing ‘At An Alarming Rate’*, CNN POLITICS (June 20, 2018, 9:19 PM ET), <https://www.cnn.com/2018/06/20/politics/fbi-airplane-sexual-assault/index.html>.

5. As a result of these violations by Frontier, Plaintiffs were sexually assaulted by their fellow passengers while they were on Frontier flights, and are at an ongoing risk for future sexual assaults.

6. Frontier's failure to implement and enforce policies to prevent and properly respond to in-flight sexual assault led Frontier employees and representatives to fail to properly respond to those assaults; fail to report the assaults to the any authorities; and fail to cooperate with authorities investigating those assaults.

7. Frontier's actions and inactions were – and are – part of a pattern of behavior and a common course of conduct towards all its passengers, including Plaintiffs and Class members.

8. Plaintiffs seek appropriate relief, including but not limited to compensatory damages and injunctive relief, on behalf of all others similarly situated who were unnecessarily put at risk and harmed by Frontier's common course of misconduct.

JURISDICTION AND VENUE

9. The Court has subject matter jurisdiction over this action under the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d), because: (a) Plaintiffs seek to represent a nationwide class of thousands of Frontier Airlines passengers, (b) the amount in controversy exceeds \$5,000,000, excluding interest and costs, (c) the proposed class consists of more than 100 individuals, and (d) none of the exceptions under the subsection applies to this section.

10. The claims asserted involve matters of national and interstate interest.

11. Members of the proposed class are dispersed among a substantial number of states.

12. This Court has personal jurisdiction over Defendant. Frontier's headquarters are located in this District, Frontier conducts substantial business here, and Frontier has intentionally availed itself of the laws and markets of this District. Upon information and belief, a significant portion of the acts and omissions complained of, including corporate policy-making and the direction, implementation, and enforcement of any policy acts and omissions, occurred within this District.

13. Venue is proper in this District under 28 U.S.C. § 1391 because a substantial part of the actions or omissions giving rise to the claims occurred in this District.

PARTIES

A. Plaintiff Lena Ramsey

14. Plaintiff Lena Ramsay is a resident of Denver, Colorado, and a citizen of the United States.

15. Plaintiff Lena Ramsay was sexually assaulted by a male passenger on a Frontier flight from Denver to Providence on or about October 20, 2018.

16. She immediately reported the incident to a flight attendant.

17. The flight attendant refused to let her switch seats to move away from her assailant.

18. The flight attendant did not report the incident to anyone else.

19. The flight attendant did not ask that law enforcement be contacted to meet the plane upon landing.

20. Frontier failed to cooperate and assist Plaintiff Lena Ramsay with evidence concerning her assault, including refusing to provide her (or the FBI) with the identities of her assailant and potential witnesses.

B. Plaintiff Jane Doe

21. Given the sensitive nature of the claims, Plaintiff Jane Doe is using a pseudonym in this litigation to protect her privacy. Plaintiff Jane Doe seeks permission in a related motion to proceed under this pseudonym.

22. Plaintiff Jane Doe is a resident of Denver, Colorado, and a citizen of the United States.

23. Plaintiff Jane Doe was sexually assaulted by a male passenger on a Frontier flight from Denver to Florida on or about November 30, 2018.

24. Plaintiff Jane Doe reported her assault to a flight attendant.

25. The flight attendant did not report the incident to anyone else.

26. The flight attendant did not ask that law enforcement be contacted to meet the plane upon landing.

27. Frontier failed to cooperate and assist Plaintiff Jane Doe with evidence concerning her assault, including refusing to provide her with the identities of her assailant and potential witnesses.

Defendant Frontier

28. Defendant Frontier is an airline carrier headquartered and with its principal place of business in Denver, Colorado; and doing business in Denver, Colorado.

FACTUAL ALLEGATIONS

A. The Prevalence of In-Flight Passenger-on-Passenger Sexual Assault is Well-Known.

29. In June 2018, the FBI issued a statement that the number of sexual assaults reported during commercial airline flights is increasing “at an alarming rate,” and the number of actual cases could be much higher than those reported.²

30. Crimes aboard aircraft fall within the FBI’s jurisdiction, and the agency said its investigations into in-flight sexual assaults increased by 66% from fiscal year 2014 to 2017.³

31. The International Air Transport Association reported 812 incidents during 2018 that were categorized as inappropriate behavior such as touching, sexual harassment, physical aggression, or indecent acts.⁴

32. In a 2017 Association of Flight Attendants survey, 20% of flight attendants reported receiving a passenger report of in-flight sexual assault.⁵

33. Airline passenger organization FlyersRights.org released 20 detailed passenger complaints of in-flight sexual assaults, made to the U.S. Department of Transportation and obtained via FOIA requests; these reports, too, provide a sense of the scope and frequency of in-flight sexual assault.⁶

² Javier De Diego et al., *FBI: Sexual Assaults on Flights Increasing ‘At An Alarming Rate’*, CNN POLITICS (June 20, 2018, 9:19 PM ET), <https://www.cnn.com/2018/06/20/politics/fbi-airplane-sexual-assault/index.html>.

³ *Sexual Assault Aboard Aircraft: Raising Awareness About a Serious Federal Crime*, FBI NEWS (Apr. 26, 2018), <https://www.fbi.gov/news/stories/raising-awareness-about-sexual-assault-aboard-aircraft-042618>.

⁴ INTERNATIONAL AIR TRANSPORT ASSOCIATION, SAFETY REPORT 2018, p. 111-112, <https://libraryonline.erau.edu/online-full-text/iata-safety-reports/IATA-Safety-Report-2018.pdf>.

⁵ *#MeToo in the Air*, ASSOCIATION OF FLIGHT ATTENDANTS-CWA, <https://www.afacwa.org/metoo#a1>.

⁶ <https://flyersrights.org/wp-content/uploads/2018/11/DOT-Sexual-Assault-Records.pdf>.

34. News media has been reporting on the prevalence of in-flight sexual assaults for years.⁷

35. The FBI itself noted the similarity of these crimes: "...agents describe elements of these crimes as being strikingly similar. The attacks generally occur on long-haul flights when the cabin is dark. The victims are usually in middle or window seats, sleeping, and covered with a blanket or jacket. They report waking up to their seatmate's hands inside their clothing or underwear."⁸

36. The FBI also noted what *should* happen in response to a passenger reporting an incident to a member of the flight crew: "Flight attendants and captains represent authority on the plane...they can alert law enforcement, and they can sometimes deal with the problem in the air. The flight crew can also put the offender on notice, which might prevent further problems. If alerted in advance [by the pilot radioing ahead to the airport], FBI agents can be on hand when

⁷ See, e.g., Andrew Appelbaum, *Recent In-Flight Sexual Abuse Complaints to Feds Released by Airline Passenger Group...Nothing Done?*, FLYERSRIGHTS.ORG (Nov. 29, 2018), <https://flyersrights.org/press-release/recent-in-flight-sexual-abuse-complaints-to-feds-released-by-airline-passenger-group/>; Nora Caplan-Bricker, *Flight Risk*, SLATE (Aug. 31, 2016), <https://slate.com/human-interest/2016/08/flight-risk.html>; *Delta Passenger Sues Airline, Claims Crew Didn't Detain Passenger Who Sexually Assaulted Her on Flight*, FOX NEWS (Sept. 28, 2018), <https://www.foxnews.com/travel/delta-passenger-sues-airline-claims-crew-didnt-detain-passenger-who-sexually-assaulted-her-on-flight>; Allison Dvaladze, *Airline Industry Treats Sexual Assaults in the Skies Like an Inconvenience, Not a Crime*, USA TODAY (Apr. 1, 2019, 6:00 AM ET), <https://www.usatoday.com/story/opinion/voices/2019/04/01/sexual-assault-airline-flight-elaine-chao-trump-boeing-column/3312204002/>; Christopher Mele, *Sexual Assault on Flights: Experts Recommend Ways to Stay Safe and Combat It*, N.Y. TIMES (Mar. 23, 2019), <https://www.nytimes.com/2019/03/23/travel/airline-flights-sexual-assault.html>; David Oliver, *Passenger Indicted for Alleged Mid-Flight Sexual Assault of 19-Year-Old Woman*, USA TODAY (May 21, 2019, 9:54 AM ET), <https://www.usatoday.com/story/travel/flights/2019/05/21/united-airlines-passenger-alleges-sexual-assault/3751023002/>.

⁸ FBI, *Sexual Assault Aboard Aircraft: Raising Awareness About a Serious Federal Crime*, FBI NEWS (Apr. 26, 2018), <https://www.fbi.gov/news/stories/raising-awareness-about-sexual-assault-aboard-aircraft-042618>.

the plane lands to conduct interviews and take subjects into custody. FBI victim specialists can respond as well, because victims of federal crimes are entitled by law to a variety of services.”⁹

37. The media has reported about airlines in general failing to adequately respond to in-flight sexual assault, reporting that frequently: victims might be forced to stay in their assigned seat next to their assailant for the duration of the flight; no reprimand or action is taken against the assailant; law enforcement is not notified from the air so they are not there when the plane lands; the assailant is allowed to de-plane without being questioned, detained, or even identified; the victim has to wait at the gate – sometimes for hours – for the gate agents to call TSA, who usually calls the local police (not the FBI); the local police sometimes won’t even take a report because in-flight assaults are not within their jurisdiction; the airline simply tells the victim to call customer service with her “complaint;” no identities (of assailant or potential witnesses) are shared with the victim or recorded; no evidence is preserved; and the victim is left to contact the FBI herself, with no evidence or identities to support her report of the crime she has suffered.¹⁰

38. Eighty-six percent of flight attendants surveyed said they were uncertain of, or had no knowledge of, any policies, procedures, or even guidance from their airlines for handling sexual assault reports.¹¹

⁹ *Id.*

¹⁰ *What Happens After You’re Sexually Assaulted on a Plane? Not Much*, SPLINTER (Oct. 31, 2016, 1:29 PM), <https://splinternews.com/what-happens-after-youre-sexually-assaulted-on-a-plane-1793863317>. The 2017 Association of Flight Attendants survey found that law enforcement (not necessarily the FBI) was contacted or met the plane less than half the time. *#MeToo in the Air*, ASSOCIATION OF FLIGHT ATTENDANTS-CWA, <https://www.afacwa.org/metoo#a1>.

¹¹ *#MeToo in the Air*, ASSOCIATION OF FLIGHT ATTENDANTS-CWA, <https://www.afacwa.org/metoo#a1>.

39. Frontier knew – or should have known – of this growing prevalence of in-flight sexual assaults because it is widely available and known public knowledge.

B. Frontier Has A Duty to Protect And Aid Its Passengers.

40. As a common carrier, Frontier has a special duty under common law to provide due care to ensure and protect and aid in the protection of passengers' safety.

41. Passengers entrust and have entrusted Frontier with this duty of care to ensure and protect and aid in the protection of their safety while they are passengers on a Frontier flight.

42. Frontier's special duty to provide due care to ensure and protect and aid in the protection of passengers' safety includes a duty to take reasonable steps to prevent and deter in-flight sexual assault on its flights, and to properly respond to such assaults that do occur, particularly in light of Frontier's knowledge of the growing prevalence of in-flight sexual assault.

43. While passengers are on a plane, they have little control over their surroundings: they are in cramped quarters; they cannot leave the plane until it lands; and they cannot engage in activities such as making phone calls or easily communicating with friends, family, or police authorities in the case of an emergency.

44. Frontier has control over passengers' surroundings and, indeed, their activities during the time they are onboard the plane.

45. Frontier can – and does – exercise control over passengers who exhibit violent or disruptive behavior, reserving the right in its contract of carriage to refuse transportation to

individuals who are intoxicated, unruly, interfering with a member of the flight crew, disobeying flight crew instructions, and/or wearing an unpermitted deadly or dangerous weapon.¹²

46. Frontier can – and has a duty to – implement and enforce policies and procedures to prevent and deter in-flight sexual assaults and to properly respond to those that do occur, just as it does with other forms of passenger violence and disruption.

C. Frontier Breached Its Duty to Its Passengers By Failing to Have or Enforce Adequate Policies and Procedures To Prevent and Properly Respond to In-Flight Sexual Assaults.

47. Upon information and belief, Frontier does not have and/or enforce adequate policies and procedures to prevent sexual assaults on its flights and to properly respond to incidents that do happen.¹³

48. By contrast, Frontier does have policies and procedures that it follows for handling passengers who are violent or disruptive in a number of other enumerated ways.¹⁴

49. Frontier’s failure to have and/or enforce adequate policies and procedures for the prevention of and response to in-flight sexual assaults is a breach of its affirmative duty to protect and care for its passengers.

¹² FRONTIER AIRLINES CONTRACT OF CARRIAGE, p. 3-5 (effective date Oct. 25, 2019), <https://www.flyfrontier.com/legal/contract-of-carriage?mobile=true>.

¹³ Prior to filing suit, Plaintiffs attempted to learn from Frontier whether it had any policies or procedures for the prevention of or response to in-flight sexual assaults. On November 7, 2019, Plaintiffs sent a demand letter to Frontier and its counsel requesting that information and seeking to discuss resolution of Plaintiffs’ class claims. See Ex. A. Neither Frontier nor its counsel provided any substantive response to Plaintiffs’ letter, despite Plaintiffs allowing them over five weeks to do so.

¹⁴ In its contract of carriage, Frontier reserves the right to refuse transportation to individuals who are, for example: intoxicated, unruly, interfering with a member of the flight crew, disobeying flight crew instructions, and/or wearing an unpermitted deadly or dangerous weapon. FRONTIER AIRLINES CONTRACT OF CARRIAGE, p. 3-5 (effective date Oct. 25, 2019), <https://www.flyfrontier.com/legal/contract-of-carriage?mobile=true>.

D. As a Result of Frontier’s Failure to Have or Enforce Adequate Policies and Procedures, Its Passengers Are Put At Risk and Harmed.

50. Frontier’s lack of and/or failure to enforce adequate policies and procedures for the prevention of and response to in-flight sexual assault puts all its passengers at risk of harm, and causes harm to those sexually assaulted by their fellow passengers.

51. Moreover, Frontier’s lack of and/or failure to enforce adequate policies and procedures for the proper response to in-flight sexual assaults that do occur exacerbates and amplifies the trauma of the actual assault due to institutional betrayal.

52. The term “Institutional Betrayal” refers to wrongdoings perpetrated by an institution upon individuals dependent on that institution, including failure to prevent or respond supportively to wrongdoings by individuals (e.g. sexual assault) committed within the context of the institution.¹⁵

CLASS ACTION ALLEGATIONS

53. Pursuant to the Federal Rules of Civil Procedure 23(b)(2), 23(b)(3), and 23(c)(4), Plaintiffs bring this action on behalf of themselves and the following class of others who are similarly situated:

Nationwide Class: All passengers who flew on Frontier flights between December 16 2017 and the present.

54. Excluded from the class are Defendant, its affiliates and subsidiaries; counsel for Defendant, their immediate family members, and employees of their firms; and judicial officers assigned to this case and their staffs and immediate family members.

¹⁵ Jennifer J. Freyd, *Institutional Betrayal and Institutional Courage*, <https://dynamic.uoregon.edu/jjf/institutionalbetrayal/>. See also Carly Parnitzke Smith & Jennifer J. Freyd, *Institutional Betrayal*, 69 AM. PSYCH. ASSOC. 575 (2014).

55. Plaintiffs reserve the right to amend or modify the above class definition with greater specificity or division into subclasses after having had an opportunity to conduct discovery.

56. The Class consists of hundreds, if not thousands, of passengers, making joinder impracticable, in satisfaction of Fed. R. Civ. P. 23(a)(1). The exact size of the Class and the identities of individual members are ascertainable through records maintained by Frontier.

57. Numerosity: The members of the class are so numerous that their individual joinder is impracticable. Upon information and belief, there are hundreds if not thousands of class members, whose names and addresses are readily available from Defendant's records.

58. Commonality: There are questions of law and fact common to the class, which predominate over any questions affecting individual members of the class, as detailed in paragraph 60 below.

59. Typicality: Plaintiffs' claims are typical of the other Class members' claims because Plaintiffs and Class members were subjected to the same wrongful conduct in the same manner.

60. Existence and Predominance of Common Questions of Fact and Law: This action involves common questions of law and fact that predominate over any questions affecting individual class members, including, without limitation:

(a) Whether Defendant owed a duty to Plaintiffs and Class members to protect and aid in the protection of their safety while traveling on Frontier flights;

(b) Whether Defendant breached its duties to Plaintiffs and Class members;

(c) Whether Defendant knew or reasonably should have known of the prevalence of and foreseeability of passenger-on-passenger in-flight sexual assault on its flights;

(d) Whether Defendant lacked and/or failed to enforce adequate policies or procedures to prevent/deter in-flight sexual assaults;

(e) Whether Defendant lacked and/or failed to enforce adequate policies or procedures to respond to in-flight sexual assaults that do occur;

(f) Whether Defendant lacked and/or failed to enforce any policies to prevent/deter in-flight sexual assaults;

(g) Whether Defendant lacked and/or failed to enforce adequate policies to respond to in-flight sexual assaults that do occur;

(h) Whether Defendant is liable for negligence;

(i) Whether Defendant is liable for willful and wanton conduct;

(j) Whether Defendant is liable for negligent infliction of emotional distress;

(k) Whether Defendant is liable for intentional infliction of emotional distress;

and

(l) Whether Plaintiffs and Class members suffered harm as a result of Defendant's violations and, if so, the appropriate measure of damages.

61. Adequacy of Representation: Plaintiffs are adequate class representatives. Their interests do not conflict with the interests of the other Class members they seek to represent. Plaintiffs have retained counsel competent and experienced in complex class action litigation, and they intend to prosecute this action vigorously. Plaintiffs and their counsel will fairly and adequately pursue and protect the interests of the class.

62. Superiority: A class action is superior to all other available means for the fair and efficient adjudication of this controversy. The highly sensitive and private nature of the facts involved here counsels toward providing a class vehicle to adjudicate these claims. The damages or other financial detriment suffered by Plaintiffs and the other class members are relatively small compared to the burden and expense that would be required to individually litigate these claims. As a result, it would be impracticable for class members to seek redress individually. Individualized litigation would also create a potential for inconsistent or contradictory judgments and increase the delay and expense to all parties and the court system. By contrast, the class action device presents far fewer management difficulties and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single court.

63. Particular Issues: The claims of Plaintiffs and Class members involve common issues that may be adjudicated on a class-wide basis pursuant to Rule 23(c)(4).

FIRST CLAIM FOR RELIEF
NEGLIGENCE

64. Plaintiffs restate and incorporate herein by reference the preceding paragraphs as if fully set forth herein.

65. Frontier, as a common carrier, has a special duty to provide due care to ensure and protect and aid in the protection of passengers' safety. This duty includes one to take reasonable steps prevent and deter in-flight sexual assault on its flights, and to properly respond to such assaults that do occur, particularly in light of Frontier's knowledge of the growing prevalence of in-flight sexual assault.

66. Frontier had special duties to protect the Plaintiffs and Class members, when such individuals were passengers entrusted to Frontier's care. Plaintiffs and Class members' safety

and well-being were entrusted to Frontier during their flights. Frontier voluntarily accepted the entrusted care of Plaintiffs and Class members. As such, Frontier owed Plaintiffs and Class members a special duty of care that common carriers dealing with passengers owe to protect them from harm, and to aid them in preventing and responding to harm. The duty to protect and warn arose from the common carrier doctrine that applies to airline carriers.

67. Upon information and belief, Frontier knew or should have known of the prevalence of in-flight passenger-on-passenger sexual assault and of the likelihood of risk and harm to its passengers absent implementation and enforcement of appropriate policies.

68. Frontier breached its duty of care to Plaintiffs and Class members by failing to implement and enforce uniform policies and procedures for the prevention, deterrence, and response to in-flight sexual assaults on its flights; by failing to report in-flight sexual assaults to the proper authorities, or to any authorities; and by failing to cooperate with authorities in the reporting and investigation process into in-flight sexual assaults.

69. As a direct, proximate, and foreseeable result of the above-described misconduct, Plaintiffs and Class members were – and still are being – put at unnecessary risk of harm and in many cases suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress including depression, anxiety, humiliation, loss of enjoyment of life, and fear of flying and travel; have suffered and continue to suffer and were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; may sustain loss of earnings and earning capacity; and may incur expenses for medical and psychological treatment, therapy, and counseling.

SECOND CLAIM FOR RELIEF
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

70. Plaintiffs restate and incorporate herein by reference the preceding paragraphs as if fully set forth herein, and to the extent necessary, plead this claim for relief in the alternative.

71. Frontier's conduct negligently caused emotional distress to Plaintiffs and Class members.

72. Frontier knew or reasonably should have known that a passenger who experienced in-flight sexual assault and was treated poorly or inadequately in the aftermath would experience emotional distress.

73. Frontier could reasonably foresee that its actions and omissions would have caused emotional distress to Plaintiffs and the Class members.

74. Plaintiffs and the Class members were in a specific zone of danger as passengers on Frontier flights, unable to escape from their assailant, or report a crime to the authorities on their own.

75. As a result of Frontier's conduct, Plaintiffs and Class members sustained severe emotional distress, physical manifestations of emotional distress, emotional anguish, fear, anxiety, humiliation, depression, and other physical and emotional injuries, and damages (both economic and noneconomic), in the past, present, and future, for which this claim is made. The injuries suffered by Plaintiffs and Class members are substantial, continuing, and permanent.

76. Frontier's conduct caused suffering for Plaintiffs and the Class members at levels that no reasonable person should have to endure.

THIRD CLAIM FOR RELIEF
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

77. Plaintiffs restate and incorporate herein by reference the preceding paragraphs as if fully set forth herein, and to the extent necessary, plead this claim for relief in the alternative.

78. Frontier's extreme and outrageous conduct intentionally or recklessly caused severe emotional distress to Plaintiffs and the Class members.

79. Frontier acted with intent or recklessness, knowing that passengers were likely to endure emotional distress given their relative lack of power or control over their situation or ability to report a crime while passengers on Frontier flights, and given Frontier's failure to report or adequately respond to Plaintiffs' suffering a sexual assault while in-flight.

80. As a result of Frontier's conduct, Plaintiffs and Class members sustained severe emotional distress, physical manifestations of emotional distress, emotional anguish, fear, anxiety, humiliation, depression, and other physical and emotional injuries, and damages (both economic and noneconomic), in the past, present, and future, for which this claim is made. The injuries suffered by Plaintiffs and Class members are substantial, continuing, and permanent.

81. Frontier's conduct caused suffering for Plaintiffs and the Class members at levels that no reasonable person should have to endure.

FOURTH CLAIM FOR RELIEF
WILLFUL AND WANTON CONDUCT

82. Plaintiffs restate and incorporate herein by reference the preceding paragraphs as if fully set forth herein.

83. Frontier owed Plaintiffs and Class members a duty to use due care to ensure their safety and freedom from sexual assault while passengers on Frontier flights.

84. Frontier owed Plaintiffs and Class members a duty to use due care to respond appropriately and properly to incidents of sexual assault that occurred in-flight.

85. Frontier's conduct demonstrated a willful disregard for precautions to ensure Plaintiffs and Class members' safety and to respond to incidents that harmed or threatened Plaintiffs and Class members' safety.

86. Frontier breached duties owed to Plaintiffs and Class members in a manner demonstrating Frontier must have realized as dangerous, and did so heedlessly and recklessly, without regard to consequences, or to the rights and safety of others, especially Plaintiffs and Class members.

87. As a result of Frontier's conduct, Plaintiffs and Class members sustained severe emotional distress, physical manifestations of emotional distress, emotional anguish, fear, anxiety, humiliation, depression, and other physical and emotional injuries, and damages (both economic and noneconomic), in the past, present, and future, for which this claim is made. The injuries suffered by Plaintiffs and Class members are substantial, continuing, and permanent.

FIFTH CLAIM FOR RELIEF
INJUNCTIVE AND EQUITABLE RELIEF

88. All allegations and paragraphs in this complaint are incorporated by reference.

89. An actual, justiciable controversy exists between Plaintiffs and Class Members and Frontier. A judgment from this Court regarding these issues would afford relief from uncertainty and insecurity with respects to rights, status, and other legal relations of the parties.

90. Frontier is required under Colorado law to protect and aid its passengers. This includes a duty:

- (a) to protect passengers from sexual assaults by fellow passengers, and

(b) to respond properly to in-flight sexual assaults that do occur.

91. Frontier has breached its duty to Plaintiffs and Class Members by failing:

(a) to implement and enforce appropriate policies and procedures to prevent, or properly respond to, in-flight sexual assaults;

(b) to report in-flight sexual assaults to the proper authorities, or to any authorities; and

(c) to cooperate with authorities in the reporting and investigation process into in-flight sexual assaults.

92. Plaintiffs and Class Members have an adverse legal interest to Frontier. This adverse interest and the controversy that exists between the parties can be resolved through the specific relief sought.

93. Wherefore, Plaintiffs, on behalf of themselves and the Class, requests that the Court issue an Order:

(a) requiring Frontier to establish and implement a uniform policy, including training and education for its employees and crew members, for how to identify in-flight sexual assault;

(b) requiring Frontier to establish and implement a policies and procedures for the prevention and deterrence of in-flight sexual assault, including passenger education and messaging, clear communication of consequences, more frequent cabin walk-throughs, and passenger cabin monitoring by closed-circuit TV, among others;

(c) requiring Frontier to establish and implement a uniform policy, including training and education for its staff, for how to respond to in-flight sexual assault that includes humane and trauma-informed treatment of the alleged victim(s);

(d) requiring Frontier to centrally track all reports of in-flight sexual assault;

(e) requiring Frontier to establish a uniform policy, including training and education for its staff, for how to report in-flight sexual assault to the FBI, and making reporting of in-flight sexual assault to the FBI mandatory;

(f) requiring Frontier to set a lifetime ban on passengers who commit sexual assault on Frontier flights;

(g) requiring Frontier to cooperate with the FBI and any other law enforcement in the ongoing and future investigations into in-flight sexual assault on Frontier flights; and

(h) such other relief as may be determined best-practice after consultation with experts in the prevention and response to sexual assault.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, individually and on behalf of the Class defined above, respectfully requests that the Court:

A. Certify this action as a class action under Rule 23 of the Federal Rules of Civil Procedure, appoint Plaintiffs as class representatives, and appoint the undersigned counsel as class counsel;

B. Award Plaintiffs and Class members compensatory, general, and/or consequential damages in an amount to be determined at trial;

- C. Award pre-judgment interest as permitted by law;
- D. Enter appropriate equitable relief as described in the Fifth Claim above;
- E. Award reasonable attorneys' fees and costs, as provided for by law; and
- F. Grant such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury on all issues so triable.

Dated: December 16, 2019

Respectfully submitted,

By: _____



Annika K. Martin

Jonathan D. Selbin
Annika K. Martin
Anne B. Shaver (Colorado Bar No. 39933)
Rachel E. Green
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013-1413
Telephone: (212) 355-9500
Facsimile: (212) 355-9592
E-mail: jselbin@lchb.com
akmartin@lchb.com
ashaver@lchb.com
rgreen@lchb.com

Pamela Maass (Colorado Bar No. 42408)
MAASS LAW
26 W. Dry Creek Cir., Suite 600
Littleton, CO 80120
Telephone: (720) 899-3541
E-mail: pam@lifelegacyfirm.com

Tyler H. Fox
TYLER FOX, ESQ.
689 Massachusetts Ave.
Cambridge, MA 02139
Telephone: (866) 296-1965
E-mail: tylerfox@verizon.net

Attorneys for Plaintiffs and the Putative Class

Exhibit A

**Lieff
Cabraser
Heimann &
Bernstein**
Attorneys at Law

Lieff Cabraser Heimann & Bernstein, LLP
250 Hudson Street, 8th Floor
New York, NY 10013-1413
t 212.355.9500
f 212.355.9592

November 7, 2019

Annika K. Martin
Partner
akmartin@lchb.com

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Howard Diamond
Howard.Diamond@flyfrontier.com
General Counsel, Frontier Airlines
7001 Tower Road
Denver, CO 80249

Paula L. Wegman
pwegman@AMM-LAW.com
ADLER MURPHY & McQUILLEN
20 South Clark Street, 25th Floor
Chicago, IL 60603

RE: Sexual Assault on Frontier Airlines flights

Dear Counsel,

We write on behalf of our clients Lena Ramsay and [REDACTED], and others similarly situated (the "Class"), to notify you that they were sexually assaulted by passengers on Frontier Airlines flights, and that Frontier Airlines, through its failure to implement and enforce appropriate policies and procedures to prevent or properly respond to those sexual assaults, is liable to them for damages. The purpose of this letter is to provide pre-filing notice to you of those claims and to invite mediation to address damages for past harms and implementation of appropriate policies and procedures going forward to prevent future assaults and ensure proper response to those that occur.

As you know from prior communications with our co-counsel Tyler Fox, Ms. Ramsay was sexually assaulted by a male passenger on Frontier Airlines flight 9836 from Denver to Providence on October 20, 2018. She reported the incident to the flight attendant, who refused to let her switch seats to move away from her assailant. The flight attendant did not report the incident to anyone else or ask that law enforcement be contacted to meet the plane upon landing. Frontier Airlines failed to cooperate and assist Ms. Ramsey with evidence concerning her assault, including refusing to provide her (or the FBI) with the identities of her assailant and potential witnesses.

Howard Diamond, Paula Wegman

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Similarly, Ms. [REDACTED] was sexually assaulted by a male passenger on Frontier Airlines flight 9680 from Denver to Florida on November 30, 2018. She, too, reported her assault to a flight attendant, who also failed to report the incident further or to take steps to have law enforcement meet the plane. Frontier Airlines failed to cooperate and assist Ms. [REDACTED] with evidence concerning her assault, including refusing to provide her with the identities of her assailant and potential witnesses.

The prevalence of in-flight passenger-on-passenger sexual assault was and is well known to Frontier Airlines. Based on these incidents, it appears that Frontier Airlines does not have and/or enforce adequate policies and procedures to prevent sexual assaults on its flights and to properly respond to incidents that do happen. If true, Frontier Airlines' misconduct would constitute negligence, negligent infliction of emotional distress, intentional infliction of emotional distress, recklessness, and other violations of applicable law.

Ms. Ramsay, Ms. [REDACTED], and others like them have suffered actual damages as a result of Frontier Airlines' misconduct, including but not limited to, the physical and emotional injury of the sexual assaults themselves as well as the emotional distress of Frontier's failure to properly respond to their reporting of the assaults and Frontier's failure to cooperate in their attempts to gather evidence and law enforcement's investigations of their assaults. Further, they have been and continue to be put at risk of future in-flight sexual assaults due to Frontier's failure to have appropriate policies and procedures in place for the prevention of sexual assaults on its flights and the proper response to incidents that do occur.

On December 20, 2018, on behalf of Ms. Ramsay, Mr. Fox sent a demand letter to Paula Wegman, counsel for Frontier Airlines, in an attempt to resolve Ms. Ramsey's claims without litigation. No response was received to that letter.

Accordingly, Ms. Ramsey and Ms. [REDACTED], on behalf of themselves and all others similarly-situated, hereby request that within 30 days of receiving this letter, Frontier Airlines agree to resolve their claims and to negotiate in mediation with us and with input from mutually-agreed upon experts, steps to implement best-practice policies and procedures for the prevention of in-flight sexual assault and the proper response to incidents of sexual assault that occur on Frontier Airlines flights.

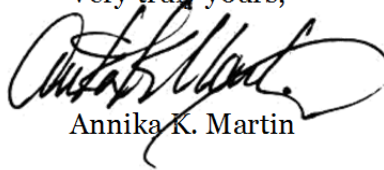
Howard Diamond, Paula Wegman
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Page 3

Unless these actions, as requested above, occur within the 30-day timeframe, we intend to file a class action complaint for injunctive relief, damages, and attorneys' fees for negligence; negligent infliction of emotional distress; intentional infliction of emotional distress; and recklessness.

Please contact us if you have any questions regarding this notice or the issues raised herein.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Annika K. Martin", written in a cursive style.

Annika K. Martin

AKM/wp
cc: Tyler Fox, Esq.
Pamela Maass, Esq.

JS 44 (Rev. 06/17) District of Colorado

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

Lena Ramsay and Jane Doe, individually and on behalf of all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
MAASS LAW, 26 W. Dry Creek Cir., Suite 600
Littleton, CO 80120
Telephone: (720) 899-3541

DEFENDANTS
Frontier, Inc.

County of Residence of First Listed Defendant Denver
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)
Brian T. Maye, Adler Murphy & McQuillen LLP, 20 South Clark St., Suite 2500, Chicago, IL 60603-1804
Howard Diamond, General Counsel, 7001 Tower Rd, Denver, CO 80249

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 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 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	PERSONAL INJURY <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 checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <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 PERSONAL PROPERTY <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 LABOR <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 IMMIGRATION <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 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <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 <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input 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
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<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	<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	Habeas Corpus: <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 Other: <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):

28 U.S.C. § 1332(d)

Brief description of cause:

Class action alleging: Negligence, Negligent Infliction of Emotional Distress, Intentional Infliction.

AP Docket

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

DOCKET NUMBER

DATE
12/16/2019

SIGNATURE OF ATTORNEY OF RECORD

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. When the petition for removal is granted, check this box.
 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 pending cases, if any. If there are related pending 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

District of Colorado



LENA RAMSAY AND JANE DOE, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED,

Plaintiff(s)

v.

FRONTIER INC.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Frontier, Inc. c/o Brian T. Maye ADLER MURPHY & McQUILLEN 20 South Clark Street, 25th Floor Chicago, IL 60603

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:

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:

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

UNITED STATES DISTRICT COURT

for the

District of Colorado



LENA RAMSAY AND JANE DOE, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED,

Plaintiff(s)

v.

FRONTIER INC.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Frontier, Inc. c/o Howard Diamond General Counsel, Frontier Airlines 7001 Tower Road Denver, CO 80249

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:

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: