

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ABOBAKKR [REDACTED], and
MOHAMED [REDACTED],
Plaintiff(s),
v.
ALASKA AIRLINES, INC.,
Defendant.

CASE NO. 2:22-cv-1076
COMPLAINT FOR DAMAGES
AND JURY DEMAND

I. INTRODUCTION

1. Since September 11, 2001, persons who are, or are perceived to be, Muslims have endured heightened levels of discrimination due to bigotry and fear mongering, particularly in air travel. This prevalent Islamophobia is often wrapped in racism and xenophobia aimed at Black and Brown people of Arab origin or from Muslim majority countries. Throughout the United States, individuals who share such identities have been shamed for merely existing in such public spaces. Their mere presence aboard an airplane is often unjustly

1 seen and treated as a threat, causing airline employees and passengers to be on edge and
2 view them with suspicion. This sad reality of targeted discrimination is particularly known
3 to those engaged in the business of providing air travel services. On February 17, 2020,
4 Alaska Airlines admittedly capitalized on this knowledge by exploiting the discredited
5 Islamophobic, racist, and xenophobic claim of one passenger in order to humiliate and deny
6 Abobakkr [REDACTED] and Mohamed [REDACTED] their rights as ticketed passengers.

7 2. Accordingly, Abobakkr [REDACTED] and Mohamed [REDACTED] (“Plaintiffs”), by and through
8 their Council on American Islamic Relations (“CAIR”) attorneys, bring this action against
9 ALASKA AIRLINES, INC. (“Defendant”), for compensatory damages, punitive damages,
10 injunctive and declaratory relief, and attorney’s fees for unlawful discrimination on the
11 basis of perceived religion, race, color, ethnicity, alienage and national origin. Defendant’s
12 actions were in violation of 42 U.S.C. § 1981 and the Washington State Law Against
13 Discrimination, RCW 49.60.030. Defendant’s actions caused Plaintiffs to suffer mental
14 and emotional distress, stigmatization, damage to their personal and professional reputation
15 and opportunities, and fear and apprehension associated with air travel. As such, Plaintiffs
16 seek declaratory and injunctive relief requiring Defendant to desist from and remedy such
17 egregious discriminatory treatment of passengers by Alaska Airlines personnel.

18 3. Abobakkr D [REDACTED] and Mohamed E [REDACTED] are friends and colleagues who are both
19 male, Black, Muslim, bearded, Middle Eastern, Sudan-born citizens of the United States
20 who predominantly speak Arabic and some English with a pronounced Arabic accent.

21 4. On February 17, 2020, Plaintiffs were seated in the first-class section of Alaska
22 Airlines Flight 304, stationed at the C-Concourse gate of Seattle-Tacoma International
23 Airport, awaiting departure for a business trip to San Francisco. While awaiting departure,
24

1 Plaintiffs occasionally made small talk with each other in their native Arabic, and Plaintiff
2 D ■ used Arabic text and emojis in a friendly text exchange with a friend who was not
3 aboard the plane. After an unsubstantiated and disproven complaint against Plaintiff D ■
4 by a non-Arabic speaking co-passenger who became upset upon seeing some of Plaintiff
5 D ■'s texts, Defendant, directly and/or by and through its agents and employees,
6 proceeded to self-servingly discriminate against Plaintiffs based upon their perceived
7 religion, race, color, ethnicity, alienage and national origin by using Plaintiffs as scapegoats
8 in an admittedly unjustified and unnecessary display of security theater which included:
9 removing and barring Plaintiffs from their contracted-for seats aboard Alaska Airlines
10 Flight 304; humiliating Plaintiffs before their fellow passengers by unnecessarily deplaning
11 said passengers and allowing them to observe Plaintiffs surrounded by uniformed law
12 enforcement personnel; subjecting Plaintiffs to additional unnecessary security measures
13 after having already confirmed to police that Plaintiff D ■'s text messages were
14 innocuous and that Plaintiffs posed no threat; and by prohibiting Plaintiffs from flying
15 together aboard subsequently-booked Alaska Airlines flights, thereby downgrading
16 Plaintiff E ■'s seat and forcing Plaintiffs to arrive at their destination hours later than
17 their originally contracted flight.

- 18 5. The arbitrary and capricious nature of Defendants' actions was confirmed by their
19 own admissions to Port of Seattle Police officers, as documented in a police report. Alaska
20 Airlines personnel informed a responding officer that the incident was a "misunderstanding
21 between passengers," that "everything was fine," that "there was no threat of any kind,"
22 and that "police were no longer needed." However, as the police report documented,
23 despite having already confirmed that Plaintiffs posed no threat, Alaska Airlines stated that

1 it nevertheless intended to request and conduct unnecessary measures to “show [the other
2 passengers] that Alaska Airlines was concerned about their security and took this incident
3 seriously.” The arbitrary and capricious nature of Defendant’s actions was further
4 confirmed by the fact that, even after discriminating against Plaintiffs by unnecessarily
5 removing and barring them from their contracted-for seats and humiliating them before
6 their fellow Flight 304 passengers, Defendant re-booked Plaintiffs for subsequent Alaska
7 Airlines flights that same day but unjustifiably discriminated against them further by
8 prohibiting them from traveling together.

9 6. Through its actions, Defendant essentially weaponized Islamophobic, racist, and
10 xenophobic fears by using Plaintiffs as human props in an admittedly unjustified,
11 unnecessary, and self-serving display of discriminatory security theater. By the time
12 Plaintiffs finally reached their destination, they were too humiliated and traumatized by
13 Defendant’s actions to enjoy their trip. Their trauma was exacerbated by knowing that such
14 public mistreatment would give credence to Islamophobic, racist, and xenophobic beliefs
15 which have plagued the Muslim community in the United States for decades. The
16 emotional distress Plaintiffs suffered continues to impact them to this day, and they are
17 retraumatized each time they consider booking a flight. As a result of Defendant’s
18 discriminatory abuse on February 17, 2020, Plaintiffs have felt immense pressure to take
19 precautions in travel which non-Arabic/Middle Eastern travelers do not have to consider
20 and which no traveler should ever have to take. These precautions, specifically designed to
21 conceal and downplay their identity and avoid similar discriminatory abuse in air travel,
22 include: avoiding air travel whenever possible and, thereby, enduring long distance road
23 trips and suffering the physical discomfort, inconvenience, loss of time, and added financial

costs associated with such trips; avoiding taking flights together; arriving at the airport hours earlier than customary to account for delays from potential repeat discriminatory abuse; avoiding use of their cell phones and keeping them powered off in airports and on airplanes whenever possible; and avoiding speaking in their native Arabic in airports and on airplanes as much as possible.

II. PARTIES, JURISDICTION, VENUE

7. Plaintiff Abobakkr [REDACTED] (“Plaintiff D [REDACTED]”), is an adult, male, Black, Muslim, bearded, ethnically Sudanese, Middle Eastern-born citizen of the United States of America who predominantly speaks Arabic and some English with a pronounced accent and resides in the State of Washington.

8. Plaintiff Mohamed [REDACTED] (“Plaintiff E [REDACTED]”), is an adult, male, Black, bearded, Middle Eastern, Sudan-born, Muslim citizen of the United States of America who predominantly speaks Arabic and some English with a pronounced accent and resides in the State of Washington.

9. Defendant Alaska Airlines, Inc. (“Defendant” or “Alaska Airlines”), is an American air carrier engaged in the business of transporting passengers, headquartered in the State of Washington, with its primary hub located at Seattle-Tacoma International Airport.

10. Upon information and belief, at all times relevant hereto, the captain of Alaska Airlines Flight 304 (“Alaska Captain”), a male Alaska Airlines manager who identified himself to Plaintiffs as Mr. Noor (“Alaska Manager Noor”), and an unidentified female Alaska Airlines manager (“Unnamed Female Alaska Manager”) who was present with Alaska Manager Noor during their encounter with Plaintiffs were agents and employees of

1 Alaska Airlines and were acting within the scope of their employment with Alaska
2 Airlines.

3 11. This court has federal question subject matter jurisdiction pursuant to 28 U.S.C. §
4 1331, as the claims averred herein arise out of civil rights violations under 42 U.S.C. §1981.

5 12. Pursuant to 28 U.S.C. § 1367, this court has supplemental jurisdiction over the state
6 law claims in this action because they form the same case and controversy as the federal
7 claims and arise out of the same events: Alaska Airlines' discrimination against Plaintiffs
8 in unnecessarily removing and barring them from their originally scheduled flight,
9 scapegoating and using Plaintiffs in an unnecessary display of security theater, and
10 unnecessarily prohibiting Plaintiffs from traveling together on subsequently booked flights.

11 13. Venue is proper for the United States District Court for the Western District of
12 Washington pursuant to 28 U.S.C. § 1391 because for the purposes of venue, at all relevant
13 times hereto, Plaintiffs resided in this district, and/or a substantial part of the events or
14 omissions giving rise to this claim occurred in this district, and/or Defendant resides in this
15 district.

16 III. FACTS

17 14. On or about February 17, 2020, Plaintiffs [REDACTED] and [REDACTED] were ticketed
18 passengers traveling together aboard Alaska Airlines Flight 304, awaiting departure from
19 Seattle-Tacoma International Airport to San Francisco International Airport.

20 15. Plaintiffs are friends and, on February 17, 2020, were partners in a medical
21 transport business scheduled to fly one-way to San Francisco for the purpose of conducting
22 a business-related purchase of vehicles which they intended to drive back to Washington
23 State.

1 16. Plaintiffs were seated on opposite sides of the aisle in the second row of the first-
2 class section of the airplane, with Plaintiff D ■ seated in seat 2C and Plaintiff E ■
3 seated in seat 2F.

4 17. Plaintiffs occasionally spoke to each other in their native tongue, Arabic, while
5 boarding and sitting aboard the airplane.

6 18. A passenger, later identified in a Port of Seattle Police report as Christopher
7 C ■ (“Passenger C ■”), was seated immediately next to Plaintiff D ■.

8 19. While waiting for the plane to complete boarding, and still within the permitted cell
9 phone use period prior to take-off, Plaintiff D ■ was casually using his cell phone, texting
10 in Arabic with a friend who was not aboard the plane.

11 20. Upon information and belief, Passenger C ■ did not speak, read, or understand
12 Arabic.

13 21. Upon information and belief, Passenger C ■ became alarmed upon seeing the
14 Arabic text exchange on Plaintiff D ■’s cellphone screen.

15 22. Passenger C ■ did not speak with Plaintiff D ■ nor raise any inquiry to
16 Plaintiff D ■ regarding the text messages.

17 23. Passenger C ■ abruptly stood up, grabbed his bag, walked towards the front
18 exit, spoke to a flight attendant, and loudly proclaimed that he was not going to stay on the
19 plane before exiting.

20 24. Upon information and belief, Passenger C ■ reported a concern about Plaintiff
21 D ■’s above-mentioned Arabic text messages to the flight attendant and/or other Flight
22 304 personnel.

1 25. Upon information and belief, Alaska Captain, an agent and employee of Alaska
2 Airlines acting within the scope of his employment, was notified of Passenger C [REDACTED]'s
3 concern regarding the Arabic text messages observed on Plaintiff D [REDACTED]'s cell phone.

4 26. Shortly thereafter, Alaska Captain announced a delay due to what he described as
5 a “technical issue” over the airplane’s intercom system and subsequently spoke with
6 Alaska Manager Noor, an Alaska Airlines manager and an agent and employee of Alaska
7 Airlines acting within the scope of his employment, who had just entered the airplane
8 through the front entrance.

9 27. After the delay announcement, Plaintiff E [REDACTED] used the first-class lavatory and,
10 upon exiting the lavatory and seeing Passenger C [REDACTED]'s seat to be unoccupied,
11 temporarily sat directly next to Plaintiff D [REDACTED] to continue chatting during the delay.

12 28. Shortly thereafter, Alaska Manager Noor, who was wearing a suit and carrying a
13 piece of paper, approached Plaintiffs and ordered them to deboard to discuss a “ticket
14 issue.”

15 29. Plaintiffs asked Alaska Manager Noor to explain the “ticket issue,” but Alaska
16 Manager Noor refused and stated that he would explain further once Plaintiffs grabbed
17 their carry-on luggage and deboarded the plane.

18 30. Plaintiffs complied with Alaska Manager Noor’s instruction by calmly and
19 peacefully grabbing their belongings and exiting the plane.

20 31. During the above-described events, there was no barrier between the first-class and
21 coach sections of the plane during the above-described exchange, and passengers
22 throughout the airplane watched as Plaintiffs were singled out and removed by Alaska
23 Manager Noor.

1 32. At no time prior to removal from the airplane did any Alaska Airlines personnel
2 give any instruction or make any inquiry to Plaintiffs regarding their actions or texts or
3 inform Plaintiffs of the true reason for their removal.

4 33. After removing Plaintiffs from the airplane and escorting them to the gate area,
5 Alaska Manager Noor informed Plaintiffs that he was a manager for Alaska Airlines.

6 34. Once they were escorted to the gate area, Plaintiffs also observed Unnamed Female
7 Alaska Manager, a white female in an Alaska Airlines dress uniform who assisted and
8 accompanied Alaska Manager Noor throughout the remainder of the encounter.

9 35. Alaska Manager Noor stated to Plaintiffs that “one of [them]” had been suspected
10 of sending “improper” text messages and that he had been tasked with translating said
11 messages from Arabic to English to determine whether the messages posed any threat.

12 36. Alaska Manager Noor informed Plaintiffs that he was of Moroccan descent and at
13 times spoke to Plaintiffs in Arabic.

14 37. Upon information and belief, Alaska Manager Noor understands written and
15 spoken Arabic.

16 38. Both Plaintiffs offered to show their phone, but Alaska Manager Noor only
17 expressed interest in specifically reviewing the contents of Plaintiff D■■■■'s phone.

18 39. Alaska Manager Noor reviewed content on Plaintiff D■■■■'s cell phone, including a
19 full review of the text messages in question.

20 40. During Alaska Manager Noor's review of Plaintiff D■■■■'s texts, he asked follow-
21 up questions about the nature of the exchange, and Plaintiff D■■■■ complied by politely
22 answering all questions asked.
23
24

1 41. The string of text messages reviewed by Alaska Manager Noor was written
2 predominantly in Arabic text with numerals and emoji characters.

3 42. Upon review, Alaska Manager Noor discovered that the text messages in question
4 consisted of separate exchanges which took place over a two-year time span and were
5 completely innocuous.

6 43. As reflected in a police report associated with this incident, the questioned string
7 of messages involved two sets of exchanges between Plaintiff D [REDACTED] and his friend
8 M [REDACTED], written predominantly in Arabic characters with some usage of English words
9 and emoji characters; the texts involved the type of cheerful small talk typical of any
10 exchange between friends.

11 44. The first exchange in the reviewed text thread dated back to May 6, 2018, almost
12 *two years* prior to the date of this incident, and involved a lighthearted exchange about
13 M [REDACTED]'s family members, while the second exchange took place on February 17, 2020,
14 the date of this incident, and involved a friendly check-in and some compliments by
15 M [REDACTED] about photos he had seen of Plaintiff D [REDACTED].

16 45. After asking Plaintiff D [REDACTED] some follow-up questions and confirming that the text
17 exchange in question was completely innocuous, Alaska Manager Noor took photos of said
18 text exchange from Plaintiff D [REDACTED]'s phone screen.

19 46. Alaska Captain, a male in a captain's uniform, emerged from Flight 304 and spoke
20 with Alaska Manager Noor within a few feet of Plaintiffs at the gate area.

21 47. Alaska Manager Noor showed Plaintiff D [REDACTED]'s cell phone to Alaska Captain and
22 explained the friendly and non-threatening nature of the Arabic text exchange in question
23 within earshot of Plaintiffs.

1 48. After Alaska Manager Noor finished speaking with Alaska Captain, he informed
2 Plaintiffs that they would not be permitted to reboard Flight 304 and escorted them out to
3 the Alaska Airlines ticketing area.

4 49. Plaintiffs asked Alaska Manager Noor if they were the reason for the flight delay,
5 and Alaska Manager Noor replied in the affirmative.

6 50. Alaska Manager Noor stated to Plaintiffs that the delay and removal was “airline
7 procedure.”

8 51. Alaska Manager Noor further explained that Plaintiffs would be reticketed for later
9 Alaska Airlines flights but would be prohibited from flying aboard the same aircraft.

10 52. Once Alaska Manager Noor escorted Plaintiffs to the ticket counter area, uniformed
11 individuals approached and identified themselves as agents with the Federal Bureau of
12 Investigations (“FBI”) and Transportation Security Administration (“TSA”).

13 53. Alaska Manager Noor showed Plaintiff D■■■■’s phone to an individual believed to
14 be an FBI agent and allowed the agent to photograph Plaintiff D■■■■’s text messages.

15 54. The above-mentioned FBI agent also photographed both Plaintiffs’ photo
16 identification.

17 55. Port of Seattle Police Officer Andrew Neisinger (“Officer Neisinger”) also arrived
18 on scene in response to a prior call for assistance.

19 56. According to a Port of Seattle police report, Officer Neisinger spoke with an
20 unnamed Alaska Airlines manager who reported to Officer Neisinger that the incident
21 involving Plaintiffs was “a misunderstanding between passengers,” that “everything was
22 fine,” that “there was no threat of any kind,” and that “police were no longer needed.”
23
24

1 57. After having confirmed to Officer Neisinger that there was no threat, the same
2 above-mentioned unnamed Alaska Airlines manager also told Officer Neisinger that
3 Alaska Airlines personnel still intended to deplane the other passengers to “show them that
4 Alaska Airlines was concerned about their security and took this incident seriously.”

5 58. Additionally, according to Officer Neisinger’s report, an unnamed female Alaska
6 Airlines manager also approached and asked Officer Neisinger whether a K-9 unit could
7 be deployed to scan the airplane despite Alaska Airlines having already discovered that
8 Plaintiffs posed no threat.

9 59. All statements made to Officer Neisinger by Alaska Airlines personnel which are
10 quoted in this Complaint are documented in his official incident report.

11 60. Based upon a review of Plaintiffs’ description of events and details contained
12 within Officer Neisinger’s report, it is believed at this time that the Alaska Airlines
13 managers who spoke with Officer Neisinger were Alaska Manager Noor and Unnamed
14 Female Alaska Manager.

15 61. Additionally, to Officer Neisinger’s report, Alaska Captain ordered the emptying
16 of the tanks in the first-class lavatory which had been used by Plaintiff E [REDACTED] prior to
17 removal from the airplane.

18 62. Prior to leaving the scene, Officer Neisinger also personally interviewed Plaintiff
19 D [REDACTED], and Plaintiff D [REDACTED] cooperated by politely answering all questions and allowing
20 Officer Neisinger to view and photograph the text messages on his phone.

21 63. Upon information and belief, no threat of any kind was identified after inspection
22 of Plaintiffs, their property, or the Flight 304 aircraft.

1 64. While at the gate area, TSA and FBI personnel arrived on scene and assembled
2 alongside Plaintiffs in plain view of other passengers.

3 65. After deplaning the other Flight 304 passengers, Alaska Airlines personnel escorted
4 said passengers directly past Plaintiffs as they were being questioned by uniformed law
5 enforcement personnel.

6 66. Plaintiffs noticed the above-mentioned passengers staring at them and appearing
7 visibly agitated and scared, with some passengers cursing and expressing anger.

8 67. All ticketed Flight 304 passengers, except for Plaintiffs, were permitted to reboard
9 the aircraft after rescreening.

10 68. Upon information and belief, the above-mentioned Flight 304 passengers were
11 escorted to the front of the security line for expedited entry, an opportunity that was denied
12 to Plaintiffs.

13 69. Alaska Manager Noor told Plaintiffs that, due to the events and Alaska Airlines
14 procedure, Plaintiffs would be reticketed for later flights but would not be permitted to
15 travel together.

16 70. At the C-Concourse Alaska Airlines ticket desk, and in the presence of Plaintiffs,
17 Alaska Manager Noor and Unnamed Female Alaska Manager instructed an unidentified
18 ticket agent to rebook Plaintiffs for later Alaska Airlines flights, specifying that Plaintiffs
19 were prohibited from traveling together.

20 71. The unidentified ticket agent, pursuant to Alaska Manager Noor and Unnamed
21 Female Alaska Manager's instruction, reticketed Plaintiffs for separate flights, which
22 denied plaintiffs the opportunity to travel together as they had originally contracted for and
23 caused Plaintiff E [REDACTED]'s ticket to be downgraded from first-class to coach.

1 72. Once reticketed for their respective later flights, Plaintiffs politely asked Alaska
2 Manager Noor to facilitate their rescreening process as Alaska Airlines personnel had done
3 for the other Flight 304 passengers, and Alaska Manager Noor refused, sending Plaintiffs
4 to the back of the TSA security line for rescreening.

5 73. As a result of the above-described actions by Alaska Airlines personnel, Plaintiffs
6 were forced to re-submit to an extensive baggage screening and reach their destination
7 separately, several hours later than originally scheduled.

8 74. Upon information and belief, Alaska Airlines knew of the prevalence of
9 Islamophobic, racist, and xenophobic stereotypes and negative sentiments towards
10 Muslims in air travel, particularly among American passengers in the years following the
11 attacks on September 11, 2001.

12 75. Upon information and belief, Alaska Airlines knew that discriminating against
13 Plaintiffs by removing and barring them from their scheduled flight, using them as props
14 to conduct an unnecessary display of security theater for other passengers, and prohibiting
15 them from traveling together would stoke the Islamophobic, racist, and xenophobic fears
16 of other passengers and have a lasting traumatic effect on Plaintiffs yet still proceeded with
17 their inappropriate discriminatory treatment.

18 76. Upon information and belief, Alaska Airlines singled out and removed Plaintiff
19 D ■■■, a Black, bearded, ethnically Sudanese, Middle Eastern-born, Arabic-speaking,
20 heavily-accented Muslim man from his scheduled flight after a non-Arabic speaking
21 passenger felt threatened upon seeing Arabic messages he did not understand on Plaintiff
22 D ■■■'s personal phone screen.
23
24

1 77. Upon information and belief, Alaska Airlines singled out and removed Plaintiff
2 E [REDACTED], a Black, bearded, ethnically Sudanese, Middle Eastern-born, Arabic-speaking,
3 heavily-accented Muslim man from his scheduled flight merely because he traveled with
4 Plaintiff D [REDACTED] and matched the same profile, and not based on any complaint whatsoever.

5 78. After confirming to Officer Neisinger that Plaintiff D [REDACTED]'s text messages were
6 innocuous and that Plaintiffs posed "no threat of any kind," as documented in Officer
7 Neisinger's report, Alaska Airlines still discriminated against Plaintiffs by using them in
8 an unnecessary and unjustified display of security theater for the other Flight 304
9 passengers which included: deplaning all the passengers; allowing said passengers to see
10 Plaintiffs as the culprits by escorting them past Plaintiffs as Plaintiffs were surrounded by
11 uniformed law enforcement; ordering the emptying of the first-class lavatory tanks used by
12 Plaintiff E [REDACTED] and requesting a K-9 response; rescreening all Flight 304 passengers prior
13 to reboarding while denying Plaintiffs the same expedited screening opportunity that was
14 offered to the other passengers; extensively rummaging through Plaintiffs bags in their
15 second screening; and barring Plaintiffs from reboarding Flight 304.

16 79. After confirming that Plaintiff D [REDACTED]'s text messages were innocuous and that
17 Plaintiffs posed no threat, and after having already confirmed those findings in their direct
18 statements to police officers, Alaska Airlines further discriminated against Plaintiffs by
19 unnecessarily reticketing them for flights scheduled to land several hours later than their
20 originally-booked flights and barring them from traveling together on said flights, while
21 also downgrading Plaintiff E [REDACTED]'s first-class ticket in the process.

22 80. Defendant deprived Plaintiffs of their contractual right to travel together on their
23 confirmed and paid-for trip aboard Flight 304, and Plaintiff E [REDACTED], despite later being
24

1 reimbursed for the value of the downgraded ticket, was deprived of his contracted-for first-
2 class seat and the difference in value of the first-class ticket.

3 81. On February 17, 2020, due to Defendant's above-described discriminatory actions,
4 Plaintiffs suffered intense stress, fear, and humiliation.

5 82. Since the date of the incident, Plaintiffs have suffered anxiety and a persistent
6 concern that Defendant's conduct towards them contributed to harmful stereotypes about
7 Muslims in America.

8 83. The persistent trauma and fear resulting from Defendant's actions has forced
9 Plaintiffs to avoid travel by air whenever possible, thereby forcing them to opt for
10 uncomfortably long, expensive, and time-consuming road trips and negatively impacting
11 both their personal and business prospects.

12 84. Due to the persistent trauma and fear resulting from the Defendant's actions, when
13 air travel is necessary, Plaintiffs feel compelled to alter their behavior in several ways
14 including the following: avoiding taking flights together; arriving at the airport much
15 earlier than usual to account for delays from potential similar discriminatory treatment;
16 avoiding use of their cell phones and keeping them powered off whenever possible;
17 avoiding speaking in their native Arabic as much as possible.

18 85. Plaintiffs now live with the persistent anxiety about future similar discrimination
19 during air travel negatively impacting anyone with whom they consider traveling.

20 86. Upon information and belief, most non-Arabic, non-Middle Eastern, and non-
21 Muslim travelers do not feel compelled to take similar defensive measures against
22 misidentification as a security threat that Plaintiffs and others with their shared identity are
23 burdened with as a result of Defendant's discrimination.

IV. FIRST CAUSE OF ACTION

(Deprivation of Federal Civil Rights 42 U.S.C § 1981— “Civil Rights Act of 1991”)

87. Plaintiffs hereby re-plead, re-allege, and incorporate all previous allegations of this Complaint, as if fully set forth herein.

88. Plaintiffs are members of racial and ethnic minority groups as Black, Middle Eastern, ethnically Sudanese men.

89. At all times relevant hereto, Plaintiffs, despite their minority identities, had the same civil right to be treated equally in making and enforcing contracts as white citizens, and to be subject to the same punishments, pains, penalties, taxes, license and exactions of every kind, and to no other, pursuant to 42 U.S.C. § 1981.

90. 42 U.S.C. § 1981 prohibits intentional racial, ethnic, and ancestry-based discrimination in the making and enforcing of contracts involving both public and private actors.

91. Stemming from this right, Plaintiffs had the right to performance, benefits, privileges, terms, and conditions of the contracts into which they entered.

92. As such, when Plaintiffs contracted with Alaska Airlines, a commercial air carrier engaged in air transportation services, for first-class passage aboard Flight 304 from Seattle-Tacoma International Airport to San Francisco International Airport, as paying passengers and contracting parties, they had the right to be treated equally and in a manner free from discrimination pursuant to 42 U.S.C. § 1981.

93. Plaintiffs had equal rights to the performance, benefits, privileges, terms, and conditions of their contract with Alaska Airlines for travel on the commercial air carrier pursuant to 42 U.S.C. § 1981.

1 94. At no point did Plaintiffs engage in any threatening, loud, rowdy, unruly, inciteful,
2 or inappropriate behavior and, at all times relevant hereto, Plaintiffs abided by all rules and
3 regulations of aircrafts and airline security.

4 95. On the contrary, according to Alaska Airlines, as reflected in their official statement
5 to Port of Seattle Police, the incident was a “misunderstanding between passengers,”
6 “everything was fine,” and “there was no threat of any kind.”

7 96. Plaintiff D [REDACTED] simply used his cell phone prior to take-off aboard a stationary
8 aircraft and Plaintiff E [REDACTED] simply used the restroom during an announced delay, as did
9 many of the white passengers aboard the same flight; however, only Plaintiffs were racially
10 profiled, singled out, removed, questioned, and barred from their contracted-for flight
11 simply for communicating in their native language.

12 97. Both Plaintiffs were removed from the aircraft after a non-Arabic speaking co-
13 passenger expressed concern about seeing Plaintiff D [REDACTED] texting in Arabic, and said
14 complaint was promptly disproven by an Arabic-speaking Alaska Airlines employee with
15 full access to review the texts in question on Plaintiff D [REDACTED]’s phone and confirm that the
16 texts were completely innocuous and posed no security concern.

17 98. No passenger complaint was raised against Plaintiff E [REDACTED] at all, yet he was also
18 racially discriminated against through wrongful removal and exclusion from Flight 304
19 due to his shared racial, ethnic, and linguistic profile with Plaintiff D [REDACTED].

20 99. At all times relevant hereto, Plaintiffs were fully cooperative with all Alaska
21 Airlines and law enforcement inquiries and directives, and Alaska Airlines’ official
22 statements to police provide no claims to the contrary.
23
24

1 100. Plaintiffs' removal and denial of transport aboard Flight 304 was based solely on
2 an admittedly unsubstantiated and disproven racist co-passenger complaint against
3 Plaintiff D■■■■, as confirmed by Alaska Airlines' official statements to police, and not based
4 on any actual violation of any terms of their contract for travel aboard said flight.

5 101. Alaska Airlines' decision to racially discriminate against Plaintiffs by barring them
6 from their contracted-for flight and use both Plaintiffs as scapegoats in an admittedly
7 unnecessary and unjustified display of security theater was made after Alaska Airlines had
8 already confirmed that a co-passenger's complaint against Plaintiff D■■■■ was
9 unsubstantiated and disproven, as documented in the police report.

10 102. Plaintiffs, who are Black, Middle Eastern, ethnically Sudanese men, were the only
11 passengers barred from their contracted-for seats aboard Alaska Airlines Flight 304.

12 103. As such, Plaintiffs' civil rights under 42 U.S.C. § 1981 were violated because they
13 were denied equal treatment in making and enforcing their contract with Alaska Airlines,
14 and were not subject to the same punishments, pains, penalties, and exclusions as white
15 citizens.

16 104. Plaintiffs were unable to enjoy the performance, benefits, privileges, terms, and
17 conditions of the contract into which they entered with Alaska Airlines because they were
18 wrongfully removed and barred from their contracted-for seats aboard Alaska Airlines
19 Flight 304 without any valid exception.

20 105. In wrongfully removing and barring Plaintiffs from their contracted-for flight,
21 Alaska Airlines intentionally and purposefully discriminated against Plaintiffs based on
22 their perceived minority identities, including their race.
23
24

1 106. Alaska Airlines is liable for the actions of its agents and employees, under the
2 doctrine of *respondeat superior*.

3 107. Upon information and belief, Alaska Manager Noor, Alaska Captain, Unnamed
4 Female Alaska Manager, and all Alaska Airlines Flight 304 personnel were acting in the
5 course of their employment as Alaska Airlines agents employed by Alaska Airlines at the
6 time they discriminated against Plaintiffs by wrongfully removing and barring them from
7 Flight 304 and used them as scapegoats in an admittedly unnecessary and unjustified
8 display of security theater.

9 108. Alaska Airlines had no legitimate reason or justification to remove and bar
10 Plaintiffs from Flight 304, to use Plaintiffs in an unnecessary display of security theater, to
11 treat Plaintiffs worse than the other Flight 304 passengers in the re-screening process, or to
12 prohibit Plaintiffs from traveling together and deny them of their contractual rights except
13 for racial bias and discrimination, thereby making this discrimination intentional and
14 purposeful.

15 109. Alaska Airlines had a duty to uphold its contractual duties and obligations to
16 Plaintiffs and not act out of intentional, purposeful discrimination, but instead, it
17 disregarded these duties and acted in an arbitrary and capricious manner by taking the
18 above-described actions for no sound purpose.

19 110. The arbitrary and capricious nature of Alaska Airlines' racially discriminatory
20 actions towards plaintiffs is confirmed by their above-described documented statements to
21 Police Officer Neisinger as well as the fact that Alaska Airlines still re-booked Plaintiffs
22 on subsequent flights that same day, thereby providing further evidence that the above-
23

described co-passenger complaint against Plaintiff D [REDACTED] had been disproven and that Defendant did not perceive Plaintiffs as a threat.

111. Ultimately, because Alaska Airlines failed to uphold its contractual obligations and violated Plaintiffs' rights under 42 U.S.C. § 1981, Plaintiffs were removed and barred from Flight 304, stigmatized before their fellow passengers, prohibited from traveling together on subsequent Alaska Airlines flights, and forced to arrive at their destination hours later than their originally scheduled flight.

112. As a direct and proximate result of this intentional racial discrimination, denial of equal rights and benefits, Plaintiffs have suffered from stigmatization, mental and emotional distress, damage to their personal and professional reputation and opportunities, fear and apprehension associated with air travel, and immense pressure to avoid the attention of others and conduct themselves in ways which conceal their racial and ethnic minority identity.

V. SECOND CAUSE OF ACTION

(Violation of Washington State Law Against Discrimination RCW 49.60.030)

113. Plaintiffs hereby re-plead, re-allege, and incorporate all previous allegations of this Complaint, as if fully set forth herein.

114. Plaintiffs are members of racial and ethnic minority groups as Black, Muslim, Middle Eastern, Sudan-born men.

115. Washington State's Law Against Discrimination, RCW 49.60.030, ("WLAD") secures the right to "full enjoyment" of any place of public accommodation without acts directly or indirectly causing persons of a protected class to be treated as not welcome, accepted, desired, or solicited.

1 116. WLAD prohibits any person or their agent or employee from committing any act
2 which directly or indirectly results in any distinction, restriction, or discrimination on the
3 basis of a person's membership in a protected class, including race, creed, color, national
4 origin, citizenship, or immigration status in "accommodations, advantages, facilities, or
5 privileges of any place of public resort, accommodation, assemblage, or amusement."

6 117. RCW 49.60.040(2) provides that, under WLAD, "'any place of public resort,
7 accommodation, assemblage, or amusement' includes, but is not limited to, any place,
8 licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for
9 admission, service, occupancy, or use of any property or facilities . . . or for public
10 conveyance or transportation on land, water, or in the air, including the stations and
11 terminals thereof and the garaging of vehicles, or where food or beverages of any kind are
12 sold for consumption on the premises . . ."

13 118. Alaska Airlines' aircraft stationed at Seattle-Tacoma International Airport for the
14 purpose of transporting passengers are public accommodation spaces under WLAD.

15 119. Under WLAD, an employer is strictly liable for the discriminatory acts of its
16 employees or agents against patrons in its spaces of public accommodation and cannot
17 escape liability by asserting a lack of fault or negligence in training or supervision.

18 120. Upon information and belief, the pilot, flight crew, supervisors, and gate agents for
19 Alaska Airlines Flight 304 on February 17, 2020, were at all relevant times agents and/or
20 employees of Alaska Airlines.

21 121. Defendant's discriminatory removal and barring of Plaintiffs from their contracted-
22 for passage aboard Alaska Airlines Flight 304, use of Plaintiffs in an admittedly unjustified
23 and unnecessary display of security theater, and denial of Plaintiffs the right to travel
24

1 together on subsequently-booked Alaska Airlines flights was based on Plaintiffs race,
 2 religion, color, and national origin and denied Plaintiffs the full enjoyment of the services
 3 and privileges offered in its public accommodations spaces in violation of Plaintiffs' civil
 4 rights under WLAD.

5 122. As a direct and proximate result of Alaska Airlines employees' aforementioned
 6 discriminatory treatment of Plaintiffs who were paying customers within Alaska Airlines'
 7 spaces of public accommodation, Plaintiffs were made to feel unwelcome, unaccepted, and
 8 undesired based on their minority identities and have suffered from stigmatization, mental
 9 and emotional distress, damage to their personal and professional reputation and
 10 opportunities, fear and apprehension associated with air travel, and immense pressure to
 11 avoid the attention of others and conduct themselves in ways which conceal their minority
 12 identities.

13 VI. PRAYER FOR RELIEF

14 WHEREFORE, Plaintiffs D [REDACTED] and E [REDACTED] pray for judgment against Defendant Alaska Airlines
 15 as follows:

- 16 a. An injunction prohibiting Defendant from discriminating against
 17 passengers and customers on the basis of their religion, race, color,
 18 ethnicity, alienage or national origin;
- 19 b. An injunction ordering Defendant to provide racial and religious
 20 sensitivity training to all employees;
- 21 c. An injunction ordering Defendant to establish culturally sensitive
 22 protocols and procedures regarding the verification and handling of
 23

passenger complaints, particularly in instances when said complaints are unsubstantiated;

d. An award to Plaintiffs for all economic damages, including but not limited to, reimbursement of flight tickets and compensation for delays;

e. An award to Plaintiffs for non-economic damages in an amount to be determined at trial for Plaintiffs' loss and injury, including but not limited to, fear, anxiety, humiliation, stigmatization, trauma, embarrassment, and emotional distress;

f. An award to Plaintiffs for punitive damages in an amount to be determined at trial that would punish Alaska Airlines for its intentional, malicious, willful, callous, wanton, and reckless disregard for Plaintiffs' rights that would effectively deter Defendant from engaging in similar conduct in the future;

g. Statutory damages;

h. An award of attorneys' fees, costs, and expenses incurred in this action; and

i. Any further relief to which Plaintiffs are entitled or that this Honorable Court may deem just and proper under the circumstances.

VII. JURY DEMAND

Plaintiffs hereby demand trial by jury.

Respectfully submitted,

By: s/ Luis F. Segura

Luis F. Segura (WSBA #58859)

lsegura@cair.com

Council on American-Islamic Relations, Washington State

Lena F. Masri (MI P73461)*

lmasri@cair.com

Gadeir I. Abbas (VA 81161)*

gabbas@cair.com

Justin Sadowsky (D.C. 977642)*

jsadosky@cair.com

CAIR Legal Defense Fund

Attorneys for Plaintiffs

**Pro Hac Vice application pending*

Dated: August 2, 2022