

IN THE CIRCUIT COURT OF MARYLAND  
FOR BALTIMORE CITY

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MYESHA CROOKS  
1327 E. LAFAYETTE AVENUE  
BALTIMORE, MD 21213

on her own behalf and on behalf of  
all others similarly situated

Plaintiffs,

v.

COTY DTC HOLDINGS, LLC  
350 5TH AVENUE  
19TH FLOOR  
NEW YORK, NY 10118

Serve on:  
STATE DEPARTMENT OF  
ASSESSMENTS AND TAXATION  
700 E. PRATT STREET, SUITE 2700  
BALTIMORE, MD 21202-6377

Defendant.

Case No. C-24-CV-25-008407

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**CLASS ACTION COMPLAINT AND REQUEST FOR JURY TRIAL**

**I. NATURE OF THE ACTION**

1. This is a class action brought by Named Plaintiff Myesha Crooks (“Crooks” or “Named Plaintiff”) against Defendant COTY DTC HOLDINGS, LLC (“Kylie Cosmetics” or “Defendant”) for false and misleading email marketing.

2. Defendant sends emails to Maryland consumers which contain false or misleading information in the subject lines.

3. Defendant sends emails with subject lines that falsely represent offers as “free gifts” (“Free Gift Emails”) without disclosing required conditions, such as minimum purchase requirements.

4. The subject line of the Free Gift Emails falsely imply that “free” gifts are being provided unconditionally and at no cost to the recipient. Upon opening the email, however, the body reveals that the “free” gifts require qualifying purchases.

5. The Free Gift Emails contain subject lines that are false or misleading because they omit material conditions and lead reasonable consumers to believe the gifts are truly free without having to make a minimum purchase. These omissions are material as they induce reasonable consumers to open emails and consider purchases they might otherwise ignore, affecting purchasing decisions.

6. Under FTC guidelines at 16 C.F.R. § 251.1(b), the term “free” indicates that the recipient pays nothing for the item and no more than the regular price for any required purchase. Defendant’s Free Gift Emails “free gift” offers are not free but contingent on purchases, and these conditions are not disclosed “at the outset” as required by 16 C.F.R. § 251.1(c), creating a reasonable probability of misunderstanding. Defendant knowingly omits these conditions in the Free Gift Emails subject lines to entice opens and purchases, as evidenced by their pattern of conditional promotions and repeated use of similar subject lines across campaigns for years.

7. Defendant’s Free Gift Emails are misleading as the exclusions contained in the fine print within the body of the email substantially restrict the offer’s applicability, failing to disclose terms “at the outset” in a manner that avoids misunderstanding. Defendant knowingly omits these exclusions in Free Gift Emails subject lines to drive email opens and engagement, as evidenced by their consistent use of fine-print disclaimers in promotional emails.

8. Defendant's practice of sending Free Gift Emails that contain false and misleading information in the subject line violates the *Maryland Commercial Electronic Mail Act*, Md. Code Ann., Comm. Law §§ 14-3001, *et seq.* ("MCEMA").

9. By sending Free Gift Emails with false and misleading information to Named Plaintiff and the Class (defined below), Defendant clogs email inboxes with false information and violates Named Plaintiff's and Class members' rights to be free from deceptive commercial emails.

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

## **II. PARTIES**

11. Named Plaintiff Crooks is a citizen of Maryland and resides in Baltimore City.

12. Defendant Kylie Cosmetics is a limited liability company formed under the laws of the State of Delaware. Defendant currently is, and at all relevant times in the past has, engaged in substantial business activities in Maryland.

13. Defendant owns and operates a large online marketplace and sells its products at physical stores throughout the state, and sends the marketing emails at issue in this Complaint to consumers throughout Maryland.

## **III. JURISDICTION AND VENUE**

14. The Circuit Court of Maryland has jurisdiction over this case under MD. CODE ANN., CTS. & JUD. PROC. § 1-501.

15. The Circuit Court of Maryland has personal jurisdiction over Defendant Kylie Cosmetics pursuant to MD. CODE ANN., CTS. & JUD. PROC. § 6-103(1)-(3), as Kylie Cosmetics

systematically and continually transacts business in Maryland through an online marketplace and placing its products in physical stores throughout the state, the case arises out of advertisements for goods that were delivered in Maryland, and Kylie Cosmetics contracts to supply goods or services in Maryland.

#### IV. FACTUAL ALLEGATIONS

**A. The MCEMA prohibits initiating or conspiring to initiate the transmission of commercial emails that contain any false or misleading information in the subject lines.**

16. MCEMA regulates deceptive email marketing.

17. MCEMA creates an independent but limited private right of action which can be asserted by a person who is the recipient of a commercial electronic mail message which contains false or misleading information in the subject line.

18. A plaintiff who successfully alleges and proves such a violation may obtain statutory damages of \$500 per violation and attorneys' fees.

**B. Defendant initiates or conspires to initiate the transmission of commercial emails that contain false or misleading information in the subject lines.**

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

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

21. The emails were sent at Defendant's direction and were approved by Defendant.

22. Defendant frequently sends emails with subject lines stating that a “free” gift is available to the recipient of the email. The body of these emails (and fine print), however, contains conditions that must be satisfied in order for the recipient to receive their promised “free gift” that, as it turns out, is not actually free.

23. On February 4, 2024, Defendant sent Named Plaintiff and Class members an email with a subject line that stated: “don’t miss your free gift [gift box emoji.]”

24. On October 28, 2024, Defendant sent Named Plaintiff and Class members an email with a subject line that stated: “2 FREE gifts [emoji.]”

25. On October 31, 2024, Defendant sent Named Plaintiff and Class members an email with a subject line that stated: “FINAL HOURS: 2 FREE gifts [emoji.]”

26. On August 8, 2025, Defendant sent Named Plaintiff and Class members an email with a subject line that stated: “this weekend only: 2 FREE cosmic gifts[ emoji.]”

27. On September 1, 2025, Defendant sent Named Plaintiff and Class members an email with a subject line that stated: “time’s almost up: FREE lip kit + gift [alarm clock emoji.]”

28. These subject lines imply that one or more “free gifts” are being provided unconditionally and at no cost to the recipient.

29. Upon opening the email, however, the body reveals that the “free gifts” require a qualifying minimum purchase.

30. In addition, Defendant further restricts the “free gift” offer in the fine print of the email by noting that exclusions apply, that the “free gift” is only valid while supplies last.

31. Because the recipient is required to spend a certain dollar amount before being entitled to a “free” gift, any subject line that contains a statement implying that the recipient will receive an unconditional “free gift” is false.

32. By Defendant's own admission, there is a dollar purchase requirement for the free gift.

33. And Defendant understands how to restrict an offer in the subject line of an email because from time to time, Defendant does in fact restrict the availability of the "free gift" in the subject line.

34. For instance, on December 5, 2021, Defendant sent Class members an email with a subject line that stated: "Free Holiday Ornament with any \$40+ purchase[.]"

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

36. Defendant knows where many of its customers reside through several methods.

37. First, for any person that places an order online from Defendant, Defendant associates an email address with a shipping address and/or billing address for that order.

38. Second, Defendant encourages online shoppers to create online accounts. Customers save information in their Defendant accounts along with their email address, such as shipping addresses, billing addresses, and phone numbers.

39. Third, discovery will show that Defendant employs methods to track the effectiveness of its marketing emails and to identify consumers that click on links contained in Defendant's marketing emails, including by identifying their physical location.

40. Fourth, Defendant also utilizes cookies, pixels, and other online tracking technologies to identify and locate the consumers that click on links contained in Defendant's marketing emails and that visit its website.

41. Fifth, discovery will also show that Defendant employs sophisticated third parties who create profiles of customers and potential customers, including their email address and physical location.

42. Lastly, Defendant also knew, should have known, or had reason to know that it sends marketing emails to Maryland residents due to its large presence in the state and the volume of marketing emails it sends to people around the country.

**C. Named Plaintiff and Maryland residents have received commercial emails from Defendant that contain false or misleading information in the subject lines.**

43. At all times relevant to this Complaint, Named Plaintiff resided in Maryland.

44. Named Plaintiff has received Defendant's emails since 2023.

45. Named Plaintiff has received hundreds of marketing emails from Defendant, and typically receives more than three emails every week.

46. Named Plaintiff receives emails from Defendant through email providers that have data limits. Named Plaintiff currently has more than one hundred emails from Defendant in her inbox, but discovery will show that she has received more emails that have been deleted to conserve the finite space available in her email inbox.

47. Defendant knows, or has reason to know, that Named Plaintiff's email address is held by a Maryland resident. Named Plaintiff has accounts with Defendant that reflect her home address in the State of Maryland. Named Plaintiff has also repeatedly clicked on links contained in Defendant's emails from her computer, which was registered to an IP address in Maryland at

all relevant times, or from their smart phone, which was located in Maryland unless Named Plaintiff happened to be traveling.

48. Named Plaintiff received the emails with false and misleading subject lines described above. Named Plaintiff received many additional emails with false and misleading subject lines from Defendant.

49. Defendant sent these emails to Named Plaintiff for the purpose of promoting Defendant's goods for sale.

50. Defendant initiated the transmission or conspired to initiate the transmission of these commercial electronic mail messages to Named Plaintiff.

51. Named Plaintiff does not want to receive emails with false and misleading subject lines from Defendant, though she would like to continue receiving truthful information from Defendant regarding its products. Due to Defendant's conduct, however, Named Plaintiff cannot tell which emails from Defendant contain truthful information or which emails are spam with false and misleading information designed to spur her to make a purchase.

52. Named Plaintiff has identified many Defendant emails with false and misleading subject lines over the course of several years showing that Defendant engaged in this conduct throughout the relevant time period.

53. Named Plaintiff continues to receive emails with false and misleading subject lines. Because Named Plaintiff has deleted some of the emails she has received from Defendant, she is not presently able to identify all the emails with false and misleading subject lines she has received. Defendant is aware of all the emails it has sent Named Plaintiff and discovery will show the full number of illegal false and misleading emails Defendant has sent throughout the relevant time period.

## V. CLASS ACTION ALLEGATIONS

54. Class Definition. Named Plaintiff brings this case as a class action on behalf of a Class defined as:

All Maryland residents<sup>1</sup> who, within three years before the date of the filing of this complaint until the date any order certifying a class is entered, received an email from or at the behest of Defendant that contained a subject line stating or implying that a “free gift” or “free” item was being offered to the recipient, with no purchase requirement or any conditions or exclusions.

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

55. Numerosity. The Class is so numerous that joinder of all members is impracticable. The Class has more than 1,000 members. Moreover, the disposition of the claims of the Class in a single action will provide substantial benefits to all parties and the Court.

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

- a. Whether Defendant sent commercial electronic mail messages with false and misleading information in the subject lines;
- b. Whether Defendant initiated the transmission or conspired to initiate the transmission of commercial electronic mail messages to recipients residing in Maryland in violation of MCEMA; and
- c. The nature and extent of Class-wide damages.

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<sup>1</sup> “Residents” shall have the same meaning as used in MCEMA § 14-3002(b)(1).

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

58. Adequacy. Named Plaintiff will fairly and adequately protect the interests of the Class. Named Plaintiff has retained competent and capable attorneys with significant experience in complex and class action litigation, including consumer class actions. Counsel for Named Plaintiff has significant experience representing consumers in cases involving violations of MCEMA. Named Plaintiff and her counsel are committed to prosecuting this action vigorously on behalf of the Class and have the financial resources to do so. Neither Named Plaintiff nor her counsel has interests that are contrary to or that conflict with those of the proposed Class.

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

60. Superiority. Named Plaintiff and members of the Class have been damaged by Defendant's unlawful conduct. Absent a class action, however, most Class members likely would find the cost of litigating their claims prohibitive. Class treatment is superior to multiple individual suits or piecemeal litigation because it conserves judicial resources, promotes consistency and efficiency of adjudication, provides a forum for small claimants, and deters illegal activities. The members of the Class are readily identifiable from Defendant's records and there will be no significant difficulty in the management of this case as a class action.

**VI. CAUSE OF ACTION**

**CLAIM FOR RELIEF**  
**(Violation of MCEMA)**

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

62. MCEMA § 14-3001 defines “Commercial Electronic Mail” as “electronic mail that advertises real property, goods, or services for sale or lease.”

63. All emails sent to Named Plaintiff and the Class were “Commercial Electronic Mail,” as the purpose of those emails was to advertise goods or services for sale.

64. MCEMA § 14-3002(b) contains the following prohibition related to Commercial Electronic Mail: “A person may not initiate the transmission [that] is sent to an electronic mail address that the sender knows or should have known is held by a resident of the State[, which] [c]ontains false or misleading information in the subject line that has the capacity, tendency, or effect of deceiving the recipient.”

65. Kylie Cosmetics is the person that initiated the transmission of the emails.

66. MCEMA § 14-3002(c) contains the following presumption: “[a] person is presumed to know that the intended recipient of commercial electronic mail is a resident of the State if the information is available on request from the registrant of the Internet domain name contained in the recipient’s electronic mail address.”

67. Information concerning the residency of Named Plaintiff and Class members is (and was) available on request from the registrant of the Internet domain name contained in Named Plaintiff’s and Class members’ electronic mail address.

68. Defendant also collects address information for each person that creates a rewards account or makes a purchase online for delivery before it sends any “Commercial Electronic Mail.”

69. Defendant also uses pixels, tracking software and other third-party resources to determine the location of Class members.

70. Class members shopped and made purchases online and had products delivered to their residence in Maryland.

71. Named Plaintiff and Class members are and were, in fact, residents of Maryland at the time the emails were transmitted by Kylie Cosmetics.

72. Named Plaintiff and Class members were the intended recipients of the emails.

73. Kylie Cosmetics knew or should have known that Named Plaintiff and members of the Class, the intended recipients of the aforementioned emails, are (and were) Maryland residents when Kylie Cosmetics sent the emails.

74. MCEMA § 14-3003(c) provides that “[a] person who violates this subtitle is liable for reasonable attorneys’ fees and for damages . . . [t]o the recipient of commercial electronic mail, in an amount equal to the greater of \$500 or the recipient’s actual damages[.]”

75. Under MCEMA, it is irrelevant whether the emails were solicited.

76. Each of the emails sent is a separate violation of MCEMA § 14-3002.

77. In violation of MCEMA § 14-3002, the emails each contain subject lines with false or misleading information that had the capacity to deceive the recipient.

78. For example, many of the emails contain subject lines that state Named Plaintiff and Class members were being offered something for “free” including in many instances a “free gift” without explaining in the subject line that a minimum purchase requirement applied to the offer.

79. A consumer who only reads the subject line of the emails (and does not read the fine print within the body of the email), would be unaware of the minimum purchase requirement

for each email that offered a “free” item or a “free gift[.]”

80. Kylie Cosmetics initiated the transmission of the emails to Named Plaintiff and Class members, which each contained false or misleading information in the subject line that had the capacity to deceive the recipient, as stated herein.

## VII. REQUEST FOR RELIEF

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

- A. an order assuming jurisdiction of this case;
- B. an order certifying the proposed Class under Maryland Rule 2-231(c)(3);
- C. an order appointing Named Plaintiff as Class Representative;
- D. an order appointing the undersigned counsel as counsel for the Class;
- E. an order awarding statutory damages pursuant to MCEMA § 14-3003 in the amount of \$500 for each violation;
- F. an order awarding Named Plaintiff reasonable attorneys’ fees and costs; and
- G. an order awarding pre-judgment and post-judgment interest on all sums awarded to Named Plaintiff and the Class; and
- H. an order awarding other relief as is just and equitable under the circumstances.

Respectfully submitted,

Z LAW, LLC

Dated: October 6, 2025

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