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CASE #: 25-2-37931-1 SEA

SUPERIOR COURT OF THE STATE OF WASHINGTON
KING COUNTY

LILLI HUONG, individually and on behalf of
all others similarly situated,

Plaintiff,

vs.

BÉIS, LLC,

Defendant.

Case No.

CLASS ACTION COMPLAINT

JURY DEMAND

CLASS ACTION COMPLAINT
Case No.

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1 **I. Summary of the Case.**

2 1. Deceptive emails plague consumers' inboxes. The Washington legislature, concerned
3 with deception in emails, enacted the Washington Commercial Electronic Mail Act ("CEMA"), RCW
4 19.190, which, among other things, prohibits any person from sending a commercial email with a false
5 or misleading subject line. RCW 19.190.020.

6 2. Defendant Béis, LLC ("Béis" or "Defendant") is an online luggage company. It sends
7 marketing emails to Washington consumers on its email list.

8 3. On or around Sunday, November 30th, of this year, Béis sent an email with the subject
9 line "**Action required: fraud alert.**" to all consumers on its mailing list. Consumers panicked and
10 opened the email, only to discover that there was no action required and no fraud. Instead, the email
11 advertised the extension of a Béis 30% off sale.

12 4. This email was materially deceptive. The subject line was designed by Béis to look like an
13 actual fraud alert email. It made reasonable consumers think that their personal accounts had been
14 hacked or breached.

15 5. Plaintiff is a Washington resident who received Béis's fraud alert email. She brings this
16 class action for herself and other Washington residents who received this deceptive email.

17 **II. Parties.**

18 6. Plaintiff Lilli Huong is domiciled in Seattle, Washington.

19 7. The proposed Class includes residents of Washington.

20 8. Defendant Béis is a Delaware LLC with its headquarters in El Segundo, California.

21 **III. Jurisdiction and Venue.**

22 9. This Court has subject matter jurisdiction under the Washington State Constitution,
23 which sets forth the jurisdiction of Washington Superior Courts. This Court also has subject matter
24 jurisdiction under the Consumer Protection Act ("CPA"), RCW 19.86.090, and the Commercial
25 Electronic Mail Act ("CEMA"), RCW 19.190.090, which give Washington Superior Courts jurisdiction
26 over claims brought under the CPA and CEMA.

1 10. This Court has personal jurisdiction over Defendant under RCW 4.28.185. Defendant
2 transacts business in Washington and the claims giving rise to this action arise from Defendant's
3 transaction of business in this state and also Defendant's purposeful transmission of electronic mail
4 messages to Washington residents. This Court also has personal jurisdiction over Defendant under
5 RCW 19.86.160 because it has engaged in conduct in violation of the CPA that has had an impact in
6 Washington.

7 11. Venue is proper in King County Superior Court because Defendant resides here for
8 purposes of venue. RCW 4.12.025. Defendant has transacted business in King County by selling
9 products to consumers living in King County and sending electronic mail messages to residents of King
10 County, including to Plaintiff.

11 **IV. Facts.**

12 12. Béis sells luggage directly to consumers online, through its website beistravel.com.

13 13. Béis maintains a large marketing email list that includes Washington residents. It
14 frequently sends marketing emails to this list.

15 14. On or around Sunday, November 30th, of this year, Béis sent Plaintiff and other
16 Washington consumers on its list an email with the subject line "**Action required: Fraud alert.**" (the
17 "Fraud Alert Email").

18 15. Many consumers received the email late Sunday night or early in the morning, after the
19 Thanksgiving weekend. It caused widespread panic, as consumers believed their accounts had been
20 breached or hacked. Consumers went online to vent their frustration:

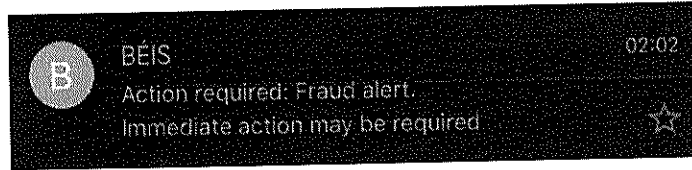
- 21 • "At 2 AM, I got an email with the subject line: "Action required: Fraud alert." Instant panic.
22 I'm half-asleep thinking my accounts have been compromised."¹
- 23 • "I freaked out so badly. I'm like wait what?"²

24
25
26 ¹ https://www.linkedin.com/posts/jessicalevinson_i-dont-normally-call-out-brands-by-name-activity-7401158059412135936-uk9N/

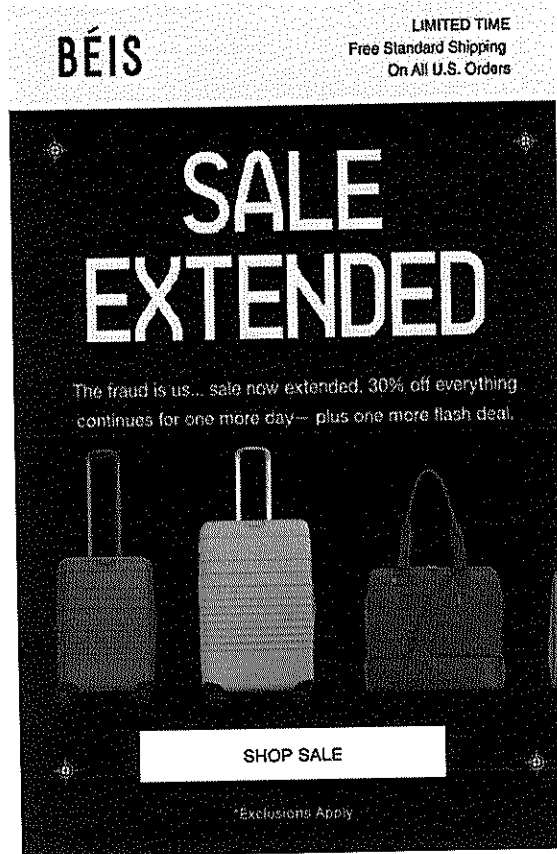
27 ² <https://www.threads.com/@legalmiga/post/DRtkfZEEAg/what-not-to-do-on-black-friday-this-is-an-illegal-subject-line>

- “I PANICKED WHEN I OPENED THIS THIS MORNING!!!!!!”³

16. The email even fooled inbox algorithms, which flagged it as “Immediate action may be required.”⁴



17. When consumers opened the email, hearts racing, they discovered it was just a marketing email advertising the extension of a sale:



³ *Ibid.*

⁴

https://www.reddit.com/r/mildlyinfuriating/comments/1pbr0xp/this_fake_fraud_email_from_b%C3%A9is_a_luggage_company/

1 18. "The fraud is us sale now extended," said the email. In this way, Béis confessed that
2 its subject line was intentionally misleading.

3 19. Like other reasonable consumers, Plaintiff received this email and panicked. She received
4 it late at night, around 11pm. Her heart dropped and she thought her identity had been stolen. But when
5 she opened the email, she discovered it was just a marketing scam.

6 20. Defendant's Fraud Alert Email caused actual and substantial injury to consumers. It
7 caused widespread panic. It violated Washington consumers' statutory right not to receive commercial
8 emails that contain false or misleading subject lines, which the legislature has deemed to be a "matter[]
9 vitally affecting the public interest." RCW 19.190.030. Violation of a right that vitally affects the public
10 interest results in actual and substantial harm.

11 21. Defendant knows, or has reason to know, that it sent the Fraud Alert Email to
12 Washington residents. Defendant knows where recipients of its emails reside because (i) Defendant has
13 physical addresses associated with recipients' accounts or orders; or (ii) Defendant has access to data
14 regarding the recipients including the recipients' state of residence, such as IP address tracking.

15 **V. Class Action Allegations.**

- 16 • Plaintiff brings the asserted claims on behalf of the proposed Class of all Washington
17 residents who received the Béis Fraud Alert Email.

18 22. The following people are excluded from the proposed Class: (1) any Judge or Magistrate
19 Judge presiding over this action and the members of their family; (2) Defendant, Defendant's
20 subsidiaries, parents, successors, predecessors, and any entity in which Defendant or its parents have a
21 controlling interest and their current employees, officers and directors; (3) persons who properly execute
22 and file a timely request for exclusion from the Class; (4) persons whose claims in this matter have been
23 finally adjudicated on the merits or otherwise released; (5) Plaintiff's counsel and Defendant's counsel,
24 and their experts and consultants; and (6) the legal representatives, successors, and assigns of any such
25 excluded persons.
26
27

1 ***Numerosity***

2 23. The proposed Class contains members so numerous that separate joinder of each
3 member of the Class is impractical. There are at least thousands of Class members in Washington.

4 24. Class members can be identified through Defendant’s electronic mailing lists and public
5 notice.

6 ***Predominance of Common Questions***

7 25. There are questions of law and fact common to the proposed Class. Common questions
8 of law and fact include, without limitation:

- 9 (1) whether Defendant’s email subject lines are false or misleading;
10 (2) whether Defendant’s email subject lines violate CEMA;
11 (3) whether Defendant’s email subject lines violate the CPA;
12 (4) the greater of actual damages and statutory damages due to Plaintiff and the proposed Class.

13 ***Typicality & Adequacy***

14 26. Like members of the proposed Class, Plaintiff received the Fraud Alert Email from
15 Defendant.

16 27. There are no conflicts of interest between Plaintiff and the Class.

17 ***Superiority***

18 28. A class action is superior to all other available methods for the fair and efficient
19 adjudication of this litigation because individual litigation of each claim is impractical. It would be
20 unduly burdensome to have individual litigation of thousands of individual claims in separate lawsuits,
21 every one of which would present the issues presented in this lawsuit.

22 **VI. Claims.**

23 **Count 1: Washington’s Commercial Electronic Mail Act (CEMA)**

24 29. Plaintiff incorporates the facts alleged above.

25 30. Plaintiff brings this cause of action for herself and members of the Class.

26 31. Béis is a “person” under CEMA. RCW 19.190.010(11).
27

1 32. As alleged more fully above, Béis violated CEMA by initiating the transmission of
2 commercial electronic mail messages that contained false or misleading information in the subject line to
3 Plaintiff's and Class members' electronic mail addresses.

4 33. Defendant sent the Fraud Alert Email to Plaintiff and Class members for the purpose of
5 promoting its products for sale.

6 34. Defendant knew or had reason to know that it transmitted the Fraud Alert Email to
7 addresses held by Washington residents, including Plaintiff.

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

9 36. Defendant's acts and omissions injured Plaintiff and Class members.

10 37. The balance of equities favors the entry of permanent injunctive relief against
11 Defendant. Plaintiff, members of the Class, and the public will be irreparably harmed absent the entry of
12 permanent injunctive relief against Defendant. A permanent injunction against Defendant is in the
13 public interest. Without the entry of a permanent injunction, Defendant's unlawful behavior will not
14 cease and, in the unlikely event that it voluntarily ceases, is likely to reoccur.

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

17 **Count 2: Washington's Consumer Protection Act (CPA)**

18 39. Plaintiff incorporates the facts alleged above.

19 40. Plaintiff brings this cause of action on behalf of herself and members of the Class.

20 41. Plaintiff and Class members are "persons" within the meaning of the CPA. RCW
21 19.86.010(1).

22 42. As alleged above, Defendant violated CEMA by initiating the transmission of
23 commercial electronic mail messages to Plaintiff and Class members that contained false or misleading
24 information in the subject line (the Fraud Alert Email).

25 43. A violation of CEMA is a per se violation of the CPA. RCW 19.190.030(1).

26 44. A violation of CEMA establishes all elements of the CPA as a matter of law.
27

1 45. As alleged more fully above, Defendant's transmission of commercial electronic mail
2 messages to Plaintiff and Class members that contained false or misleading information in the subject
3 line also violates the CPA because it constitutes unfair or deceptive practices that occur in trade or
4 commerce.

5 ***Unfair Acts or Practices***

6 46. As alleged in detail above, Defendant committed "unfair" acts by sending emails with
7 false and misleading subject lines.

8 47. The harm to Plaintiff and the Class greatly outweighs the public utility of Defendant's
9 conduct. There is no public utility to misrepresenting the nature and duration of sales. Plaintiff's and the
10 Class's injury was not outweighed by any countervailing benefits to consumers or competition.
11 Misleading consumers only injures healthy competition and harms consumers.

12 ***Deceptive Acts or Practices***

13 48. As alleged in detail above, the Fraud Alert Email was deceptive.

14 49. Defendant's representations were likely to deceive, and did deceive, Plaintiff and other
15 reasonable recipients. Defendant knew, or should have known through the exercise of reasonable care,
16 that these statements were false and misleading.

17 50. Defendant's unfair or deceptive acts or practices vitally affect the public interest and thus
18 impact the public interest for purposes of applying the CPA. RCW 19.190.030(3); RCW 19.190.100.

19 51. Defendant's acts and omissions caused injury to Plaintiff and Class members. In
20 addition, violations of CEMA establish the injury and causation elements of a CPA claim as a matter of
21 law.

22 52. Under the CPA, "[p]rivate rights of action may ... be maintained for recovery of actual
23 damages, costs, and a reasonable attorney's fee. A private plaintiff may be eligible for treble damages,"
24 and "may obtain injunctive relief, even if the injunction would not directly affect the individual's own
25 rights." Washington Pattern Jury Instruction Civil No. 310.00 (Consumer Protection Act—
26 Introduction) (internal citations omitted); RCW 19.86.090.
27

1 53. Under the CPA, Plaintiff and Class members are entitled to seek, and do seek, the
2 greater of actual damages and statutory damages of \$500 per email that violates CEMA. In addition,
3 Plaintiff and Class members seek treble damages, which are permitted under the CPA, including for
4 CEMA violations. Plaintiff seeks treble damages to further Plaintiff's and Class members' financial
5 rehabilitation, to encourage citizens to bring CPA actions, to deter Defendant and other persons from
6 committing CEMA violations, and to punish Defendant for its false and misleading advertising
7 practices.

8 54. Plaintiff and Class members are also entitled to, and do seek, injunctive relief prohibiting
9 Defendant's further violations of the CPA.

10 **VII. Jury Demand.**

11 55. Plaintiff demands the right to a jury trial on all claims so triable.

12 **VIII. Prayer for Relief.**

13 56. Plaintiff seeks the following relief for herself and the proposed Class:

- 14 • An order certifying the asserted claims, or issues raised, as a class action;
- 15 • A judgment in favor of Plaintiff and the proposed Class;
- 16 • The greater of actual or statutory damages, treble damages, and punitive damages where
17 applicable;
- 18 • Pre- and post-judgment interest;
- 19 • An injunction prohibiting Defendant's deceptive conduct, as allowed by law;
- 20 • Reasonable attorneys' fees and costs, as allowed by law;
- 21 • Any additional relief that the Court deems reasonable and just.

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Dated: December 16, 2025

Respectfully submitted,

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