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Timothy W. Fitzgerald  
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STATE OF WASHINGTON  
SPOKANE COUNTY SUPERIOR COURT

STATE OF WASHINGTON,  
  
Plaintiff,  
  
v.  
  
GREYHOUND LINES, INC.,  
  
Defendant.

NO. **20201236-32**  
  
**COMPLAINT FOR  
DECLARATORY, INJUNCTIVE,  
AND OTHER EQUITABLE RELIEF  
UNDER THE CONSUMER  
PROTECTION ACT AND THE  
WASHINGTON LAW AGAINST  
DISCRIMINATION**

**I. INTRODUCTION**

1. The State of Washington (State), through its attorneys Robert W. Ferguson, Attorney General, and Lane M. Polozola and Yesica Hernandez, Assistant Attorneys General, files this action against Defendant Greyhound Lines, Inc. (Greyhound), to remedy Greyhound's unfair, deceptive, and discriminatory practice of regularly allowing U.S. Customs and Border Protection (CBP) agents to board Greyhound buses and access its non-public property at the Spokane Intermodal Center in order to conduct warrantless and suspicionless immigration enforcement sweeps of Greyhound passengers.

2. The immigration enforcement sweeps at issue involve multiple armed CBP agents boarding Greyhound buses that travel purely domestic routes and questioning unsuspecting passengers regarding their citizenship or immigration status. They result in frequent service disruptions, alarm, and delay, as well as the search, detention, and/or arrest of

COMPLAINT

1

ATTORNEY GENERAL OF WASHINGTON  
Civil Rights Division  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

1 Greyhound passengers. Indeed, by permitting CBP to conduct these immigration enforcement  
2 sweeps, Greyhound has allowed CBP to freely question Latino and other passengers of color at  
3 length about their immigration status, require them to de-board the bus, rifle through their  
4 luggage, and even detain or arrest them, while other passengers watched.

5 3. Greyhound allows CBP to conduct immigration enforcement sweeps, on  
6 Greyhound buses and using non-public Greyhound property, despite pledging “safe,” “reliable,”  
7 “dependable,” and non-discriminatory service to Greyhound customers.<sup>1</sup> Separately, despite the  
8 well-known and foreseeable nature of the harms to its customers due to immigration enforcement  
9 sweeps on its buses, Greyhound fails to notify its customers of, and ultimately misrepresents,  
10 the expected service disruptions and consequences to its passengers resulting from immigration  
11 enforcement sweeps and Greyhound’s role in allowing them to continue for years.

12 4. Greyhound’s actions violate the Washington Consumer Protection Act,  
13 RCW 19.86 (CPA), and the Washington Law Against Discrimination, RCW 49.60 (WLAD).  
14 The State accordingly brings this action to obtain a declaration that Greyhound’s actions violate  
15 state law and to seek injunctive and other equitable relief for Greyhound’s unlawful actions.

16 **II. JURISDICTION AND VENUE**

17 5. The State brings this action to enforce the CPA’s prohibition of unfair or  
18 deceptive acts or practices in the conduct of any trade or commerce, RCW 19.86.020 and  
19 RCW 49.60.030(3), and the WLAD’s anti-discrimination protections in places of public  
20 accommodation, RCW 49.60.030(1)(b) and RCW 49.60.215.

21 6. Venue is proper in Spokane County pursuant to RCW 4.12.020 and  
22 RCW 4.12.025.

23 <sup>1</sup> See Ex. 1, *Intercity Motorcoach Customer Bill of Rights*, Greyhound, <https://www.greyhound.com/-/media/greyhound/pdf/legal/intercity-motorcoach-customer-bill-of-rights-10-30-15.pdf> (last accessed April 8,  
24 2020); Ex. 2, *Travel Dilemmas*, Greyhound, <https://www.greyhound.com/en/help-and-info/travel-dilemmas> (last  
25 accessed April 8, 2020) (linking to Motorcoach Customer Bill of Rights and stating, “We at Greyhound, pledge that  
26 as an intercity bus rider, you should experience a safe and reliable bus ride with professional and courteous service. This includes having a clean and comfortable bus with clear rules for how to ride and be safe on board the bus and in case of emergency.”).

1 **III. PARTIES**

2 7. Plaintiff is the State of Washington.

3 8. The Attorney General is authorized to commence this action pursuant to  
4 RCW 43.10.030(1) and RCW 19.86.080(1).

5 9. Greyhound is a for-profit corporation that provides intercity bus transportation  
6 services throughout North America. Greyhound transacts business at various locations within  
7 and throughout the State of Washington, including at the Spokane Intermodal Center, a transit  
8 hub and Greyhound bus terminal in downtown Spokane, Washington, and within Spokane  
9 County where Greyhound operates buses. Greyhound leases space from the City of Spokane at  
10 the Spokane Intermodal Center to operate a bus terminal.

11 10. Greyhound engages in trade or commerce within the meaning of  
12 RCW 19.86.010(2).

13 11. Greyhound's buses and bus terminals in Washington are "place[s] of public  
14 resort, accommodation, assemblage, or amusement" within the meaning of the WLAD,  
15 RCW 49.60.040(2).

16 **IV. FACTUAL ALLEGATIONS**

17 **A. Greyhound's Business Operations in Washington and Promises to Its Customers**

18 12. Greyhound is an intercity bus common carrier that serves at least 2,400  
19 destinations across North America. According to Greyhound, the company serves "nearly  
20 16 million passengers each year in the United States and Canada."

21 13. Greyhound advertises, and offers passengers the opportunity to travel to and  
22 from, more than fifty bus stops across Washington. Tickets to and from these destinations in  
23 Washington are advertised and sold by Greyhound at its Greyhound bus terminals and other  
24 stops, over the phone, and via the Internet, including on its website at [www.greyhound.com](http://www.greyhound.com).

25 14. One Greyhound bus terminal is the Intermodal Center, located at 221 West 1st  
26 Avenue in downtown Spokane, Washington. Greyhound leases space from the City of Spokane

1 to operate a bus terminal at the Intermodal Center, which is located more than 100 highway miles  
 2 from the nearest international border. Greyhound sells tickets to customers at the Intermodal  
 3 Center and provides customer service there. Greyhound maintains non-public areas, including  
 4 "Employee Only" rooms, on the premises.

5 15. Greyhound buses arrive at and depart from the Intermodal Center multiple times  
 6 per day, seven days per week. Routes offered include daily Greyhound buses departing to and  
 7 arriving from major cities in the Pacific Northwest, including Seattle, Washington and Portland,  
 8 Oregon. Greyhound operates purely domestic routes to and from the Intermodal Center. None  
 9 of these routes cross international borders. Based on its published route schedules, Greyhound  
 10 operates up to 2,000 routes to or from the Intermodal Center in a given year. With an average  
 11 capacity of up to 55 passengers per bus, Greyhound is operating routes capable of transporting  
 12 more than 120,000 passengers per year through the Intermodal Center alone.

13 16. At the Intermodal Center, members of the public are not permitted to enter  
 14 "Employee Only" areas or the area in which ticketed passengers board and de-board buses. The  
 15 boarding area is accessed through doors labeled "Restricted Area" and is accessible only to  
 16 ticketed passengers at the time they are boarding a specific bus or departing an arriving bus.

17 17. The bus services Greyhound offers at the Intermodal Center and within  
 18 Washington are subject to Greyhound's promises made on its website. For example, according  
 19 to Greyhound's "Intercity Motorcoach Customer Bill of Rights," Greyhound pledges that its  
 20 passengers should experience a "safe and reliable bus ride" and "no discrimination with respect  
 21 to prices or carriage."<sup>2</sup> Elsewhere, Greyhound states that it has "No Room for Discrimination,"  
 22 does not discriminate, and is "not concerned about your race, your color, what you believe or  
 23

24 <sup>2</sup> Ex. 1, *Intercity Motorcoach Customer Bill of Rights*, Greyhound, <https://www.greyhound.com/-/media/greyhound/pdf/legal/intercity-motorcoach-customer-bill-of-rights-10-30-15.pdf> (last accessed April 8,  
 25 2020); Ex. 2, *Travel Dilemmas*, Greyhound, <https://www.greyhound.com/en/help-and-info/travel-dilemmas> (last  
 26 accessed April 8, 2020).

1 where you're from. We just want to get you safely to your destination.”<sup>3</sup> Greyhound further  
2 states that “[n]o person or group of persons shall be discriminated against on the basis of race,  
3 color, national origin, disability or any other characteristic protected by applicable law.”<sup>4</sup>  
4 Greyhound’s printed and electronic tickets provided to passengers likewise promise that  
5 Greyhound will not discriminate.

6 **B. Immigration Enforcement Sweeps on Greyhound Buses at the Intermodal Center**

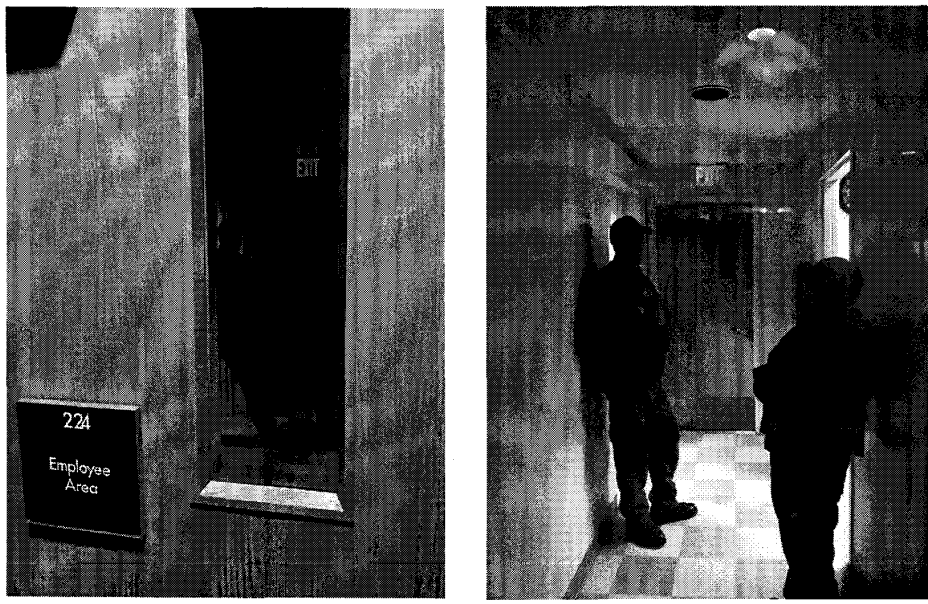
7 18. Since at least 2013, CBP agents have routinely conducted warrantless and  
8 suspicionless operations that it calls “transportation check operations” at the Intermodal Center.  
9 “Transportation check operations” are immigration enforcement sweeps where CBP agents  
10 board and inspect common carriers, such as buses that private companies like Greyhound  
11 operate, at locations away from the U.S. border and away from formal checkpoints, to determine  
12 whether passengers are in the United States legally. “Transportation checks” do not occur at  
13 formal checkpoints where every vehicle is screened; rather, CBP agents go to bus terminals, for  
14 example, and select buses to board and search. CBP agents do not conduct these sweeps pursuant  
15 to valid judicial warrants and, according to CBP, rarely do so based on reasonable suspicion or  
16 probable cause to believe that any specific individual has violated federal immigration law or  
17 any law at all. CBP agents, instead, can legally access passengers on board private buses and in  
18 non-public spaces at bus terminals only if they first obtain consent to be present in those buses  
19 and spaces by the private companies that control them: bus companies like Greyhound.

20 19. Immigration enforcement sweeps on board Greyhound buses at the Intermodal  
21 Center have typically involved multiple armed CBP agents boarding a bus, with the permission  
22 of Greyhound’s employees or agents, after all passengers have been checked in and have boarded  
23 the bus. CBP agents have often waited out of sight, including in Greyhound’s “Employee Only”  
24

25 <sup>3</sup> Ex. 3, *Your rights & rules on board*, Greyhound, [https://www.greyhound.com/en/help-and-info/travel-](https://www.greyhound.com/en/help-and-info/travel-info/your-rights-rules-on-board)  
26 [info/your-rights-rules-on-board](https://www.greyhound.com/en/help-and-info/travel-info/your-rights-rules-on-board) (last accessed April 8, 2020).

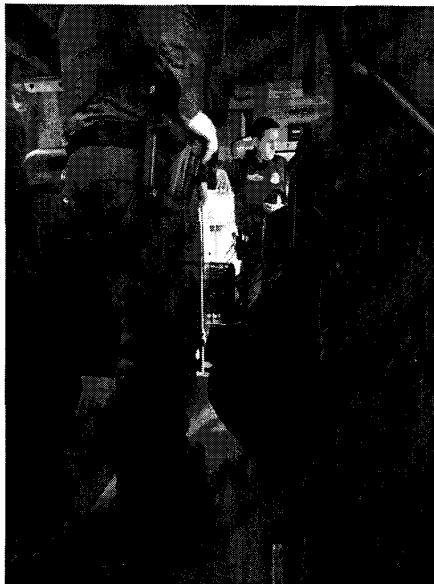
<sup>4</sup> *Id.*

1 rooms at the Intermodal Center, while passengers board. The photos below show CBP agents  
2 waiting in Greyhound's "Employee Only" area of the Intermodal Center:



15 20. Following passenger boarding, the standard approach is that one armed CBP  
16 agent, with permission of a bus driver or other bus company agent or employee, whether explicit  
17 or tacit, boards the bus and remains at the front of the bus near the entrance and driver's seat.  
18 Another armed CBP agent proceeds to the back of the bus and begins questioning passengers  
19 regarding their citizenship or immigration status. Additional CBP agents also typically wait  
20 outside the bus near the bus entrance door. Often, CBP agents demand that passengers produce  
21 documentation related to their citizenship or immigration status, search luggage loaded onto the  
22 bus, escort passengers off of the bus for further questioning or search, detain individuals for  
23 further questioning, and in some instances, arrest passengers. The images below, taken aboard a  
24 Greyhound bus at the Intermodal Center, depict the presence of multiple armed CBP agents  
25 questioning passengers after they boarded a Greyhound bus:

26



12           21.     CBP agents have in recent years conducted immigration enforcement sweeps at  
13 the Intermodal Center approximately three to four times per week—at a minimum—and have  
14 sometimes conducted the sweeps multiple times per day. The rate of immigration enforcement  
15 sweeps at the Intermodal Center has also increased during busy travel seasons, such as holidays  
16 or for notable sporting events, like Spokane’s “Hoopfest,” when Greyhound and other bus  
17 companies are busiest. According to CBP data, CBP’s rate of arrests of individuals at the  
18 Intermodal Center has increased in recent years.

19           22.     CBP agents do not question all passengers equally. In some instances, passengers  
20 have reported that CBP agents have not questioned white passengers at all regarding their  
21 citizenship or immigration status.<sup>5</sup> In other instances, CBP agents have questioned each  
22 passenger about their citizenship or immigration status, but in a vastly different manner.  
23 Passengers have reported, for instance, that CBP officers have questioned white passengers  
24 briefly, regardless of the answer provided, while Latino and other passengers of color have been

25           <sup>5</sup> See, e.g., Adiel Kaplan and Vanessa Swales, *Border Patrol searches have increased on Greyhound, other*  
26 *buses far from border*, NBC News (June 5, 2019), <https://www.nbcnews.com/politics/immigration/border-patrol-searches-have-increased-greghound-other-buses-far-border-n1012596>.

1 subjected to more extensive and aggressive questioning, even if they responded that they are  
2 U.S. citizens or otherwise have lawful immigration status.<sup>6</sup>

3 **C. Greyhound's Role in CBP's Immigration Enforcement Sweeps**

4 23. CBP's approach to conducting enforcement sweeps relies on the cooperation of  
5 companies that operate common carriers, like Greyhound. At the Intermodal Center, Greyhound  
6 facilitated warrantless and suspicionless immigration enforcement sweeps by allowing CBP  
7 agents access to its buses there. Greyhound also allowed CBP agents to access non-public  
8 "Employee Only" areas of the Intermodal Center. Greyhound's conduct enabled CBP to execute  
9 their immigration enforcement sweeps in a way that surprised passengers who had already  
10 boarded buses. Greyhound and its agents did not, and do not, allow members of the public in  
11 "Employee Only" or "Restricted Areas," nor do they allow members of the public on their buses  
12 absent proof that an individual has purchased a ticket. CBP agents have long been the exception  
13 to Greyhound's boarding and access policies.

14 24. According to CBP, its agents boarded Greyhound buses to conduct immigration  
15 enforcement sweeps with Greyhound's consent. In December 2019, for example, CBP's Border  
16 Patrol Spokane Sector special operations supervisor, Bill Kingsford, stated in no uncertain terms  
17 that "[w]e work with consent from Greyhound when we board their buses" at the Intermodal  
18 Center.<sup>7</sup>

19 25. CBP training materials confirm that CBP agents may only board buses at non-  
20 checkpoint locations with the permission of the operator, explaining that "[w]hen the  
21 transportation check occurs on a bus or train, the agent will have to demonstrate that he gained

22  
23 <sup>6</sup> See, e.g., Stella Harvey, *Border Patrol Questioning Greyhound Bus Passengers*,  
24 The Western Front (Jan. 23, 2019), <https://www.westernfrontonline.com/2019/01/23/border-patrol-questioning-greyhound-bus-passengers/>; *ACLU, Rep. Castro, and Others Deliver 200,000 Petitions Demanding Greyhound Stop Allowing Border Patrol Raids*, ACLU (Oct. 19, 2018), <https://www.aclu.org/press-releases/aclu-rep-castro-and-others-deliver-200000-petitions-demanding-greyhound-stop-allowing>.

25 <sup>7</sup> Amy Martyn, *Spokane vs. The Border Patrol: How Immigration Agents Stake Out a City Bus Station*,  
26 The Intercept (December 10, 2019), <https://theintercept.com/2019/12/10/border-patrol-greyhound-buses-spokane/>.



1 access to the bus or train with the consent of its owner or employee.”<sup>8</sup> It continues, stating that  
 2 “[a]gents have no inherent authority to simply board a common carrier without at least  
 3 reasonable suspicion or consent.”<sup>9</sup>

4 26. A January 2020 memo from then-United States Border Patrol Chief, Carla  
 5 Provost, attached as Exhibit 5, similarly reiterates that CBP agents may only conduct warrantless  
 6 and suspicionless “transportation checks”—immigration enforcement sweeps—on board  
 7 intercity buses at non-checkpoint locations when they have consent to do so from the bus  
 8 company’s owner or the bus company’s employees.<sup>10</sup> (Transportation “checkpoints,” in contrast  
 9 with “transportation checks,” are designated stops, such as those at or near the border, where all  
 10 vehicles are stopped for immigration enforcement purposes.) That is consistent with existing law  
 11 and CBP’s longstanding training materials.

12 27. The Intermodal Center is a non-checkpoint location that is not located on or near  
 13 an international border. As a result, CBP agents may constitutionally board Greyhound buses  
 14 and/or access its non-public spaces only with a valid warrant, reasonable suspicion, or  
 15 Greyhound’s consent. Greyhound thus could at any time have informed CBP that it did not  
 16 consent and would not voluntarily allow CBP agents on board its buses or onto its non-public  
 17 property to conduct warrantless and suspicionless immigration enforcement sweeps.

18 **D. Greyhound Misled and Failed to Warn Its Customers of Its Permissive Relationship**  
 19 **with CBP and the Foreseeable Harms From Immigration Enforcement Sweeps**

20 28. Greyhound has publicly acknowledged since at least mid-2018 that immigration  
 21 enforcement sweeps on its buses harm Greyhound’s passengers.<sup>11</sup> Nonetheless, Greyhound  
 22

23 <sup>8</sup> Ex. 4, *CBP Enforcement Law Course*, 519, U.S. Customs and Border Protection (15th Ed. 2012).

24 <sup>9</sup> *Id.*

25 <sup>10</sup> See also Gene Johnson, *AP Exclusive: Agency memo contradicts Greyhound on bus raids*, AP News  
 (Feb. 14, 2020), <https://apnews.com/48960c783dd3f22af2ad320227e40b20>.

26 <sup>11</sup> Ex. 6, Letter from David S. Leach, President/CEO, Greyhound Lines, Inc. to Joaquin Castro, U.S.  
 Congressman for the 20<sup>th</sup> District of Texas (June 15, 2018); see also Ex. 7, *Statement Regarding CBP*, Greyhound  
 (June 20, 2018), <https://bloggreyhound.com/news/statement-regarding-cbp/> (acknowledging that CBP boarding  
 Greyhound buses “negatively impacts our customers”) (last accessed April 8, 2020).

1 failed to protect its customers and inform CBP that CBP agents lacked Greyhound's consent to  
2 conduct immigration enforcement sweeps on Greyhound buses in Washington (or elsewhere).  
3 Separately, Greyhound failed to provide appropriate notice to its customers that immigration  
4 enforcement sweeps were likely to occur on its buses and at its bus terminals and to impact  
5 customers' travel, potentially resulting in questioning, search, detention and/or arrest.

6 29. Instead, Greyhound made a variety of public statements that misrepresented what  
7 was happening at the Intermodal Center (and elsewhere across the country), misstated  
8 Greyhound's legal obligations, and failed to take action to protect its customers. For example, in  
9 June 2018, Greyhound acknowledged that it did, in fact, allow CBP agents to board its buses  
10 when they requested permission to do so, but stated falsely, and misleadingly, that Greyhound  
11 was "required to comply with the law by allowing Border Patrol agents to board our buses when  
12 they ask to do so[.]"<sup>12</sup> Later, in October 2018, Greyhound again acknowledged that immigration  
13 enforcement sweeps "have negatively impacted" Greyhound customers and purported to  
14 "understand" concerns about letting CBP agents on its buses, but called the searches "still legal"  
15 and changed its position to state, contrary to its earlier acknowledgment, that "CBP officers do  
16 not ask permission to board our buses."<sup>13</sup>

17 30. In the same timeframe, in April 2018, Greyhound privately communicated with  
18 CBP officials. In one of its communications with a federal employee when requesting a meeting,  
19 Greyhound reportedly confirmed that "Greyhound is committed to supporting CBP enforcement  
20 actions (inspections)," expressed that it felt like it had been "abandoned by CBP," and sought  
21 "assistance dealing with the ACLU," which at the time was publicly pressuring Greyhound to  
22 protect its customers.<sup>14</sup> At no point in 2019, 2018, or before, did Greyhound inform CBP that  
23

24 <sup>12</sup> Ex. 7, *Statement Regarding CBP*, Greyhound (June 20, 2018),  
<https://bloggreyhound.com/news/statement-regarding-cbp/>.

25 <sup>13</sup> Ex. 8, *Greyhound Lines, Inc. Policy Statement on Warrantless Searches by U.S. Customs and Border  
Protection*, Greyhound (Oct. 19, 2018), <https://www.greyhound.com/en/about/media/2018/10-19-2018>.

26 <sup>14</sup> See Ex. 9, E-mail from Stacy Forbes to Michael J. Robinson, Bates Stamped GH\_0000038 (April 2,  
2018) (produced by Greyhound).

1 CBP agents did not have consent to board Greyhound buses to conduct immigration enforcement  
2 sweeps. Nor did Greyhound implement a corporate policy that it would deny CBP agents  
3 permission to board its buses without warrants or reasonable suspicion, or provide training to its  
4 drivers and agents on the same topic.

5 31. Greyhound also failed to fully and fairly notify its customers or passengers of its  
6 relationship with CBP or warn them of expected travel interferences, questioning, and seizures  
7 that would likely result from warrantless and suspicionless immigration enforcement sweeps on  
8 Greyhound buses at the Intermodal Center and elsewhere.

9 32. Before December 2018, Greyhound provided no notice or warning to its  
10 customers or passengers that it allowed CBP agents to conduct immigration enforcement sweeps  
11 on its buses at the Intermodal Center.

12 33. Before December 2018, Greyhound provided no notice or warning to its  
13 customers or passengers that immigration enforcement sweeps were likely to occur at the  
14 Intermodal Center or on its buses in Washington.

15 34. Before December 2018, Greyhound provided no notice or warning to its  
16 customers or passengers that service disruptions and questioning by federal agents were to be  
17 expected due to foreseeable immigration enforcement sweeps on Greyhound buses in  
18 Washington or at the Intermodal Center.

19 35. At no point has Greyhound provided notice or warning to its customers or  
20 passengers that warrantless and suspicionless immigration enforcement searches, detention, and  
21 arrest were likely to occur at the Intermodal Center or on Greyhound's buses in Washington.  
22 Greyhound likewise provided no notice or warning that warrantless and suspicionless  
23 questioning, search, detention, or arrest were particularly likely for non-citizens and Latinos or  
24 other passengers of color.

25 36. During that time, prior to December 2018, Greyhound passengers at the  
26 Intermodal Center were regularly subject to surprise immigration enforcement sweeps after

1 boarding their buses. Many had their travel disrupted or delayed. Others were questioned,  
2 detained, and sometimes arrested by CBP. Publicly reported examples include a father and son,  
3 both Washington residents, who were detained after CBP agents boarded their Greyhound bus  
4 at the Intermodal Center.<sup>15</sup> CBP agents reportedly asked them “Are you illegal?” even though  
5 the son explained that he had valid Deferred Action for Childhood Arrivals (DACA) status and  
6 the father declined to provide information about his immigration status. According to reports,  
7 the son was released hours later, while his father was taken away and detained in Tacoma,  
8 Washington. Another example included a 39-year old man who spent a decade living in South  
9 Dakota, who reportedly was arrested when CBP agents boarded his Greyhound bus at the  
10 Intermodal Center.<sup>16</sup> He had, according to reports, accompanied his wife on a drive to Seattle  
11 and taken the Greyhound bus back to South Dakota. Separately, a 43-year-old mother who had  
12 traveled to Seattle to visit her daughters was, according to public reports, detained for two days  
13 after being removed from her Greyhound bus at the Intermodal Center.<sup>17</sup>

14 37. In December 2018, facing public pressure, Greyhound added limited information  
15 on its website, in a webpage titled “Your rights & rules on board,” about immigration  
16 enforcement sweeps on Greyhound buses. From Greyhound’s main webpage, the link to this  
17 webpage is located by navigating two nested menus, first to “Help and Info,” then “Travel Info,”  
18 and then clicking on the ninth entry, “Your rights & rules on board.” Greyhound does not  
19 affirmatively display or alert customers to the content of the “Your rights & rules on board” page  
20 before customers purchase a ticket online or by phone.<sup>18</sup>

21

22 <sup>15</sup> See Suzanne Phan, *Father, son with DACA detained on Greyhound bus by Border Patrol in Spokane*,  
23 KomoNews (January 11, 2018), <https://komonews.com/news/local/federal-way-father-and-son-with-daca-detained-in-spokane-on-greyhound-bus-by-border-patrol>.

24 <sup>16</sup> See Chad Sokol, *Mexican man who spent a decade in South Dakota arrested at Spokane Intermodal*  
25 *Center*, The Spokesman Review (Aug. 8, 2018), <https://www.spokesman.com/stories/2018/aug/08/mexican-man-who-spent-a-decade-in-south-dakota-arr/>.

26 <sup>17</sup> See Mitch Ryals, “Where’s Your Papers?,” The Inlander (Nov. 16, 2017),  
<https://www.inlander.com/spokane/wheres-your-papers/Content?oid=6649860>.

<sup>18</sup> See Ex. 3, *Your rights & rules on board*, Greyhound, <https://www.greyhound.com/en/help-and-info/travel-info/your-rights-rules-on-board> (last accessed April 8, 2020).

1           38. The information provided on Greyhound's "Your rights & rules on board"  
2 webpage contained (and continues to contain) statements that misrepresented the nature of  
3 CBP's immigration enforcement sweeps and Greyhound's actions in allowing them to occur. In  
4 particular, nothing on that webpage notified passengers that Greyhound allowed CBP agents to  
5 board Greyhound buses for purposes of conducting immigration enforcement sweeps. That  
6 webpage instead stated simply that CBP officials "may stop and board a bus within 100 miles of  
7 any border under federal law," which is not an accurate statement and misrepresents the role  
8 Greyhound played in allowing the sweeps to occur on its buses and with use of its non-public  
9 property. That website also failed to warn passengers that immigration enforcement sweeps are  
10 expected interferences with travel schedules, particularly at the Intermodal Center.

11           39. Even after December 2018, when Greyhound began providing limited and non-  
12 conspicuous notice on its website of immigration enforcement sweeps, Greyhound nowhere on  
13 its website or in other materials informed customers that it allowed CBP agents to board its buses  
14 and access its non-public property at the Intermodal Center so CBP could conduct warrantless  
15 and suspicionless immigration enforcement sweeps.

16           40. Even after December 2018, when Greyhound began providing limited and non-  
17 conspicuous notice on its website of CBP's immigration enforcement sweeps, Greyhound has  
18 never provided adequate notice at the point of sale, whether electronic, by phone, or at physical  
19 locations, of its permissive relationship with CBP, the likelihood of immigration enforcement  
20 sweeps occurring on Greyhound's buses and at its bus terminals in Washington, or the expected  
21 interferences that would result, such as delay, alarm, and possible search, detention, or arrest.

22           41. Even today, when purchasing a ticket for a route departing from or otherwise  
23 passing through the Intermodal Center, whether by phone or via Greyhound's website,  
24 individuals are presented no notice or warning that immigration enforcement sweeps may occur  
25 on Greyhound's buses in Washington or any expected interferences that are likely to result.  
26

1           42. Greyhound passengers continue to be subject to surprise immigration  
2 enforcement sweeps at the Intermodal Center. They also continue to be questioned and some  
3 continue to be detained and/or arrested—even those with legal immigration status. Publicly  
4 reported examples occurring after December 2018 include the experience of comedian Mohanad  
5 Elshieky, who is lawfully present in the United States and was subject to an immigration  
6 enforcement sweep on his Greyhound bus at the Intermodal Center in January 2019. Mr.  
7 Elshieky was traveling through Spokane on his way home to Portland, Oregon. After boarding  
8 his Greyhound bus, multiple CBP agents boarded his bus before departure and “selectively  
9 questioned individuals on board.”<sup>19</sup> Mr. Elshieky, who has since sued CBP as a result of his  
10 detention, has alleged that he was removed from his Greyhound bus and accused of being in the  
11 United States unlawfully despite being lawfully present in the United States based on his grant  
12 of asylum.

13 **E. Greyhound’s Refusal to Change Its Practices**

14           43. For more than a year, the State urged Greyhound to modify its practices and  
15 policies with respect to CBP’s immigration enforcement sweeps, or “transportation checks,” in  
16 order to protect its passengers in Washington. In February 2019, the Attorney General’s Office  
17 (AGO) contacted Greyhound regarding the company’s practice of voluntarily allowing CBP  
18 agents to board its buses to conduct warrantless and suspicionless immigration enforcement  
19 sweeps in Spokane, Washington, without fully and fairly notifying its customers and passengers  
20 that it does so and without warning customers and passengers of expected travel disruptions. In  
21 an effort to address this issue cooperatively, the AGO subsequently sent Greyhound a detailed  
22 letter requesting that Greyhound take specific actions to address the AGO’s concerns and protect  
23 Greyhound customers and passengers.

24  
25  
26 <sup>19</sup> See *Elshieky v. United States*, Case No. 20-cv-00064-SAB, ECF No. 1 at ¶ 20 (W.D. Wash. Feb. 14, 2020).

1           44. In response, Greyhound did not change its practice of allowing CBP to board its  
2 buses without warrants or reasonable suspicion. Nor did Greyhound modify its practice and  
3 begin providing adequate notices or warnings to customers at the point of sale regarding the risk  
4 of encountering immigration enforcement sweeps on its buses and associated impacts on travel.

5           45. On February 21, 2020, more than a year after the AGO's first letter to Greyhound,  
6 Greyhound announced to the media that it would no longer allow CBP agents to board its buses  
7 without warrants.<sup>20</sup> Greyhound's stated intent to change its practices occurred one week after it  
8 was reported that a CBP memo confirmed what the AGO—and CBP's training materials—had  
9 previously stated: CBP agents can only engage in warrantless and suspicionless immigration  
10 enforcement sweeps on buses and using non-public property with a bus operator's consent.  
11 Indeed, Greyhound's promise to begin denying CBP agents permission to board its buses is the  
12 very action Greyhound stated for years that it could not or would not do.

13           46. Notwithstanding its recent public statements, Greyhound still has not updated its  
14 public website, [www.greyhound.com](http://www.greyhound.com), or its company blog, [www.bloggreyhound.com](http://www.bloggreyhound.com), to  
15 include any updated policy with respect to immigration enforcement sweeps on Greyhound's  
16 buses. Instead, both websites continue to falsely and misleadingly communicate that Greyhound  
17 has no choice but to allow federal immigration officials onboard its buses. Greyhound has  
18 likewise not updated its sales practices to provide specific or adequate notice at the point of sale,  
19 whether in-person or via the Internet or telephone, regarding the likely travel disruptions and  
20 impacts due to immigration enforcement sweeps on its buses or at its bus terminals—in Spokane  
21 or elsewhere.

22           47. Greyhound's conduct caused, and continues to cause, passengers to experience  
23 travel delays, missed connections, alarm, fear, questioning, search, and detention by federal  
24 immigration officials, and/or discrimination on the basis of race, color, and/or national origin.

25 \_\_\_\_\_  
26 <sup>20</sup> Gene Johnson, *Greyhound to stop allowing immigration checks on buses*, AP News (Feb. 21, 2020),  
<https://apnews.com/dc560c3581783c746aee1544c8ad1c85>.

1 48. Despite Greyhound's stated intent to change its ways, the harm to Washington  
2 residents and visitors based on Greyhound's longstanding conduct has been done, must be  
3 corrected, and must be prevented from occurring again. Greyhound's practice of granting CBP  
4 agents permission to board its buses and failing to inform customers and passengers of the risks  
5 of taking Greyhound buses at the Intermodal Center not only affected and continues to violate  
6 the public interest, it had and has the capacity to deceive a substantial number of consumers.  
7 Injunctive relief is necessary to ensure Greyhound ceases its unlawful practices and to prevent it  
8 from resuming those unlawful practices at the Intermodal Center or elsewhere in Washington.

9 **V. CAUSES OF ACTION**

10 **FIRST CAUSE OF ACTION**

11 **(Violation of Consumer Protection Act)**

12 49. Plaintiff realleges paragraphs 1 through 48 and incorporates them herein as if set  
13 forth in full.

14 50. Unfair or deceptive acts or practices in the conduct of any trade or commerce are  
15 unlawful under Washington State's Consumer Protection Act. RCW 19.86.020.

16 51. Greyhound committed unfair and deceptive acts and practices in the conduct of  
17 trade or commerce, in violation of RCW 19.86.020, by allowing CBP agents to access non-public  
18 areas of its bus stations and/or board its buses for the purpose of conducting warrantless and  
19 suspicionless immigration enforcement sweeps of Greyhound's passengers.

20 52. Greyhound's actions were not reasonable in relation to the development and  
21 preservation of business and were inconsistent with the public interest.

22 **SECOND CAUSE OF ACTION**

23 **(Violation of Consumer Protection Act)**

24 53. Plaintiff realleges paragraphs 1 through 48 and incorporates them herein as if set  
25 forth in full.

26



1 54. Unfair or deceptive acts or practices in the conduct of any trade or commerce are  
2 unlawful under Washington State’s Consumer Protection Act. RCW 19.86.020.

3 55. Greyhound committed unfair and deceptive acts and practices in the conduct of  
4 trade or commerce, in violation of RCW 19.86.020, by making false and deceptive statements  
5 regarding, and failing to adequately notify or warn prospective and actual passengers of, the  
6 following:

7 55.1. That Greyhound allowed CBP agents to access non-public areas of its bus  
8 stations and/or board its buses for the purpose of conducting warrantless  
9 and suspicionless immigration enforcement sweeps;

10 55.2. That immigration enforcement sweeps were an expected occurrence at the  
11 Intermodal Center and on Greyhound buses in Washington, and would  
12 likely cause interferences with passenger travel and place passengers at  
13 risk.

14 56. Greyhound’s actions were not reasonable in relation to the development and  
15 preservation of business and were inconsistent with the public interest.

16 **THIRD CAUSE OF ACTION**

17 **(Violation of Consumer Protection Act)**

18 57. Plaintiff realleges paragraphs 1 through 48 and incorporates them herein as if set  
19 forth in full.

20 58. Unfair or deceptive acts or practices in the conduct of any trade or commerce are  
21 unlawful under Washington State’s Consumer Protection Act. RCW 19.86.020.

22 59. Greyhound committed unfair and deceptive acts and practices in the conduct of  
23 trade or commerce, in violation of RCW 19.86.020, by promising to provide “safe,” “reliable,”  
24 and “dependable” bus service to customers, and violating that promise by granting CBP agents  
25 permission to access non-public areas of its bus stations and/or board its buses for the purpose  
26

1 of conducting warrantless and suspicionless immigration enforcement sweeps, and failing to  
2 warn customers of likely immigration enforcement sweeps before sale of a ticket or boarding of  
3 Greyhound buses.

4 60. Greyhound's actions were not reasonable in relation to the development and  
5 preservation of business and were inconsistent with the public interest.

6 **FOURTH CAUSE OF ACTION**

7 **(Violation of Consumer Protection Act)**

8 61. Plaintiff realleges paragraphs 1 through 48 and incorporates them herein as if set  
9 forth in full.

10 62. Unfair or deceptive acts or practices in the conduct of any trade or commerce are  
11 unlawful under Washington State's Consumer Protection Act. RCW 19.86.020.

12 63. Greyhound committed unfair and deceptive acts and practices in the conduct of  
13 trade or commerce, in violation of RCW 19.86.020, by violating its own non-discrimination  
14 policies when it granted CBP agents permission to access non-public areas of its bus stations  
15 and/or board its buses for the purpose of conducting warrantless and suspicionless immigration  
16 enforcement sweeps, and failed to warn customers of the risk of being subject to immigration  
17 enforcement sweeps on Greyhound buses, despite knowing that Greyhound's actions resulted in  
18 certain passengers being targeted based on their race, color, and/or national origin.

19 64. Greyhound's actions were not reasonable in relation to the development and  
20 preservation of business and were inconsistent with the public interest.

21 **FIFTH CAUSE OF ACTION**

22 **(Per Se Violation of Consumer Protection Act)**

23 65. Plaintiff realleges paragraphs 1 through 48 and incorporates them herein as if set  
24 forth in full.

25 66. A violation of the Washington Law Against Discrimination that occurs in trade  
26

1 or commerce constitutes a *per se* violation of Washington State’s Consumer Protection Act.  
2 RCW 49.60.030(3). By the actions described above, Greyhound committed unfair and deceptive  
3 acts and practices that violated the Washington Law Against Discrimination—this constitutes a  
4 *per se* violation of the Consumer Protection Act.

5 67. Greyhound’s actions were not reasonable in relation to the development and  
6 preservation of business and were inconsistent with the public interest.

7 **SIXTH CAUSE OF ACTION**

8 **(Violation of Washington Law Against Discrimination)**

9 68. Plaintiff realleges paragraphs 1 through 48 and incorporates them herein as if set  
10 forth in full.

11 69. Under the Washington Law Against Discrimination, it is an unfair practice for a  
12 company to commit any act which directly or indirectly results in any distinction, restriction, or  
13 discrimination on the basis of race, color, and/or national origin, or to deny the full enjoyment  
14 of the advantages, facilities, or privileges of a place of public resort, accommodation,  
15 assemblage, or amusement on the basis of race, color, and/or national origin.  
16 RCW 49.60.030(1)(b), .215.

17 70. By its actions described above, Greyhound discriminated in a place of public  
18 accommodation on the basis of race, color, and/or national origin in violation of  
19 RCW 49.60.030(1)(b) and RCW 49.60.215.

20 **VI. PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff, State of Washington, prays that the Court:

22 71. Adjudge and decree that Greyhound has engaged in the conduct complained of  
23 herein.

24 72. Adjudge and decree that Greyhound’s conduct violates the CPA, RCW 19.86.020  
25 and RCW 49.60.030(3).  
26

1 73. Adjudge and decree that Greyhound's conduct violates the WLAD,  
2 RCW 49.60.030(1)(b) and RCW 49.60.215.

3 74. Issue a permanent injunction enjoining and restraining Greyhound, and its  
4 representatives, successors, assigns, officers, agents, servants, employees, and all other persons  
5 acting or claiming to act for, on behalf of, or in active concert or participation with Greyhound,  
6 from engaging in the unlawful conduct complained of herein.

7 75. Impose a civil penalty of up to \$2,000 for each violation of the CPA pursuant to  
8 RCW 19.86.140.

9 76. Enter such orders or judgments pursuant to RCW 19.86.080(2) and  
10 RCW 49.60.030(3) as it deems appropriate to provide for equitable relief to Washington  
11 consumers as a result of the conduct complained of, including, but not limited to, restitution.

12 77. Make such orders pursuant to RCW 19.86.080 and RCW 49.60.030(2) to provide  
13 the State recovery from Greyhound for the costs of this action, including reasonable attorneys'  
14 fees.

15 78. Award such other relief as the Court may deem just and proper.

16  
17 DATED this 13th day of April 2020.

18 ROBERT W. FERGUSON  
19 Attorney General



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