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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF ALAMEDA

14 ROCÍO CORDOVA, Individually and on
15 Behalf of All Others Similarly Situated,

16 Plaintiff,

17 vs.

18 GREYHOUND LINES, INC.,
19 and DOES 1-100,

20 Defendants.
21

) VIA FAX

) Case No. RG18928028

) CLASS ACTION

) FIRST AMENDED COMPLAINT FOR
PUBLIC INJUNCTIVE RELIEF

) Assigned for All Purposes to
Judge Michael M. Markman
Department 16

) Date Action Filed: 11/08/18

) DEMAND FOR JURY TRIAL

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24 [REDACTED VERSION]
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ENDORSED
FILED
ALAMEDA COUNTY

JAN 18 2019

CLERK OF THE SUPERIOR COURT
By CURTIYAH GANTER

Deputy

1 Plaintiff Rocío Cordova (“Plaintiff” or “Ms. Cordova”) brings this action against Defendants
2 Greyhound Lines, Inc. (“Greyhound” or the “Company”), and Does 1-100 (collectively, “Defendants”),
3 individually and on behalf of a statewide class of similarly situated California citizens (as defined
4 below), for public injunctive and declaratory relief. Plaintiff alleges the following based upon personal
5 knowledge as to her own acts, and upon information and belief as to all other matters based on the
6 investigation of counsel. Plaintiff believes that substantial additional evidentiary support will exist for
7 the allegations in this complaint after a reasonable opportunity for discovery.

8 INTRODUCTION

9 1. Greyhound is a private intercity bus company that operates throughout California. As a
10 common carrier, Greyhound owes the highest duty of care and vigilance to provide its customers with
11 safe and dignified passage, including protecting them from harm by third parties. In turn, California
12 consumers entrust Greyhound with their safety and dignity, as well as their right to move freely along
13 the State’s highways and byways without fear of discrimination or unwarranted intrusion.

14 2. Greyhound also holds itself out to customers as having a zero-tolerance policy for
15 discrimination aboard buses and promotes itself as Latino friendly. Greyhound uniformly promises
16 consumers they have a “right” to be free from discrimination aboard and assures them, at Greyhound:
17 *“We have no room for discrimination. . . . We’re not concerned about your race, your color, what you
18 believe or where you’re from. We just want to get you safely to your destination. No person or group
19 of persons shall be discriminated against on the basis of race, color, [or] national origin”*
20 Greyhound even goes so far as to assure consumers: *“If your English is limited . . . that’s ok!”*

21 3. What Greyhound fails to disclose to consumers is its corporate policy or practice of
22 voluntarily subjecting its predominantly low-income, non-white passengers to immigration raids in the
23 non-public, restricted-access passenger cabins of buses and private bus station facilities. As Greyhound
24 knows full well, these raids routinely involve racial and ethnic harassment of its passengers, and worse.

25 4. [REDACTED]
26 [REDACTED] and, despite the pleas of lawmakers and civil liberties groups, refused to
27 object even after Defendants were put on notice of the racial profiling and harassment of its passengers.
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1 As the largest private intercity bus company in California, Greyhound’s policy means that thousands of,
2 if not more, consumers are subjected to predatory and discriminatory practices on an ongoing basis.

3 5. [REDACTED]

4 [REDACTED] On a macro level, Greyhound passengers are targeted precisely because they are
5 disproportionately non-white and low-income, and Greyhound provides easy access to them. It is well
6 known that many minorities rely on Greyhound for travel, and CBP agents have pejoratively referred to
7 such raids as “immigration Dumpster-diving.” On a micro level, non-white passengers are demeaned
8 with accusations like “[a]re *you illegal?*” They are woken up, harshly questioned, and demanded to
9 show proof of identification (sometimes two forms of identification), whereas white passengers are left
10 to sleep.

11 6. Greyhound voluntarily grants requests to conduct immigration sweeps in non-public
12 passenger cabins of buses *after* passengers complete the boarding process and are trapped within the
13 confines of the bus. Whereas Greyhound has the ability to decline consent, its passengers are like
14 sitting ducks. Videos taken by Greyhound passengers show uniformed and armed agents blocking
15 narrow aisles and bus doors, hovering over passengers of color, and asking demeaning questions.



1 7. This is all by design; otherwise, passengers would be approached *before* they board or
2 *after* they disembark the bus. And some passengers are detained well beyond the initial 15-30 minute
3 delay – those who do not provide proof of their status are taken off the bus and, at times, sent to
4 detention centers. Greyhound’s corporate policy or practice also includes delaying buses while agents
5 interrogate passengers and providing agents with access to private employee-only areas at bus stations.
6 At some west coast Greyhound bus stations, agents are permitted by Greyhound to work out of the
7 restricted-access areas of the bus station, wait for incoming buses, and interrogate passengers in staff
8 break rooms.



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23 8. Whereas CBP is given free access to non-public restricted-access areas, Greyhound
24 personnel have kicked dissenters off the premises for trying to document incidents of passenger
25 interrogations and harassment. Greyhound personnel have justified the exclusion of dissenters on the
26 basis that it is “private property” and gone so far as to call the police and have dissenters ticketed for
27 trespassing. In response to one dissenter who asserted her right to document incidents of illegal
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1 immigration enforcement efforts, one manager reportedly proclaimed: “Greyhound will always
2 welcome Border Patrol here.”

3 9. At some stations, CBP agents have a near constant presence and are seen working
4 alongside Greyhound employees. Upon information and belief, Greyhound’s west coast operations have
5 shared information about Greyhound passengers, including calls to CBP agents to alert them when buses
6 are arriving with passengers who fit a particular “profile,” *e.g.*, Latino-sounding names.

7 10. In 2018, after videos of discriminatory immigration bus raids on Greyhound buses went
8 viral on social media and garnered national attention in the press, Greyhound was forced to admit that
9 Greyhound customers are negatively impacted. Greyhound’s Chief Executive Officer (“CEO”) Dave
10 Leach has acknowledged that Greyhound customers’ experiences are impacted and Greyhound buses
11 are being delayed, thereby causing missed connections.

12 11. Civil liberties and civil rights groups, along with members of Congress, local
13 municipalities, and even Greyhound’s own drivers, have implored Greyhound to change its policy or
14 practice in recent months.

15 12. On March 21, 2018, the American Civil Liberties Union (“ACLU”) wrote to
16 Greyhound’s CEO Leach and Senior Legal Officer, Tricia Martinez, urging them to stop:

17 [T]here are increasing reports of indiscriminate CBP “immigration checks” of
18 Greyhound buses throughout the country. Reports describe CBP’s practice of boarding
19 Greyhound buses without even any pretense of suspicion and detaining passengers until
20 they answer questions about their citizenship and immigration status and present
immigration documentation. ***CBP often singles out individuals because of the color of
their skin or because they have a foreign accent.*** . . . CBP agents arrested individuals
on Greyhound buses without probable cause to believe they were deportable.

21 * * *

22 Greyhound is in the business of transporting its passengers safely It should
23 not be in the business of subjecting its passengers to intimidating interrogations,
24 suspicionless searches, warrantless arrests, and the threat of deportation. . . .

1 are people who have paid money to ride our buses safely and with dignity. It is
2 incumbent on us not to allow Border Patrol agents to board the buses and interrogate
3 them without adequate suspicion.

3 * * *

4 I've seen this happen before. I used to drive a Memphis-Dallas Greyhound bus,
5 and law enforcement would sometimes stop my bus, search it with dogs, and ask for
6 IDs, mostly from people of color. I hated it then, but now it is happening more often,
7 and the consequences are devastating for our passengers and their families. . . .

7 * * *

8 If Greyhound were to inform the government that it will not allow Border Patrol
9 to board its buses without probable cause or a warrant, our drivers would not do
10 anything differently. But our union members and passengers would know that
11 Greyhound is living up to management's public pledges to do "everything legally
12 possible" to ensure their [customers'] journeys are respectful and dignified.

13 If management writes a letter to the Department of Homeland Security formally
14 objecting to Border Patrol's practice, it would become a legal matter, not something for
15 individual drivers to implement. . . .

16 *Our passengers are our customers.* Their money pays our salaries. . . .

17 16. Bay Area Greyhound customers have likewise voiced their concerns. One student
18 preparing to board a Greyhound bus from Oakland to Fresno said it would make him angry if agents
19 boarded the bus to search for undocumented immigrants. The student noted that he did not always
20 bring his passport on bus trips (which Greyhound does not require) and that it would be jarring if an
21 agent suddenly appeared and made him explain his F1 visa status on the spot. Other Bay Area
22 Greyhound customers found the practice offensive and said it would disrupt their travel.

23 17. Despite the urging of lawmakers, civil liberties and civil rights groups, and its own
24 drivers and customers, Greyhound has refused to object and make clear to CBP that it does *not*
25 authorize these immigration raids. As a result, California consumers who contract for safe and
26 dignified passage are at ongoing risk for discrimination and harassment based on the color of their skin,
27 where they have come from, and the language they speak. As one passenger aptly put it, "[s]uch a
28 mundane act as getting on a bus should not strike fear in the hearts of people of color." Plaintiff hereby
seeks public injunctive and declaratory relief to stop Defendants' violations of California law.¹

¹ Plaintiff reserves the right to bring an action for damages on behalf of herself and/or others similarly situated to her. Nothing in this Complaint should be construed as waiving or precluding any claim for damages or any other relief not sought herein by Plaintiff or any other Greyhound passenger.

1 **JURISDICTION AND VENUE**

2 18. This Court has original jurisdiction over the subject matter of this action pursuant to the
3 California Constitution, Article VI, §10.

4 19. The Court has personal jurisdiction over each Defendant because they conduct business
5 in, and maintain operations throughout, the State of California, including in this County.

6 20. Venue is proper in this Court because Defendants conduct business throughout the State
7 of California, including throughout this County. Greyhound maintains business operations in this
8 County, including bus stations in Hayward and Oakland, and a BoltBus station at the Oakland BART
9 station. Many of Greyhound’s personnel also live in this County, including some Doe Defendants.

10 **PARTIES**

11 21. Plaintiff Rocío Cordova is a California citizen. Ms. Cordova has previously purchased a
12 Greyhound bus ticket and would like to ride Greyhound again in the future. As described in further
13 detail below, in November 2017, Plaintiff was subjected to a discriminatory immigration raid in the
14 restricted-access passenger cabin of a Greyhound bus in the State of California.

15 22. Defendant Greyhound is a for-profit corporation and the largest intercity bus company in
16 the United States. Greyhound is a subsidiary of First Group plc. Greyhound markets, sells, and
17 provides bus transit services to consumers throughout California and this County. California is a large
18 market for Greyhound, with 141 locations throughout the State (out of a total of 230 U.S. bus stations).
19 There are at least two Greyhound bus stations located in this County, including in Hayward and
20 Oakland. There is also a BoltBus station at the Oakland BART station and at least three maintenance
21 centers located across California, including in Sacramento, Los Angeles, and San Diego.

22 23. Doe Defendants 1-100 are Greyhound executives, employees, and bus station managers
23 and/or bus station owners who were personally involved in the decision to adopt, continue, execute
24 and/or enforce Greyhound’s alleged corporate policy or practice described herein.

25 24. Defendants Greyhound and Doe Defendants 1-100 are referred to herein collectively as
26 “Defendants.”

1 **FACTUAL ALLEGATIONS**

2 **A. Greyhound Advertises and Sells Intercity Bus Services to**
3 **California Consumers**

4 25. Greyhound is a for-profit corporation founded in 1914. A century later, Greyhound is
5 the largest provider of intercity bus transportation in the United States, providing approximately 75% of
6 all intercity bus transportation and serving destinations throughout the State of California.

7 26. Greyhound has a number of operating entities, including BoltBus, which serves
8 California and this County, among other U.S. regions. In 2010, the Company launched Greyhound
9 Express, a premium non-stop service serving 135 markets across North America, including various
10 markets in California. It also operates Greyhound Connect, a service that connects rural communities to
11 larger U.S. Greyhound markets.

12 27. Greyhound is owned by FirstGroup plc, a transport operator in the United Kingdom and
13 North America. In 2017, FirstGroup plc generated more than £6.4 billion in revenue and transported
14 approximately 2.1 billion passengers.

15 **B. Greyhound Owes California Consumers the Highest Duty of Care**
16 **and Vigilance, Including Protection**

17 28. Greyhound constitutes a common carrier for reward under California law because it is in
18 the business of transporting members of the public who purchase or acquire a Greyhound bus ticket.

19 29. California law imposes the highest duty of care and vigilance on common carriers like
20 Greyhound to do all that human care, vigilance, and foresight reasonably can do under the
21 circumstances to avoid harm to its passengers.

22 30. Common carriers fall within an exception to the general rule that one usually does not
23 owe a duty to control the conduct of another. Instead, common carriers, like Greyhound, have a special
24 relationship to passengers that gives rise to a duty to protect and warn them of potential harm.

25 31. Among other duties, such common carriers operating in California *must*:

26 (a) “[U]se the utmost care and diligence for their safe carriage, must provide
27 everything necessary for that purpose, and must exercise to that end a reasonable degree of skill.” Cal.
28 Civ. Code §2100.

1 (b) “[G]ive to passengers all such accommodations as are usual and reasonable, and
2 must treat them with civility, and give them a reasonable degree of attention.” Cal. Civ. Code §2103.

3 (c) “[T]ravel . . . without any unreasonable delay, or deviation from his proper
4 route.” Cal. Civ. Code §2104.

5 32. Greyhound is falling far short of satisfying its highest duty of care and vigilance to its
6 California customers, as described herein. Defendants are not only failing to take reasonable steps to
7 protect and warn Greyhound passengers from falling prey to unfair discrimination, harassment, and
8 other rights violations aboard Greyhound buses, but they are actively facilitating the violations of their
9 rights by granting access upon request to its passengers in the non-public restricted-access areas of its
10 buses and bus station facilities, delaying buses after they are boarded and ready to depart in order to
11 bring agents aboard for immigration raids, making unplanned stops, failing to explain or warn
12 passengers on the bus before a raid commences, sharing information about Greyhound’s ridership
13 and/or bus routes, and/or failing to ensure that Greyhound passengers are treated with respect and
14 civility, as alleged in more detail below.

15 **C. Greyhound Promises California Consumers Freedom from**
16 **Discrimination**

17 33. Greyhound has not historically acted to undermine its customers’ civil rights and civil
18 liberties. In fact, Greyhound famously served as a conduit for many of those engaged in the civil rights
19 movement. In 1961, a group of civil rights activists who coined themselves the “Freedom Riders” rode
20 Greyhound buses into the South to protest transit segregation. Among other attacks on these Freedom
21 Riders, white supremacists burned a Greyhound bus near Anniston, Alabama, and the Montgomery
22 Greyhound Bus Station. The Montgomery Greyhound Bus Station attack garnered international
23 attention and ultimately compelled federal intervention to protect the citizenry against discrimination.
24 With that storied history, it is understandable that each Greyhound bus ticket promises: “Seating aboard
25 vehicles is without regard to race, color, creed, religion, gender, national origin or physical ability.”

26 34. Greyhound’s promise of equality is not limited to a single clause, moreover. Greyhound
27 uniformly promises that Greyhound’s customers have the “right” to be free from discrimination aboard
28 Greyhound buses based on the color of their skin or where they are from:

Your rights & rules on board

We want to get you from A to B feeling safe and happy. So there are few rules we need to share with you.

WE HAVE NO ROOM FOR DISCRIMINATION

Our comfy leather seats don't discriminate and neither do we. We're not concerned about your race, your color, what you believe or where you're from. We just want to get you safely to your destination.

No person or group of persons shall be discriminated against on the basis of race, color, national origin, disability or any other characteristic protected by applicable law. For more details see our notice. ([English](#) / [Spanish](#))

Got a complaint?

If you feel you have been discriminated against by a member of Greyhound staff for any of the above reasons while riding with us, we take this very seriously. You can read our discrimination policy for more information. ([English](#) / [Spanish](#)) You may file a complaint by completing this [form](#).

Need more information?

For more information on Greyhound's civil rights program and the procedure to file a complaint, you may contact customer service at 214-849-8966 or you may write to the following address:

ATTN: Legal Department
 Greyhound Lines, Inc.
 PO Box 660362-0362
 Dallas, TX 75266-0362

If your English is limited...that's ok!

We want to make sure all our customers have proper access to Greyhound services, information and benefits. So if your English is limited, we'll do everything we can to help you when you ride with us or use our facilities. You can find out more about this in our [Limited English Proficiency Plan](#), which outlines how we're making our services more accessible to people who speak other languages.

35. In addition to assuring passengers that, “[i]f your English is limited . . . that’s ok!” Greyhound promotes itself as Latino friendly. Greyhound has launched an advertising campaign aimed at Hispanics and young people and added bus routes in Latino-oriented markets. To this day, Greyhound’s website prominently features travel stories of racial and ethnic minorities.

36. What Greyhound does not advertise, however, is that far from a discrimination-free zone, Greyhound passengers are specifically targeted aboard Greyhound buses for immigration checks on a macro level, and that Greyhound facilitates them instead of taking all reasonable steps to prevent them. Greyhound likewise fails to warn passengers that it delays buses to facilitate these immigration

1 raids and that passengers may be late or miss their connection as a result. Finally, Greyhound does not
2 warn passengers that they may be subjected to harassment or required to provide two forms of
3 identification if they are Latino or other minority group.

4 37. As of the filing of this lawsuit, there was no disclosure anywhere that customers may be
5 asked about their citizenship or immigration status and/or for documentation to prove it, much less that
6 a bus may stop or be delayed for purposes of an immigration check. Indeed, a June 2018 *Consumer*
7 *Affairs* article observed that Greyhound passengers “receive little warning on the Greyhound website
8 that they could be asked to . . . show proof of their citizenship.” Greyhound should provide adequate
9 warnings to its customers online, at bus stations, and onboard buses prior to any immigration check.

10 **D. Greyhound Has Adopted a Policy or Practice of Subjecting**
11 **Paying Passengers to Discriminatory Immigration Raids**

12 38. Citizens and residents of California understandably prize their right to move freely along
13 the State’s highways and byways without fear of discrimination and unwarranted interruption. And that
14 is precisely what Greyhound advertises and must do as a common carrier in California – get passengers
15 from point A to point B safely and with dignity. That is not what Greyhound provides, however, due to
16 its corporate policy or practice of subjecting passengers to discriminatory immigration raids.

17 1. [REDACTED]

18 39. [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 40. [REDACTED] Greyhound has allowed CBP to have a presence at its bus
24 stations. Greyhound gives agents permission to enter the non-public restricted-access passenger cabins
25 of buses when they are completely boarded and ready to depart – thus delaying the bus and all the
26 passengers aboard. Greyhound personnel allow agents access to restricted-access bus station facilities,
27 including employee-only break rooms and back offices. It has also been reported that Greyhound
28 employees have provided information about Greyhound’s ridership to CBP agents. For example,

1 Greyhound personnel have reportedly called CBP agents with a heads up when passengers fitting a
2 particular “profile,” *e.g.*, Latinos, are arriving on buses into the station.

3 41. The timing could hardly be worse for Greyhound’s passengers. Greyhound is subjecting
4 its passengers to immigration raids at a time when the Trump Administration is separating immigrant
5 babies from their parents, locking immigration children up in cages, and tear gassing would-be asylum
6 seekers at the border. Consistent with its duties as a common carrier in California, Greyhound has an
7 obligation to protect California passengers from harm aboard its buses, including by an administration
8 that has proven itself to be openly hostile to racial and ethnic minorities.

9 42. Greyhound’s corporate policy or practice has, and continues to, result in discriminatory
10 treatment of its customers on a large scale. On a macro level, Greyhound passengers are targeted
11 because they are disproportionately non-white and low-income. Indeed, it is well known that Greyhound
12 is a preferred way to travel for many minorities. [REDACTED]

13 [REDACTED] Indeed, CBP agents have pejoratively
14 referred to the practice as “immigration Dumpster-diving.” On a micro level, non-white passengers are
15 targeted for interrogation and harassment as a result of Greyhound’s decision to voluntarily grant access
16 to passengers sitting in the non-public restricted-access areas of its buses upon request. Passengers of
17 color are subjected to demeaning accusations like “[a]re you illegal?” And minorities are woken up for
18 harsh questioning and asked for proof, whereas white passengers are left to sleep.

19 **2. Greyhound Provides Ready Access to Its Paying**
20 **Passengers in the Non-Public Areas of Buses**

21 43. Greyhound voluntarily grants CBP agents’ requests to conduct sweeps in the non-public
22 restricted-access passenger cabins of buses. This occurred in Plaintiff’s case on the side of the road.

23 44. In addition, Greyhound has adopted a policy or practice of allowing agents to board
24 buses at stations before departure. Routinely, bus drivers board all the passengers while agents observe
25 the passengers, prepare the bus for departure, and *then* allow immigration agents to come on board *after*
26 all the passengers are trapped within the confines of the bus. Thus, whereas Greyhound has the ability
27 to decline consent, its policy or practice means that passengers are left like sitting ducks.
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1 45. Videos taken by Greyhound passengers aboard buses show agents blocking narrow aisles
2 and bus doors, hovering over passengers of color, and asking demeaning and accusatory questions. Due
3 to Greyhound’s policy or practice, passengers are essentially trapped and subjected to humiliation and
4 harassment usually for 15 to 30 minutes while the bus is stopped.



21 46. For some Greyhound passengers, the ordeal has led to profound and lasting effects.
22 Those unable to provide proof of status upon demand have been taken off the bus and arrested. One
23 passenger was removed from a Greyhound bus while en route to college and had his tuition money and
24 luggage taken from him. The young man was not permitted to speak to his parents for days and
25 detained for over two weeks. He was unable to start college and was subjected to deportation
26 proceedings for over a year. While the passenger is no longer subject to deportation, he still lives in
27 constant fear that he could be kicked out of the only country he has ever known.
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1 47. Greyhound has reportedly allowed immigration agents to board the passenger cabins of
2 its buses upon request even beyond 100 miles of any international border, including on a Greyhound
3 bus traveling from Bakersfield, California to Las Vegas, Nevada.

4 **3. Greyhound Welcomes Border Patrol into Its Employee-
5 Only Areas of Private Bus Station Facilities**

6 48. Greyhound’s voluntary policy or practice includes providing CBP agents with access to
7 Greyhound’s non-public, employee-only staff break rooms and back office areas at bus stations. For
8 example, CBP agents are allowed to use employee-only areas of west coast Greyhound stations that
9 require a “key card” to scan through for access. Agents have been permitted to work out of Greyhound
10 stations and even hide in the back office areas while waiting for buses to arrive or to interrogate
11 passengers.



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23 49. In contrast, Greyhound station managers have prevented dissenters from videotaping or
24 otherwise documenting allegedly unlawful immigration enforcement practices on the basis that the
25 station facilities are “private property” and defended the presence of CBP, with one manager reportedly
26 proclaiming: “Greyhound will always welcome Border Patrol here.”

27 50. Likewise, Greyhound personnel have prevented civil liberties and public interest groups
28 from handing out “know your rights” materials and gone so far as to kick them off Greyhound’s

1 “private property” and call the police to cite them for trespassing. In one incident, Greyhound
2 personnel blocked the filming of an immigration agent and pursued the filmer through the station
3 attempting to confiscate her phone. The Greyhound employee asserted that it was illegal to film CBP
4 agents or a Greyhound bus without permission from Greyhound, and said the filmer was trespassing
5 onto Greyhound property by virtue of not having a bus ticket.

6 **E. Plaintiff Was Subjected to a Discriminatory Immigration Raid in**
7 **the Restricted-Access Passenger Cabin of a Greyhound Bus**

8 51. Ms. Cordova is a Latina California citizen of Mexican descent.

9 52. In November 2017, Plaintiff was subjected to a discriminatory immigration raid in the
10 restricted-access passenger cabin of a Greyhound bus in the State of California while en route from San
11 Diego, California to Phoenix, Arizona.

12 53. Prior to buying her ticket,² Plaintiff had seen a Greyhound advertisement that no
13 discrimination was tolerated on Greyhound buses with language that was the same or similar to the
14 language in ¶34 above. Plaintiff was unaware that, despite Greyhound’s promise of zero discrimination
15 and promotion as Latino-friendly, it had a corporate policy or practice of granting requests by
16 immigration agents to conduct discriminatory immigration raids in the restricted-access passenger
17 cabins of its buses. Greyhound failed to warn Plaintiff that she could be subjected to a discriminatory
18 immigration raid, that the bus would make a stop on the side of the road to allow it, or that the bus
19 would be delayed due to it. Finally, Plaintiff expected Greyhound to provide a safe and dignified
20 passage. Plaintiff regarded the foregoing information as important in deciding whether to purchase a
21 Greyhound bus ticket or ride on a Greyhound bus.

22 54. Plaintiff’s trip began in San Diego and proceeded east bound to Phoenix. At some point
23 before El Centro, California, the bus pulled over on the side of the road. The area where the bus pulled
24 over was rural, and there were no buildings or other structures. As a Latina, Plaintiff is well aware of
25 immigration checkpoints and their location throughout the region, and the incident did not occur at one.

26
27 ² Plaintiff’s ticket was charged to a credit card in her sister’s name, and Plaintiff paid her sister back
28 in cash for the full price of the ticket.

1 55. After coming to a stop, the bus driver got off the bus and appeared to speak with some
2 CBP agents. Passengers began to wake up and wonder why the bus had stopped. Then, without any
3 explanation by the driver, two uniformed and armed CBP agents boarded the bus. The agents began
4 questioning passengers, and in doing so, one CBP agent positioned himself at the back of the bus while
5 the second agent remained in the front. Each then began questioning passengers as they both worked
6 their way toward the middle of the bus – thus blocking the aisle and only exit off the bus.

7 56. The CBP agents focused their attention on non-white passengers. By way of example,
8 the CBP agents asked Latino passengers, and a Filipina passenger, for two forms of identification,
9 whereas they did not request such documentation from other passengers. One agent questioned the
10 validity of Plaintiff’s mother’s U.S. passport and demanded to see another form of identification, which
11 she luckily had in the form of a California driver’s license.

12 57. In addition, a young Latina woman across the aisle from Plaintiff was questioned at
13 length and then escorted off the bus. The young woman was questioned on the side of the road in plain
14 view of the other passengers with her hair whipping in the wind. The young woman was traveling with
15 a young child, approximately six to eight years old, who was left alone on the bus in his seat for a
16 lengthy period. The CBP agents ultimately allowed the young Latina woman to re-board the bus, and
17 she was visibly shaken up when she did.

18 58. The ordeal lasted between 20 to 30 minutes and was very disturbing to Plaintiff.

19 59. From Plaintiff’s perspective, neither Greyhound nor its bus driver said or did nothing to
20 protect the passengers aboard the bus from the discriminatory immigration sweep. To the contrary, the
21 bus driver allowed the CBP agents to stop and board the bus without so much as a warning or
22 explanation to passengers.

23 60. Plaintiff would not have purchased her Greyhound bus ticket or paid less for it had she
24 known about Greyhound’s corporate policy or practice alleged herein. Plaintiff suffered actual damages
25 and an economic injury in fact when she spent money to purchase a Greyhound bus ticket.

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1 **F. Greyhound’s Policy or Practice Causes Discriminatory**
2 **Treatment of Other Paying Customers**

3 61. Plaintiff is not alone. Greyhound’s policy or practice subjects Greyhound passengers to
4 discriminatory immigration raids on a regular basis. Indeed, on a macro level, Greyhound passengers
5 are targeted *en masse* precisely because Greyhound’s ridership is largely non-white. And on a micro-
6 level, passengers of color are harassed and intimidated aboard Greyhound buses. In addition to
7 Plaintiff’s experience above, below are a few examples of discriminatory treatment aboard Greyhound
8 buses.

9 62. An African-American woman in the passenger cabin of a Greyhound bus en route from
10 San Diego, California to Los Angeles, California provided CBP agents with her driver’s license and
11 represented that she was born in Detroit, Michigan. The CBP agent accused her of being “African”:
12 “Your skin looks African, your lips look African, you could be a drug dealer’s girlfriend.” When the
13 passenger protested, the agent remarked “you black people are the worst.” During the ordeal, the bus
14 driver said and did nothing to stop the harassment or de-escalate the situation. Afterwards, the bus
15 driver confessed that the immigration agent “doesn’t like black people” and had previously harassed
16 black passengers on Greyhound buses.

17 63. A Korean-American woman was aroused in the passenger cabin of a Greyhound bus for
18 questioning about her immigration status en route from San Diego, California to Los Angeles,
19 California, while white passengers were permitted to sleep.

20 64. On a Greyhound bus traveling from Arizona into California, CBP agents entered the
21 passenger cabin and demanded to see the identifications of non-white passengers, including a mother
22 who was petrified and her young son.

23 65. In Indio, California, a Greyhound bus was boarded by agents who asked for passengers’
24 citizenship and immigration status. When a Latino U.S. citizen began filming the incident, including
25 the removal and arrest of a Greyhound passenger, he was harassed by agents who demanded to know
26 his citizenship and required two forms of identification.

27 66. In another incident, CBP agents stopped a Latino Los Angeles, California resident as he
28 boarded a Greyhound bus in Indio, California and detained him to ask him about his immigration status,

1 causing the Greyhound customer to miss his bus. The agents said they stopped him because his “shoes
2 looked suspicious,” like someone who had recently crossed the border.

3 67. The common denominator in all these examples are racial and ethnic profiling or
4 harassment based on the color of passengers’ skin, ethnicity, ancestry, or primary language.

5 68. An August 6, 2018 *YouTube* video depicts the harassment and humiliation that non-
6 white passengers often face aboard Greyhound buses. The cameraman, “Fredytyson,” a self-described
7 person of color, is sitting in the back of a Greyhound bus as a uniformed and armed CBP agent slowly
8 makes his way toward him. The uniformed CBP agent walks sideways to fit through the narrow aisle.
9 Once the agent reaches Fredytyson, the video shows a second CBP agent questioning passengers as he,
10 too, makes his way toward the back of the bus. As a result, Fredytyson and the rest of the Greyhound
11 passengers sitting near him are effectively trapped by the agents’ blocking of the aisle.



23 69. Once the agent reaches Fredytyson, the following interaction ensues:

24 Agent 1: Hey man, are you recording me?

25 Fredytyson: Yeah I am.

26 Agent 1: Yeah. What’s your citizenship?

27 Fredytyson: I don’t have to answer that.

28 Agent 1: You don’t have to answer?

1 Fredytyson: No I don't.

2 Agent 1: [Continues checking other passengers and then communicates with the second
3 agent toward the front of the bus.]
4 Hey, this guy just said he doesn't have to answer.

5 Fredytyson: I don't have to answer anything.

6 Agent 2: Alright. What's going to happen, man?

7 Fredytyson: What's going to happen?

8 Agent 2: You're not free to go. The bus is going to have to wait here.

9 Fredytyson: Oh yeah?

10 Agent 2: Until you answer.

11 Passenger: Until I answer?

12 Agent 2: Yes, sir.

13 Passenger: You guys know what you guys are doing here, right?

14 Agent 2: [Gesturing toward Agent 1.]
15 Just finish everyone and we'll deal with him later.

16 Agent 1: [Finishes checking other passengers.]
17 Let's get him off the bus. Get off the bus, man.

18 Fredytyson: You're detaining me?

19 Agent 2: Yeah, you're being detained, bro.

20 70. In January 2018, two "viral" videos taken by Greyhound passengers captured CBP
21 agents asking passengers for proof of citizenship. The first incident ended with CBP detaining a black
22 Jamaican woman, who was in the United States to visit her granddaughter, and the second incident with
23 CBP arresting a 12-year black Miami resident from Trinidad.

24 71. Greyhound's policy or practice of subjecting its passengers to discriminatory
25 immigration raids has been reported as consistent with other racial profiling and discrimination on its
26 buses. Just last week, civil rights group called on Greyhound to investigate the racial profiling of an
27 African-American passenger who was allegedly accosted by the bus driver. And in December 2018, a
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1 Muslim group filed a discrimination complaint against Greyhound for kicking a passenger off the bus
2 for speaking Arabic. These are just a few more examples of discrimination aboard Greyhound buses.

3 **G. Greyhound Is Put on Notice that Its Corporate Policy or Practice**
4 **Inflicts Harm and Discriminatory Treatment of Its Customers**

5 72. On March 21, 2018, ACLU affiliates across the country wrote to CEO Leach, and
6 Greyhound’s Senior Legal Officer, imploring them to change Greyhound’s voluntary policy or practice:

7 These intrusive encounters often evince a blatant disregard for passengers’
8 constitutional rights and have even resulted in CBP agents removing passengers from
9 buses and arresting them. Greyhound’s cooperation with CBP is unnecessarily
10 facilitating the violation of its passengers’ rights.

11 * * *

12 As CBP activity far from the border has increased significantly in the past year,
13 there are increasing reports of indiscriminate CBP “immigration checks” of Greyhound
14 buses throughout the country. Reports describe CBP’s practice of boarding Greyhound
15 buses without even any pretense of suspicion and detaining passengers until they answer
16 questions about their citizenship and immigration status and present immigration
17 documentation. *CBP often singles out individuals because of the color of their skin or*
18 *because they have a foreign accent.* In a number of reported cases, CBP agents
19 arrested individuals on Greyhound buses without probable cause to believe they were
20 deportable.

21 * * *

22 Greyhound is in the business of transporting its passengers safely from place to
23 place. It should not be in the business of subjecting its passengers to intimidating
24 interrogations, suspicionless searches, warrantless arrests, and the threat of
25 deportation. . . .

26 73. On June 13, 2018, 23 members of Congress, led by U.S. Representative Joaquin Castro
27 and other members of the Congressional Tri-Caucus, sent a letter to Greyhound’s CEO and Senior
28 Legal Officer warning that Greyhound’s policy or practice of voluntarily allowing “repeated,
widespread immigration raids on Greyhound buses under the guise of U.S. Customs and Border
Protection (CBP) ‘transportation checks,’ . . . exposes its passengers to frequent . . . *racial profiling,*
and harassment.” The Congressional members implored them to change: “According to Greyhound’s
website, the company prides itself on ‘providing safe, enjoyable and affordable travel to nearly 18
million passengers each year in the United States and Canada.’ We do not see how this mission
comports with authorizing dragnet CBP searches of Greyhound’s passengers.”

1 74. On October 19, 2018, the ACLU, civil rights groups, and ATU Local 1700 (which
2 represents Greyhound drivers, mechanics, and terminal workers) personally delivered over 200,000
3 petition signatures to Greyhound’s legal counsel, again urging Greyhound to stop its policy of
4 subjecting its paying customers to discriminatory sweeps.

5 75. At the October 19, 2018 event, Greyhound passengers made impassioned pleas to
6 Greyhound to provide its customers with “transportation, not deportation.” One passenger recounted a
7 harrowing experience when he rode a Greyhound bus to begin college. In the final stretch, his bus
8 stopped and immigration agents boarded. The agents removed him from the bus and sent him to a
9 detention center. His money and luggage were taken, and he could not talk to his parents for days. He
10 said: “My experience will leave a lasting impact on my life. I wasn’t able to return to college, leave the
11 state, or even work for an extended period of time. I was facing deportation for over a year. I was
12 depressed for a long time after. I live in constant fear that I could be kicked out of the only country I’ve
13 ever known.”

14 76. That same day, on October 19, 2018, the President of ATU Local 1700, Karen Miller,
15 posted on an online blog:

16 Local 1700 represents 3,500 Greyhound drivers, mechanics, and terminal
17 workers. My job, as the president, is to advocate on behalf of our members for fair pay,
18 safety, and wellbeing. But today, I’m advocating for our customers. [sic] by urging
19 Greyhound management to stand up for our passengers and tell the U.S. Border Patrol
20 that it cannot board our buses without probable cause or a warrant.

21 With greater frequency over the past two years, Border Patrol agents across the
22 country have been boarding our buses and asking our passengers, especially *customers*
23 *of color*, to show their papers. Passengers who are unable to provide documentation
24 showing that they are authorized to be in the United States are then taken off the bus and
25 processed for possible deportation.

26 By not requiring the Border Patrol to have constitutionally adequate suspicion
27 before boarding, Greyhound is allowing the federal government to violate our
28 passengers’ constitutional rights. *Racial profiling, harassment, and discriminatory*
searches and seizures are prohibited by the Constitution, as the Supreme Court has made
clear when interpreting the exact law that Border Patrol operates under. Our passengers
are people who have paid money to ride our buses safely and with dignity. It is
incumbent on us not to allow Border Patrol agents to board the buses and interrogate
them without adequate suspicion.

* * *

I’ve seen this happen before. I used to drive a Memphis-Dallas Greyhound bus,
and law enforcement would sometimes stop my bus, search it with dogs, and ask for

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IDs, mostly from people of color. I hated it then, but now it is happening more often, and the consequences are devastating for our passengers and their families. . . .

* * *

If Greyhound were to inform the government that it will not allow Border Patrol to board its buses without probable cause or a warrant, our drivers would not do anything differently. But our union members and passengers would know that Greyhound is living up to management’s public pledges to do “everything legally possible” to ensure their journeys are respectful and dignified.

If management writes a letter to the Department of Homeland Security formally objecting to Border Patrol’s practice, it would become a legal matter, not something for individual drivers to implement. . . .

Our passengers are our customers. Their money pays our salaries. . . .

77. Greyhound customers in Oakland, California have also reportedly voiced their concerns.

One international student preparing to board a Greyhound bus from Oakland, California to Fresno, California said it would make him angry if federal agents boarded the bus in order to search for undocumented immigrants. The student noted that he did not always bring his passport for Greyhound bus trips (which Greyhound nowhere requires) and that it would be jarring if a federal agent was suddenly to appear and make him explain his F1 visa status on the spot. Other Bay Area Greyhound customers said that such a practice would be an invasion of their privacy and would disrupt their travel. And one passenger waiting to board a Greyhound bus from Oakland, California to San Francisco, California said: “It’s terrifying to have an authority figure treating everyone like they did something wrong.” She continued: “Everyone on that bus is just living their lives. I hope we’d be better in California to really respect people.”

78. Despite pleas from Congressional members, civil liberties and civil rights groups, municipalities, and its own drivers, Defendants continue to allow discriminatory immigration raids of Greyhound’s paying passengers in non-public areas. And the incidents are increasing under this administration, along with non-violent immigration apprehensions across the board. Plaintiff calls on this Court’s equitable power to prevent future deprivations of California consumers’ rights.

CLASS ACTION ALLEGATIONS

79. Plaintiff brought this action to stop Greyhound’s unlawful conduct. At this time, she seeks injunctive and declaratory relief on behalf all California consumers who, since January 20, 2017,

1 have purchased a Greyhound bus ticket for travel to, from, or within California, including a subclass of
2 Latino and non-white California consumers who, since January 20, 2017, have purchased such a
3 Greyhound bus ticket (referred to collectively as the “Class” or “Class Members”).

4 80. Subject to additional information obtained through further investigation and discovery,
5 the Class may be expanded or narrowed by amendment to this Complaint or at the class certification
6 stage of the litigation.³

7 81. Excluded from the Class are Defendants and their officers, directors, employees,
8 representatives, subsidiaries, and affiliates; and the judicial officer to whom this case is assigned and his
9 immediate family.

10 82. California Code of Civil Procedure (“C.C.P.”) §382 provides that, “when the question is
11 one of a common or general interest, of many persons, or when the parties are numerous, and it is
12 impracticable to bring them all before the court, one or more may sue or defend for the benefit of all.”
13 C.C.P. §382. This case raises questions of a common or general interest of many persons, and the
14 parties are so numerous that it is impracticable to bring them all before the Court.

15 83. Plaintiff’s claims focus primarily on whether Defendants’ corporate policy or practice
16 violates California law so as to merit public injunctive and declaratory relief.

17 84. Plaintiff’s claims are typical, and she is willing and able to continue vigorously
18 prosecuting this action on behalf of the Class and/or general public. Plaintiff has also retained
19 competent counsel experienced in complex class action litigation.

20 85. If necessary, adequate notice can be given to Class Members directly using information
21 maintained in Defendants’ records and/or by publication.

22 **FIRST CAUSE OF ACTION**

23 **Violations of the Unfair Competition Law (“UCL”)**
24 **Cal. Bus. & Prof. Code §17200, et seq.**

25 86. Plaintiff incorporates all of the above allegations as if fully set forth here.

26 ³ Though she does not seek compensatory or punitive damages at this time, Plaintiff reserves the right
27 to seek damages on her own behalf and/or on behalf of a class of Greyhound passengers. Nothing
28 herein should be construed as waiving or precluding any right that Plaintiff or any other Greyhound
passenger may have to seek damages or any other relief in connection with the alleged misconduct.

1 87. The UCL is an equitable bench claim that broadly encompasses any business act or
2 practice that is also unlawful, or unfair, or fraudulent. California Business & Professions Code §17200
3 prohibits any “unlawful, unfair or fraudulent business act or practice” and any act prohibited by
4 California Business & Professions Code §17500. Defendants have engaged in unlawful, fraudulent, and
5 unfair business acts and practices in violation of the UCL as described herein.

6 88. In the course of their bus transit business, Defendants themselves and/or by and through
7 their agents, employees, and/or other persons acting on their behalf, have and continue to violate the
8 UCL. Defendants’ liability under the UCL claim is predicated on principles of: (1) direct liability;
9 (2) aiding and abetting; (3) conspiracy; (4) furnishing the means; and/or (5) respondeat superior.

10 89. Defendants’ conduct, as described herein, violates the UCL in at least these ways:

11 (a) by failing to satisfy Greyhound’s highest duty of care and vigilance to provide
12 paying passengers with safe and dignified passage, including protecting them from harm;

13 (b) by falsely or misleadingly marketing Greyhound as not tolerating discrimination
14 and as friendly to Latinos and other minorities;

15 (c) by making false or misleading statements and/or material omissions about
16 Greyhound’s policy or practice of subjecting consumers to discriminatory immigration raids in the non-
17 public restricted-access passenger cabins of its buses and bus stations;

18 (d) by violating other California laws, including, but not limited to, California laws
19 governing common carriers, non-discrimination, and accuracy in advertising.

20 90. **Unlawful:** Defendants’ business acts or practices alleged herein violate the unlawful
21 prong of the UCL because they violate one or more laws, including the following:

22 (a) California Business & Professions Code §17500 (the False Advertising Law),
23 which prohibits any public statement or advertisement, including over the Internet, which Defendant
24 knows or should know to be false or misleading. Defendants have violated, and continue to violate, this
25 law by, *inter alia*, making false or misleading public statements and advertisements about Greyhound’s
26 zero-tolerance discrimination policy, cooperation or coordination with CP, the discriminatory
27 immigration raids to which Greyhound passengers are subjected, and Greyhound bus routes and bus
28 stops.

1 (b) California Civil Code §1750, et seq. (the Consumers Legal Remedies Act
2 (“CLRA”)), which prohibits unfair methods of competition and unfair or deceptive acts or practices in
3 the sale of services to consumers. Defendants have violated, and continue to violate, this law as set
4 forth in the Second Cause of Action. Among other reasons, Defendants marketed Greyhound’s bus
5 program as allowing zero tolerance for discrimination aboard buses and as welcoming to minorities.
6 Yet, Defendants concealed Greyhound’s corporate policy or practice of subjecting consumers to
7 discriminatory immigration raids in the non-public areas of Greyhound buses and bus station facilities;
8 cooperating or coordinating with CBP; delaying buses; opening up employee-only areas of bus stations
9 for CBP agents; providing information about passengers; failing to provide adequate warnings; and the
10 stops, delays and missed connections (and even removal of passengers) that occur as a substantial result
11 of Greyhound’s policy or practice.

12 (c) California Civil Code §51 (the Unruh Civil Rights Act (“Unruh Act”)), which
13 provides broad civil rights protections and is liberally construed to carry out its purpose of creating and
14 preserving a nondiscriminatory environment in California businesses. Defendants have violated, and
15 continue to violate, this law as set forth in the Third Cause of Action. Among other reasons, as a result
16 of Greyhound’s policy or practice, passengers are subjected to discriminatory treatment on the basis of
17 their race, color, ancestry, national origin, and/or primary language.

18 (d) California Civil Code §2100, which provides that common carriers must “use the
19 utmost care and diligence for [passengers’] safe carriage, must provide everything necessary for that
20 purpose, and must exercise to that end a reasonable degree of skill.” Defendants have violated, and
21 continue to violate, this law by, *inter alia*, failing to provide California passengers with safe and
22 dignified passage, including doing everything necessary to protect them from harm.

23 (e) California Civil Code §2103, which requires common carriers to “give to
24 passengers all such accommodations as are usual and reasonable, and must treat them with civility, and
25 give them a reasonable degree of attention.” Defendants have violated, and continue to violate, this law
26 by, *inter alia*, failing to provide California passengers with all such accommodations as are usual given

27 [REDACTED]
28 [REDACTED] by failing to ensure that California passengers are treated with respect and civility,

1 and by failing to adequately heed and respond to complaints of discrimination against its passengers
2 aboard Greyhound buses.

3 (f) California Civil Code §2104, which requires common carriers to “travel . . .
4 without any unreasonable delay, or deviation from his proper route.” Defendants have violated, and
5 continue to violate, this law by, *inter alia*, delaying the departure of Greyhound buses to allow
6 discriminatory immigration raids and deviating from regular bus routes by stopping in order to allow
7 immigration agents to interrogate Greyhound passengers at random.

8 (g) California Civil Code §1572, which prohibits fraud in contracts, including: (1) the
9 suggestion of an untrue fact not believed to be true; (2) an unwarranted positive assertion of an untrue
10 fact, even if Defendant believes it to be true; (3) the suppression of what is true with knowledge of the
11 fact; (4) a promise made without any intention of performing it; and (5) other deceptive acts. Defendants
12 have violated, and continue to violate, this law by, *inter alia*, making suggestions, positive assertions,
13 and/or promises that are untrue about Greyhound’s zero-tolerance discrimination policy, and they have
14 suppressed facts and engaged in other deceitful acts about Greyhound’s corporate policy or practice of
15 subjecting passengers to discriminatory immigration raids, delaying buses, opening up employee-only
16 areas of bus stations to CBP agents, and/or sharing information.

17 (h) California Civil Code §1573, which prohibits constructive fraud, including:
18 (1) in any breach of duty which, without fraudulent intent, gains an advantage to Defendant by
19 misleading another to his or her prejudice, or (2) in any such act or omission as the law specially
20 declares to be fraudulent, without respect to actual fraud. Defendants have violated, and continue to
21 violate, this law by, *inter alia*, misleading Greyhound passengers about Greyhound’s zero-tolerance
22 discrimination policy and Greyhound’s corporate policy or practice of subjecting passengers to
23 discriminatory immigration raids, delaying buses, opening up employee-only areas of bus stations to
24 CBP agents, and/or sharing information for Defendants’ own benefit.

25 (i) California Civil Code §43, which provides that “every person has, subject to the
26 qualifications and restrictions provided by law, the right of protection from bodily restraint or harm,
27 from personal insult, from defamation, and from injury to his personal relations.” Defendants have
28 violated, and continue to violate, this law by, *inter alia*, not protecting passengers from insult and harm.

1 (j) Plaintiff reserves the right to allege other violations of law, which constitute other
2 unlawful business acts and practices. Such conduct is ongoing and continues to this date.

3 91. **Unfair:** Defendants' business acts or practices violate the unfair prong of the UCL as
4 they offend public policy and/or are immoral, unethical, oppressive, unscrupulous, or substantially
5 injurious, considering the impact of the act or practice on Plaintiff and other Class Members.
6 Defendants' conduct has caused and continues to cause substantial injury to Plaintiff and Class
7 Members. The gravity of Defendants' alleged wrongful conduct outweighs any purported benefits
8 attributable to such conduct. Such conduct is ongoing and continues to this date.

9 92. **Fraudulent:** Defendants' false or misleading statements and/or material omissions were
10 likely to deceive members of the public. Among other misstatements and omissions,

11 (a) Defendants marketed Greyhound's bus program as having zero tolerance for
12 discrimination aboard buses and welcoming to minorities.

13 (b) Defendants concealed Greyhound's corporate policy or practice of subjecting its
14 paying customers to discriminatory immigration raids in the non-public restricted-access ticketed-only
15 areas of Greyhound buses and bus station facilities.

16 (c) Defendants concealed Greyhound's corporate policy or practice of cooperating
17 and/or coordinating with CBP to conduct such raids on its own paying passengers, sharing information,
18 delaying buses, and/or opening up employee-only areas of bus stations to CBP agents.

19 (d) Defendants failed to warn passengers about the immigration raids, including
20 Greyhound's choice to allow them, the racial and ethnic profiling and harassment, and the delays and
21 missed connections (and even removal of passengers) that occur as a substantial result of Greyhound's
22 policy or practice.

23 93. Defendants knew or had reason to know that Plaintiff and other consumers regarded or
24 were likely to regard these matters as important in determining his or her choice of action and/or a
25 reasonable consumer would attach importance to Defendants' conduct in determining whether to
26 purchase a Greyhound bus ticket. Plaintiff reviewed Greyhound's advertising promises that
27 discrimination is prohibited on Greyhound buses prior to buying her bus ticket. Had she known the
28

1 truth, Plaintiff would not have bought or would have paid less for her ticket and thus has suffered an
2 economic injury in fact as a result of the alleged misconduct.

3 94. Defendants' UCL violations present a continuing risk to Plaintiff and the Class, as well
4 as to the general public. Defendants' unlawful acts and practices affect the public interest.

5 95. Pursuant to California Business & Professions Code §17200, Plaintiff and the Class seek
6 an order for public injunctive and declaratory relief prohibiting Defendants' unlawful, unfair, and/or
7 deceptive acts or practices. Pursuant to C.C.P. §1021.5, Plaintiff seeks her attorneys' fees and expenses
8 as this action is brought to enforce important rights affecting the public interest.

9 96. Plaintiff reserves her right to seek restitution or other relief from Defendants. Nothing
10 herein should be construed as waiving or precluding Plaintiff or any other Class Member or other
11 Greyhound passenger from seeking other equitable relief against Defendants for the acts and practices
12 alleged herein.

13 **SECOND CAUSE OF ACTION**

14 **Violation of the Consumers Legal Remedies Act ("CLRA")**
15 **Cal. Civ. Code §1750, et seq.**

16 97. Plaintiff incorporates all of the above allegations as if fully set forth here.

17 98. The CLRA prohibits "unfair methods of competition and unfair or deceptive acts or
18 practices undertaken by any person in a transaction intended to result or that results in the sale or lease
19 of goods or services to any consumer." Cal. Civ. Code §1770(a).

20 99. Plaintiff brings this claim pursuant to the CLRA and has commenced this action in a
21 county described in California Civil Code §1780(d) as a proper place for the trial. *See* Exhibit A to
22 Complaint for Public Injunctive Relief, filed Nov. 8, 2018.

23 100. Plaintiff and Class Members are "consumer[s]" under California Civil Code §1761(d).

24 101. At all relevant times, the Greyhound intercity bus program has constituted a "[s]ervice[]"
25 as defined by California Civil Code §1761(b).

26 102. At all relevant times, Defendants have constituted "[p]erson[s]" as defined by California
27 Civil Code §1761(c).

1 103. Plaintiff's and other Class Members' purchase of Greyhound bus tickets constitutes a
2 "[t]ransaction," as defined by California Civil Code §1761(e).

3 104. In the course of their business, Defendants themselves and/or by and through their
4 agents, employees, and/or other persons acting on their behalf, have and continue to violate the CLRA.
5 Defendants' liability under the CLRA is predicated on principles of: (1) direct liability; (2) aiding and
6 abetting; (3) conspiracy; and/or (4) furnishing the means.

7 105. As alleged herein, Defendants made false or misleading statements and/or material
8 omissions about Greyhound's bus program. Among other things, Defendants marketed Greyhound's
9 bus program as having zero tolerance for discrimination aboard buses and welcoming to minorities.
10 Yet, Defendants concealed Greyhound's corporate policy or practice of subjecting consumers to
11 discriminatory immigration raids in the non-public areas of Greyhound buses and bus station facilities.
12 Defendants also concealed Greyhound's corporate policy or practice of cooperating or coordinating
13 with CBP to conduct such raids on its own paying passengers, delaying buses, and opening up
14 employee-only areas of bus stations for CBP agents. Defendants also failed to provide adequate
15 warning to passengers about the immigration raids, including Greyhound's choice to allow them, the
16 routine racial and ethnic profiling and harassment, and the delays and missed connections (and even
17 removal of passengers) that occur as a substantial result of Greyhound's policy or practice.

18 106. Defendants were put on notice that Greyhound's corporate policy or practice subjects
19 Greyhound passengers to racial and ethnic discrimination and harassment and yet they have failed to
20 stop or object. And since they were put on notice of the harm that Greyhound's corporate policy or
21 practice is causing to Greyhound's passengers, Defendants continue to misrepresent and/or omit
22 material facts regarding Greyhound's bus program with intent to mislead Plaintiff and the Class.
23 Defendants knew or should have known that their conduct violated the CLRA.

24 107. Defendants owed Plaintiff and the Class a duty to disclose all material facts about
25 Greyhound's bus program because Greyhound:

26 (a) is a common carrier that owes the highest duty of care and vigilance to provide
27 paying passengers with safe and dignified passage, including protecting them from harm;

28 (b) possessed exclusive knowledge of its corporate policy or practice;

1 (c) concealed information from Plaintiff, Class Members, and the public; and/or
2 (d) made incomplete representations about its bus program, while purposefully
3 withholding material facts from Plaintiff and the Class that contradicted these representations.

4 108. As a result of the conduct alleged herein, Defendants have engaged in at least the
5 following deceptive acts and practices proscribed by California Civil Code §1770(a), in transactions
6 with Plaintiff and Class Members intended to result or which resulted in the sale of bus transportation
7 services to consumers:

8 (a) in violation of California Civil Code §1770(a)(5), Defendants' acts or practices
9 constitute misrepresentations that Greyhound's bus program has characteristics, benefits or uses which
10 it does not have;

11 (b) in violation of California Civil Code §1770(a)(7), Defendants misrepresented that
12 Greyhound's bus program is of particular standard, quality and/or grade, when it is of another; and

13 (c) in violation of California Civil Code §1770(a)(9), Defendants advertised the
14 Greyhound bus program with the intent not to sell it as advertised or represented.

15 109. Defendants' false or misleading statements and/or material omissions were material to
16 Plaintiff and the Class, as Defendants intended. [REDACTED]

17 [REDACTED] Greyhound owes its passengers a duty to do
18 everything legally possible to protect them from harm, and Plaintiff and the Class would find it material
19 that Defendants have chosen for their own benefit not do so. In addition, Plaintiff and the Class would
20 find it material that the immigration raids result in delays and missed connections (not to mention that
21 passengers are removed from buses and subjected to detention and/or deportation) as a substantial result
22 of Greyhound's policy or practice.

23 110. Defendants' unfair or deceptive acts or practices were likely to, and did in fact, deceive
24 reasonable consumers, including Plaintiff, as intended. Plaintiff and other Class Members who
25 purchased Greyhound bus tickets would not have purchased them or paid significantly less for them.

26 111. Plaintiff and other Class Members could not unravel this deception on their own.

27 112. Defendants have an ongoing duty to all California consumers to refrain from unfair and
28 deceptive acts or practices under the CLRA in the course of their bus transit business. Among other

1 duties, Defendants owed Plaintiff and the Class Members a duty to disclose all the material facts
2 concerning the Greyhound bus program due to Greyhound's status as a common carrier for reward,
3 their possession of exclusive knowledge, intentional concealment, and/or statements that were rendered
4 misleading because they were contradicted by withheld facts.

5 113. Defendants' violations present a continuing risk to Plaintiff as well as to the general
6 public. Defendants' unlawful acts and practices complained of herein affect the public interest.

7 114. Pursuant to California Civil Code §1780(a), Plaintiff and the Class seek an order
8 enjoining Defendants' unfair or deceptive acts or practices to prevent Defendants' ongoing practices.
9 Plaintiff also seeks her attorneys' fees and expenses pursuant to California Civil Code §1780(e).

10 115. Plaintiff reserves her right to seek monetary and punitive damages from Defendants.
11 Nothing herein should be construed as waiving or precluding Plaintiff or any other Class Member from
12 separately seeking monetary relief against Defendants for the acts and practices alleged herein.

13 **THIRD CAUSE OF ACTION**

14 **Violations of the Unruh Civil Rights Act ("Unruh Act")**
15 **Cal. Civ. Code §51**

16 116. Plaintiff incorporates all of the above allegations as if fully set forth here.

17 117. California's Unruh Act provides broad rights to enforce its civil rights mandate and is
18 liberally construed to carry out its purpose of creating and preserving a nondiscriminatory environment
19 in California business establishments.

20 118. California Civil Code §51(b), provides:

21 All persons within the jurisdiction of this state are free and equal, and no matter
22 what their sex, race, color, religion, ancestry, national origin, disability, medical
23 condition, genetic information, marital status, sexual orientation, citizenship, primary
24 language, or immigration status are entitled to the full and equal accommodations,
25 advantages, facilities, privileges, or services in all business establishments of every kind
26 whatsoever.

27 119. Defendants operate an intercity bus business in the State of California and, therefore, are
28 obligated to comply with the Unruh Act.

120. Defendants have and continue to violate the Unruh Act by denying or aiding in the
denial of the full and equal accommodations, advantages, facilities, privileges, and services of

1 Greyhound passengers in Defendants' business establishments based on, *inter alia*, their actual or
2 perceived race, color, ancestry, national origin, and/or primary language.

3 121. In the course of their business, Defendants themselves and/or by and through their
4 agents, employees, and/or other persons acting on their behalf, have and continue to violate the Unruh
5 Act. Defendants are liable under the Unruh Act based on principles of: (1) direct liability; (2) aiding
6 and abetting; (3) conspiracy; and/or (4) respondeat superior.

7 122. Among other factual bases for this claim, Greyhound has adopted a corporate policy or
8 practice of facilitating discriminatory immigration raids that specifically target Greyhound passengers
9 *en masse*, because Greyhound's ridership is known to be largely non-white and Greyhound provides
10 easy access to them in non-public restricted-access areas of buses and bus station facilities, including
11 Plaintiff's bus. [REDACTED]

12 [REDACTED] Greyhound passengers are routinely targeted on board for harassment and
13 intimidation because of their race, ethnicity, ancestry, and language. For example, Latino and other
14 minority Greyhound passengers are routinely asked for two types of identification and more intensely
15 questioned than white passengers. Even after being put on notice of reports of racial profiling and
16 harassment aboard its buses by lawmakers, civil rights and civil liberties groups, and its own bus
17 drivers, Greyhound continues to allow discriminatory immigration raids aboard its buses. As a result of
18 Greyhound's policy or practice, Plaintiff was subjected to a discriminatory immigration raid and is thus
19 a person aggrieved by the conduct at issue.

20 123. Pursuant to the Unruh Act, Plaintiff requests preventive relief to ensure the full
21 enjoyment of her rights and those of other Greyhound passengers in the State of California.

22 124. Plaintiff reserves her right to seek compensatory or punitive damages from Defendants.
23 Nothing herein should be construed as waiving or precluding Plaintiff or any other Class Member from
24 separately seeking monetary relief against Defendants for the acts and practices alleged herein.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff, individually and on behalf of the general public and/or the Class
27 defined herein, respectfully demands judgment against Defendants awarding:

28 A. A declaratory judgment that Defendants' conduct violates California law;

1 B. Public injunctive relief prohibiting Defendants, their officers, directors, representatives,
2 agents, servants, and employees from continuing to engage in the conduct described in this Complaint
3 and impose adequate safeguards to ensure it does not reoccur;

4 C. An award of attorneys' fees and expenses; and

5 D. Such other equitable relief as this Court deems just and proper.
6

7 **JURY DEMAND**

8 Plaintiff hereby demands a trial by jury on the non-bench claims.

9 DATED: January 18, 2019

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DECLARATION OF SERVICE

I, MELISSA BACCI, not a party to the within action, hereby declare that on January 18, 2019, I served the attached FIRST AMENDED COMPLAINT FOR PUBLIC INJUNCTIVE RELIEF on the parties in the within action by email addressed as follows:

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*Denotes service via overnight delivery and email

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 18, 2019, at San Diego, California.


MELISSA BACCI