

1 Security (“ICE”). This information was provided on an almost daily basis by some motels
2 without the ICE agents having provided any documentation or evidence of reasonable suspicion,
3 probable cause, or a search warrant for the requested guest registry information. Motel 6 was
4 aware that the ICE agents used the guest registry information to identify and single out guests
5 based on national origin, including guests with Latino-sounding names. ICE would then
6 determine if any of the guests it identified were wanted by ICE in connection with civil
7 immigration matters. On a number of occasions, ICE agents arrested or otherwise detained guests
8 after reviewing Motel 6’s guest registry information. Motel 6’s actions of providing confidential
9 information regarding its guests violates the Washington Consumer Protection Act, RCW 19.86
10 (“CPA”), and the Washington Law Against Discrimination, RCW 49.60 (“WLAD”). The State
11 of Washington brings this action to obtain a declaration that Motel 6 violates state law and to
12 seek injunctive and other equitable relief for Motel 6’s actions.

13 **II. JURISDICTION AND VENUE**

14 2.1 This action is brought by the State of Washington to enforce the CPA’s
15 prohibition of unfair or deceptive acts or practices in the conduct of any trade or commerce,
16 RCW 19.86.020, and the WLAD’s anti-discrimination protections in places of public
17 accommodation, RCW 49.60.030(1)(b) and RCW 49.60.215.

18 2.2 The violations alleged in this Complaint were committed in part in King County,
19 Washington, by Motel 6.

20 2.3 Venue is proper in King County pursuant to RCW 4.12.020 and RCW 4.12.025.

21 **III. THE PARTIES**

22 3.1 Plaintiff is the State of Washington.

23 3.2 The Attorney General is authorized to commence this action pursuant to
24 RCW 43.10.030(1) and RCW 19.86.080(1).

1 4.6 During the period between 2015 and 2017, Motel 6 engaged in the practice of
2 providing guest lists to ICE agents upon request at at least six (6) of its Washington locations:
3 Bellingham, Everett North, Everett South, Seattle South, SeaTac., and Tacoma South.

4 4.7 For the period between June 17, 2015, to May 14, 2017, Motel 6 disclosed the
5 personal information of at least 9,151 of its Washington guests to ICE.

6 4.8 Motel 6 engaged in the policy or practice of providing guest lists to ICE agents upon
7 request at motel locations in other states, including in Phoenix, Arizona.

8 4.9 Motel 6 has previously engaged in a policy or practice of providing guest lists to
9 other law enforcement entities on a routine or daily basis, including in Rhode Island.

10 4.10 In no case were guests informed that their presence at the motel and personal
11 information would be provided to ICE or another law enforcement agency upon request.

12 4.11 Motel 6's privacy policy, as set forth on its website
13 (<https://www.motel6.com/en/faq.html>), states that Motel 6 is "committed to safeguarding the
14 privacy of the personal information that we gather." The policy also states: "From time to time, we
15 may disclose your personal information. We will always endeavor to make that disclosure in
16 accordance with applicable law."

17 4.12 Motel 6's privacy policy also states that Motel 6 may disclose guest registry
18 information to law enforcement agencies pursuant to a court order or in compliance with any
19 applicable law, regulation, rule, or ordinance.

20 4.13 Under Article 1, § 7 of the Washington Constitution, motel guest registry
21 information constitutes a private affair protected from disclosure without probable cause. Motel 6
22 guests in Washington have a reasonable expectation of privacy that their guest registry information
23 will not be disclosed to ICE without probable cause.

24 4.14 Motel 6 guests in Washington also have a common law right to the privacy of their
25 guest registry information.
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1 4.15 Motel 6's actions of disclosing the private guest registry information of its guests,
2 in violation of the public policy of the State of Washington and its own privacy policy, constitute
3 unfair and deceptive acts or practices in the conduct of trade or commerce, in violation of the CPA.

4 4.16 Motel 6's actions of disclosing private guest registry information affects the public
5 interest.

6 4.17 Motel 6, by voluntarily disclosing its private guest registry information to ICE
7 agents with the knowledge that ICE was requesting the guest registry information for the purpose
8 of discovering and investigating guests on the basis of national origin, including guests with
9 Latino-sounding names, discriminated against such guests on the basis of national origin, in
10 violation of RCW 49.60.030(1)(b) and 49.60.215(1).

11 4.18 The national origin of the motel guests was a substantial factor in causing the
12 discrimination.

13 **V. CAUSES OF ACTION**

14 5.1 Plaintiff realleges paragraphs 1.1 through 4.18 and incorporates them herein as if
15 set forth in full.

16 **FIRST CAUSE OF ACTION**
17 **(Consumer Protection Act)**

18 5.2 Unfair or deceptive acts or practices in the conduct of any trade or commerce are
19 unlawful under the Consumer Protection Act.

20 5.3 Motel 6 has committed unfair acts and practices in the conduct of trade or
21 commerce, in violation of RCW 19.86.020, by violating its guests' right to privacy.

22 5.4 Motel 6's actions of disclosing its guests' private information in violation of its
23 guests' right to privacy are not reasonable in relation to the development and preservation of
24 business and are inconsistent with the public interest.

25 **SECOND CAUSE OF ACTION**
26 **(Consumer Protection Act)**

1 6.6 Make such orders pursuant to RCW 19.86.090 and RCW 49.60.030(2) to provide
2 that Plaintiff, State of Washington, recover from Motel 6 the costs of this action, including
3 reasonable attorney's fees.

4 6.7 Award such other relief as the Court may deem just and proper.
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8 DATED this 3rd day of January, 2018.
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