

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2019 NOV 15 PM 3:12

Linda Myhre Entow
Thurston County Clerk

1
2
3
4
5
6
7
8
9
10
11
12

**STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT**

In re:

ROCKET TRAVEL, INC. d/b/a
ROCKETMILES

Respondent.

NO. 19-2-05652-34
ASSURANCE OF DISCONTINUANCE

[CLERK'S ACTION REQUIRED]

The State of Washington (the "State" or "Attorney General"), by and through its attorneys, Robert W. Ferguson, Attorney General, and Daniel L. Allen, Assistant Attorney General, files this Assurance of Discontinuance ("Assurance") pursuant to RCW 19.86.100.

I. PARTIES

1.1 The Attorney General initiated an investigation into certain business practices of Rocket Travel, Inc. d/b/a Rocketmiles ("Respondent" or "Rocketmiles").

1.2 The Respondent, Rocket Travel, Inc. d/b/a Rocketmiles, is a Delaware corporation with its principal place of business in Chicago, Illinois. Respondent is an online travel agency (OTA) advertising, marketing, facilitating, and managing hotel bookings for consumers throughout the world, including Washington. When consumers book hotels through Respondent's service or website, consumers receive airline loyalty miles/points from major airlines or rewards from other retailers.

II. PARTIES' POSITIONS

2.1 The Attorney General alleges Rocketmiles engaged in the following conduct from

1 2015-2016, which conduct the Attorney General deems constituted unfair or deceptive acts or
2 practices, and unfair methods of competition, in violation of the Consumer Protection Act, RCW
3 19.86:

- 4 (a) Making false or misleading statements and advertisements that consumers will
5 "pay the same rate" for the same hotel booking with Rocketmiles as compared to
6 competitor OTAs or booking direct with the hotel, when and where the consumers
7 paid an additional fee when booking said hotel with Rocketmiles;
- 8 (b) Making false or misleading statements to consumers that Respondent does not
9 charge additional fees for hotel bookings when and where Respondent does
10 charge consumers additional fees for hotel bookings;
- 11 (c) Making false or misleading statements to consumers that Respondent does not
12 receive itemized information for taxes associated with hotel bookings when and
where it does receive such information.

2.2 Rocketmiles denies any wrongdoing and denies that it has engaged in business
13 practices or conduct that violates the Consumer Protection Act, 19.86.020. Nonetheless, for
14 purposes of resolution of this matter, and to avoid the time, expense, delay, inconvenience, and
15 uncertainty of further investigation or litigation, it is entering into this Assurance with the Attorney
16 General's Office.

17 III. ASSURANCE OF DISCONTINUANCE

18 3.1 Respondent agrees it will not engage in the conduct identified in paragraphs
19 2.1(a)-(c) and will not associate with, contract with, hire, or engage others to do so on its behalf.

20 IV. PAYMENT & RELEASE

21 4.1 State of Washington shall recover and Respondent shall pay the State of Washington
22 three hundred thousand dollars (\$300,000) under this Assurance. The Attorney General shall use
23 the funds for recovery of the costs and attorneys' fees incurred in investigating this matter, future
24 monitoring and enforcement of this Assurance, future enforcement of RCW 19.86, or for any lawful
25 purpose in the discharge of the Attorney General's duties at the sole discretion of the Attorney
26 General. In no event shall the funds paid pursuant to this section be deemed a civil penalty. This

1 sum is to be paid in full within thirty days of the Court entering this Assurance. The payment shall
2 be made by valid check, made payable to the "Attorney General - State of Washington," and shall
3 be delivered to the Office of the Attorney General, Attention: Margaret Farmer, 800 Fifth Avenue,
4 Suite 2000, Seattle, Washington 98104-3188.

5 4.2 In return for good and valuable consideration the sufficiency of which the Attorney
6 General expressly acknowledges, the Attorney General hereby releases and forever discharges
7 Respondent, its current and former parents, subsidiaries, affiliates, and successors-in-interest, and
8 its officers, directors, and employees, from any and all claims, demands, causes of action, damages,
9 restitution, assessments, attorneys' fees, or penalties, whether direct or indirect, known or unknown,
10 which the Attorney General now holds or has standing to bring, or has at any time held or had
11 standing to bring, or could have asserted, under the Washington Consumer Protection Act, RCW
12 19.86, resulting from Rocketmiles' conduct alleged in paragraph 2.1, including subsections (a)-(c).

13 This release shall not extend to any claims or causes of action that arise out of violations of this
14 Assurance.

15 V. ADDITIONAL PROVISIONS

16 5.1 This Assurance of Discontinuance shall not be considered an admission of violation
17 for any purposes but failure to comply with this Assurance of Discontinuance shall be *prima facie*
18 evidence of violations of RCW 19.86.020 and the possibility of imposition by the Court of
19 injunctions; restitution; civil penalties of up to \$2,000 per violation; and costs including reasonable
20 attorneys' fees.

21 5.2 Under no circumstances shall this Assurance of Discontinuance or the name of the
22 State of Washington or the Office of the Attorney General, or any of its employees or
23 representatives be used by the Respondent or by its officers, employees, representatives, or agents
24 in conjunction with any business activity of the Respondent.

25 5.3 Nothing in this Assurance of Discontinuance shall be construed so as to limit, bar,
26 or create any private right of action of any other person or entity against the Respondent.

1 Approved for Entry and Presented by:

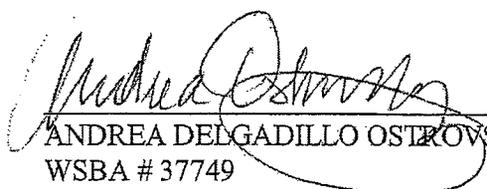
Agreed to, Approved for Entry, Notice of
Presentation Waived:

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

ROBERT W. FERGUSON
Attorney General

CALFO EAKES & OSTROVSKY PLLC

Daniel L. Allen
DANIEL L. ALLEN, WSBA #45036
Assistant Attorney General
Consumer Protection Division
Office of the Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 254-0575
Daniel.Allen@atg.wa.gov


ANDREA DELGADILLO OSTROVSKY
WSBA # 37749

*Attorney for and with authority to sign on
behalf of Respondent Rocket Travel Inc.
d/b/a Rocketmiles*

Attorneys for State of Washington
Plaintiff