

ORIGINALS

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

FILED IN OFFICE
GWINNETT COUNTY

2017 JUN 15 PM 12:38

CLERK

NICOLE WESTMORELAND,)
MARK MORSE,)
)
 Plaintiffs,)
)
 v.)
)
 FRONTIER AIRLINES, INC.,)
 A foreign corporation,)
)
 Defendant.)

CIVIL ACTION
FILE NO. 17 A05831-5

DEMAND FOR JURY TRIAL

COMPLAINT

COMES NOW, Plaintiff Nicole Westmoreland and Plaintiff Mark Morse ("Plaintiff Westmoreland" and "Plaintiff Morse"), to file this their Complaint against Defendant Frontier Airlines, Inc. ("Defendant Frontier") and shows the Court the following:

1.

Defendant Frontier is a foreign corporation duly registered in the State of Georgia with corporate headquarters at 7001 Tower Road, Denver, CO.

2.

Corporation Service Company is Defendant Frontier's registered agent for the service of process in the State of Georgia and is located at 40 Technology Parkway South, Suite 300, Ben Hill, Norcross, Gwinnett County, Georgia 30092.

3.

Defendant Frontier is subject to the jurisdiction of this Court.

4.

As a common carrier, Defendant Frontier owes a duty to the passengers to protect their lives and persons from insult and injury and it owes a special duty to protect its passengers from injury, violence, insult, and ill-treatment at the hands of its servants.

5.

On November 9, 2015, Plaintiff Westmoreland and Plaintiff Morse boarded a Defendant Frontier flight of from Las Vegas, NV to Orlando, FL.

6.

Plaintiff Westmoreland and Plaintiff Morse had purchased first class seats 1b and 1c on the flight.

7.

At this time, a flight attendant and employee of Defendant Frontier ("Defendant Frontier's servant") initiated a confrontation with Plaintiff Westmoreland over the storage of Plaintiff Westmoreland's purse.

8.

During this confrontation, Defendant Frontier's servant became irate and indignant with Plaintiff Westmorland and announced that she had the authority to throw Plaintiff Westmoreland off the flight.

9.

As the flight was beginning its takeoff, this same servant approached Plaintiff Westmoreland and Plaintiff Morse, kneeled down in front of their seats, waived her finger in the face of Plaintiffs and touching them both in the process, and said words to the effect that she has something to say before the plane took off.

10.

Defendant Frontier's servant stated that the plane may "crash" and she wanted to get something "off her chest." She said that her name was Johnna, that she had been a flight attendant for nine years, and that she was "sick of people like" Plaintiffs.

11.

Johnna then began to make references to “spiritual warfare” and that anyone who would “hurt her” would be doomed.

12.

Plaintiff Westmoreland and Plaintiff Morse pleaded with Johnna to remove herself from their personal space but she refused and continued to utter “spiritual” threats.

13.

A second of Defendant Frontier’s servants, who had been observing the incident, then approached Plaintiffs and admonished Plaintiff Morse not to record the ongoing incident.

14.

This second of Defendant Frontier’s servants threatened to stop the takeoff and to throw the Plaintiffs off the flight, which would force Plaintiffs “to buy a second ticket on another flight.”

15.

In response to Plaintiff Morse’s statement that they could afford to purchase another ticket, the second Defendant Frontier’s servants wanted to know if Plaintiffs had money for a first class ticket on another airline, why they were flying Frontier.

16.

At this point, Plaintiff Westmoreland and Plaintiff Morse became apprehensive as to the mental stability of Defendant Frontier's servants and began to fear for their safety, as well as the other passengers.

17.

Passengers in the other first class seats noticed the confrontation that was taking place and began to express their concerns.

18.

As Plaintiffs remained pinned into a small space by Defendant Frontier's two servants, Plaintiff Westmoreland began to experience a shortness of breath, began to have trouble breathing, and began to experience an enhanced fear for her safety, as well as for the other passengers.

19.

Finally, after several pleas from Plaintiffs that Defendant Frontier's servants removed themselves from Plaintiffs' personal space and to respect their right to be left alone, the servants removed themselves and went to an area towards the rear of the airplane but continued to talk about Plaintiffs among themselves in an audible manner.

20.

After the airplane took off, Plaintiff Morse attempted to order a drink from the second of Defendant Frontier's servants and she ignored him.

21.

Shortly thereafter, Plaintiffs observed a passenger collapse and fall to the deck of the airplane.

22.

Defendant Frontier's servants continued to talk among themselves in the rear of the plane and appeared not to notice the plight of the fallen passenger.

23.

Plaintiff Morse saw the passenger fall and he tried to get the attention of Defendant Frontier's servants but they ignored both Plaintiff Morse, as well as the passenger in distress.

24.

After a physician, who was on the flight attempted to help the passenger in distress, Defendant Frontier's servants appeared to block the doctor's efforts to be of assistance.

25.

While the scene was on folding with regard to the passenger in distress, the of Defendant Frontier's servants involved in the earlier incident approached Plaintiff Morse and asked him if he was recording the incident.

26.

When Plaintiff Morse did not immediately respond, Defendant Frontier's servant threatened to have Plaintiffs arrested and then began to laugh in a manner Plaintiffs observed to be inconsistent with the emergent nature of the situation.

27.

The first of Defendant Frontier's servants then joined the second in the immediate vicinity of Plaintiffs and, while they were speaking to each other in a voice loud enough for Plaintiffs to hear, said that Plaintiffs would soon have to "deal with the police."

28.

This situation continued for the remainder of the approximately four (4) hour flight with Defendant Frontier's servants making, what Plaintiffs perceived as, threats about the prospective arrest of Plaintiffs for unstated "crimes."

30.

By the time the flight landed, Plaintiff Westmoreland had become so distraught and uncomfortable that she had become physically ill.

31.

As the flight was landing, Defendant Frontier's servants made an announcement that the passengers were to remain in their seats until they had handled "situations."

32.

Once the airplane landed, Orland Police Officers boarded the airplane and Defendant Frontier's servants pointed out the Plaintiffs who were then and there taken into custody by the police.

33.

Plaintiffs were then escorted off the airplane and taken to the departure area and were detained in full view of the passengers as they departed the aircraft.

34.

As the flight attendants walked past Plaintiffs and the police officers who were detaining them, they laughed and expressed their satisfaction with the fact that Plaintiffs were being detained.

35.

Someone identified as a representative of Defendant Frontier also joined Plaintiffs and the police officers.

36.

This representative of Defendant Frontier and the police officers told Plaintiffs that were holding Plaintiffs because they were waiting for agents Anti-Terrorist unit of the Federal Bureau of Investigation ("FBI").

37.

At this time, the police officers and the individual identified as a representative of Defendant Frontier indicated their intent to turn Plaintiff Morse over to the custody of the FBI.

38.

After hearing the previous threats from Defendant Frontier's servants and because of knowledge of news accounts of such matters, it occurred to Plaintiff Morse that it was possible that he could be transported to Guantanamo Bay Detention Camp, where he could be detained incognito indefinitely.

39.

After waiting for perhaps an hour, Plaintiffs were escorted through the terminal to a secure small room without windows and Plaintiffs were then locked in the room with a police officer who sat with them and guarded the door.

40.

During this detention, Plaintiff Westmoreland asked several times if she could leave. The guard told her that neither she nor Plaintiff Morse could leave.

41.

Plaintiffs remained detained in this small room and under guard for what appeared to be hours.

42.

Eventually an agent from the FBI Anti-Terrorist Unit arrived.

43.

By this time, Plaintiffs' emotional state and anxiety level had reached a point of near panic from the uncertainty of the moment and their understanding of the enormity of the potential adverse consequences of what they knew to be unfounded allegations by Defendant Frontier's servants and representatives.

44.

Initially, the FBI agent told Plaintiffs that they were being detained because allegations made by Defendant Frontier's servants and corporate representative who had alleged that Plaintiff Morse had "interfered with a medical emergency."

45.

After additional time in detention, both the Orland Police Officers and the FBI agents told Plaintiffs that they had completed their investigation and had found the allegations made by Defendants servants to have been frivolous.

46.

Prior to filing this lawsuit, representatives of Defendant Frontier were apprised of this incident and given an opportunity to address these allegations and they, instead, supported the actions of their Defendant Frontier's servants and corporate representative.

COUNT I
(Breach of Contract)

47.

Plaintiffs repeat and reaver each and every allegation made in paragraphs 1 through 46 of this Complaint as though fully set forth herein.

48.

As described above, Defendant Frontier breached and their servants breached their duty owed to Plaintiffs as passengers on a common carrier.

49.

As a result of their breach of their duty, Defendant Frontier violated and caused injury to Plaintiffs in an amount to be determined at trial.

Count II
(Verbal and Emotional Abuse)

50.

Plaintiffs repeat and reaver each and every allegation made in paragraphs 1 through 46 of this Complaint as though fully set forth herein.

51.

Defendant Frontier's servants used their position as agents and representatives of Defendant to humiliate Plaintiffs and subjected them to shame and mortification and,

further, wounded their feelings by the use of opprobrious words and abusive language towards Plaintiffs.

52.

This conduct by Defendant Frontier's servants constituted verbal and emotional abuse towards Plaintiffs.

53.

As a result of the conduct of Defendant Frontier's servants, Plaintiffs has suffered injuries in an amount to be determined at trial.

COUNT III
(False Arrest and False Imprisonment)

54.

Plaintiffs repeat and reaver each and every allegation made in paragraphs 1 through 45 of this Complaint as though fully set forth herein.

55.

Defendant Frontier caused Plaintiffs to be restrained and not permitted to leave the vicinity of the airport and to be detained by Defendant Frontier, and later by local and federal authorities at the behest of Defendant Frontier, without proper cause or justification.

56.

Such conduct by Defendant Frontier constitutes false imprisonment.

57.

As a result of the false imprisonment perpetrated by Defendant Frontier, Plaintiffs were injured in an amount to be determined at trial.

COUNT IV
(Punitive Damages)

58.

Plaintiffs repeat and reaver each and every allegation made in paragraphs 1 through 46 of this Complaint as though fully set forth herein.

59.

Defendant Frontier's actions in this case against Plaintiffs showed willful misconduct, malice, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences.

60.

Defendant Frontier's actions in this case were intended to cause harm to Plaintiffs.

61.

Plaintiffs seek punitive damages against Defendant Frontier in an amount to be determined by an enlightened jury.

Count V
(Attorney's Fees)

62.

Plaintiffs repeat and reaver each and every allegation made in paragraphs 1 through 46 of this Complaint as though fully set forth herein.

63.

Plaintiffs were subject to false arrest and false imprisonment because of the willful conduct of Defendant Frontier.

64.

As a result of the conduct of Defendant Frontier, Plaintiffs seek payment of their expenses of litigation, including attorney's fees in an amount to be determined at trial.

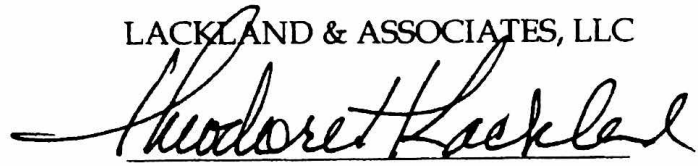
WHEREFORE, Plaintiffs pray for a trial by jury and that Defendant be found liable for:

- a) Breach of contract against Plaintiffs in an amount to be determined at trial;
- b) Verbal and emotional abuse against Plaintiffs in an amount to be determined at trial;

- c) False arrest and false imprisonment against Plaintiffs in an amount to be determined at trial;
- d) Punitive damages in an amount to be determined at trial;
- e) Attorney's fees in an amount to be determined at trial; and
- f) Such other and further relief as the Court may find just and equitable.

Respectfully submitted,

LACKLAND & ASSOCIATES, LLC



Theodore H. Lackland
Georgia Bar No. 431055
Counsel for Plaintiffs

630 Village Trace
Building 15, Suite C
Marietta, Georgia 30067
Telephone: (404) 522-8155
Facsimile: (404) 522-7355
Email: tlackland@e-lacklaw.com