

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

TRAVELERS UNITED, INC.	: Case Number: 2023-CAB-5254
v.	: Judge: Shana Frost Matini
SONESTA INTERNATIONAL HOTELS CORPORATION	: Next Event: Mediation – June 23, 2026

ORDER

Before the Court is the Opposed Motion to Approve Notice Plan (“Mot.”) filed by Plaintiff Travelers United, Inc. (“Travelers”) on June 12, 2025. Defendant Sonesta International Hotels Corporation (“Sonesta”) filed its Opposition (“Opp.”) to the Motion on September 9, 2025, and Travelers filed a Reply (“Reply”) thereto on September 30, 2025, which represents that the parties’ dispute has become more limited after conferring further. *See* Reply at 1-2. After reviewing the parties’ briefs, the record of this case, and the applicable law, and for the reasons stated herein, the Court grants Travelers’ Motion.

Background

In its Complaint filed on August 24, 2023, Travelers alleged that Sonesta’s hotel booking practices violate the District of Columbia Consumer Protection Procedures Act, systemically cheating consumers out of tens of millions of dollars each year by falsely advertising its hotel room rates, adding on last-minute “destination fees,” “resort fees,” and other similar charges that are part of the daily room rate. *See generally* Compl.

On December 5, 2024, the Honorable Todd E. Edelman certified two classes in this matter, pursuant to Superior Court Civil Procedure Rule 23: (1) the “National Class,” composed of “[a]ll individuals in the United States who booked a room at a Sonesta hotel within the District of Columbia through the Sonesta website and/or Sonesta App for personal use and paid a

resort, destination, and/or other similar fee to Sonesta;” and (2) the “District Class,” composed of “[a]ll residents of the District of Columbia who booked a room at a Sonesta hotel within the United States through the Sonesta website and/or Sonesta App for personal use and paid a resort, destination, and/or similar fee to Sonesta.”¹ Order at 31 (Dec. 5, 2024). On June 12, 2025, and after months of discovery, Travelers filed the instant Motion to seek approval of its proposed Notice Plan. *See generally* Mot.

On July 17, 2025, Sonesta moved to “dismiss all claims brought by [Travelers] on behalf of consumers who are members of ‘Sonesta Travel Pass,’ Sonesta’s loyalty rewards program.” Motion (July 17, 2025). Sonesta argued that Travel Pass Members had agreed to a forum selection clause when signing up for the program, requiring Travel Pass Members to litigate these claims in Massachusetts. *Id.* The Court denied Sonesta’s motion to dismiss, ruling that Sonesta had waived its right to enforce the forum selection clause. *See generally* Order (Oct. 27, 2025).

Travelers’ Proposed Notice Plan

Travelers’ proposed Notice Plan includes “Individual Notice via email or USPS first class mail” as well as “a case website and toll-free information line.” Mot. at 6. Travelers proposes that individual notice be sent to potential class members in the following manner:

(1) Email Notice for each [c]lass [m]ember for whom an email address is available; (2) Postcard Notice for each [c]lass [m]ember for whom the Email Notice is returned or bounces back as undeliverable, and for each class member for whom [Travelers] cannot identify an email address;² and (3) a Long Form Notice with more detail than the Email

¹ On March 12, 2025, the undersigned denied Sonesta’s request to “certify an interlocutory appeal of the December 5, 2024 Order.” Order at 2, 12 (Mar. 12, 2025).

² “Postcard Notice[s] [will be sent to] the physical mailing address identified in [Sonesta’s customer transaction data] or, if an address is not identified therein, to an address identified through [a] reverse lookup process.” Mot. at 8.

Notice or Postcard Notice, which will be available on the Internet, and which [c]lass [m]embers can request be mailed to them.³

Id. at 7. The contact information used to send out notices will be based on customer transaction data provided by Sonesta. *Id.* at 7-8.

Travelers also requests approval of Angeion Group, LLC as the Administrator to carry out the Notice Plan. Mot. at 12. Travelers proposes that “[c]lass [m]embers [can] opt out of the class by mailing in the Class Action Opt-Out Form to the Administrator, or by completing it on the [case] website.” *Id.* at 9. Additionally, Travelers proposes a series of deadlines, from the date of an approving Order, for administration of the Notice Plan (i.e., a 30-day deadline for the Administrator to “send the Email and Postcard Notices,” a 90-day deadline for members to opt-out of this class action, and a 104-day deadline “for the Administrator to submit to the Court a report of the opt-outs”). *Id.* at 12.

Standard of Review

“All class members in a [Rule 23(b)(3)]⁴ action are entitled to notice and an opportunity to exclude themselves from the class and preclusive effect of any judgment by ‘opting out’ of the lawsuit.” *Ford v. ChartOne, Inc.*, 908 A.2d 72, 87 (D.C. 2006) (quoting *Eubanks v. Billington*, 110 F.3d 87, 92 (D.C. Cir. 1997)); *see also* Super. Ct. Civ. R. 23(b)(3). Such notice must satisfy the requirements of Superior Court Civil Procedure Rule 23(c)(2)(B) as well as satisfy the

³ Along with its Motion, Sonesta provides “[e]xemplars of the Email Notice, Postcard Notice, and Long Form Notice and Class Action Opt-Out Form.” Mot. at 7; *see also generally* Decl. of Steven Weisbrot; Mot. Exs. B-E.

⁴ Superior Court Civil Procedure Rule 23(b)(3) permits a class action where “the court finds that the questions of law or fact common to class members predominate over any questions affecting only individual members, and that a class action is superior to other available methods for fairly and efficiently adjudicating the controversy.” Super. Ct. Civ. R. 23(b)(3).

Constitutional right to due process.⁵ See Super. Ct. Civ. R. 23(c)(2)(B); see also *Peters v. National R.R. Passenger Corp.*, 966 F.2d 1483, 1486 (D.C. 1992) (“The purpose of [R]ule 23(c)(2) is to afford members of the class due process....”).

Rule 23(c)(2)(B) requires that “the court...direct to class members the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort.” Super. Ct. Civ. R. 23(c)(2)(B). Notice may be provided by “United States mail, electronic means, or other appropriate means.” *Id.* The notice should include:

(i) the nature of the action; (ii) the definition of the class certified; (iii) the class claims, issues, or defenses; (iv) that a class member may enter an appearance through an attorney if the member so desires; (v) that the court will exclude from the class any member who requests exclusion by a specified date; (vi) the time and manner for requesting exclusion; and (vii) the binding effect of a class judgment on members....

Id.

Due Process requires that “the method of providing notice” for a Rule 23(b)(3) class action be “reasonably calculated, under all the circumstances, to inform a party of the pendency of the class action and the party's right to be excluded from it.” *Butler v. Fairbanks Capital*, No. 04-0367 (RMU), 2005 LEXIS 44537, at *15 (D.D.C Jan. 3, 2005) (cleaned up).⁶ Therefore, it is possible for “due process [to] be satisfied without a party to a class action ever actually being notified of the suit's pendency.” *Id.*

⁵ “The right to due process is conferred, not by legislative grace, but by constitutional guarantee.” *1417 Belmont Cmty. Dev., LLC v. Dist. of Columbia*, 302 A.3d 512, 517 (D.C. 2023) (quoting *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 541 (1985)).

⁶ Rule 23(b)(3) and Rule 23(c)(2)(B) of the Federal Rules of Civil Procedure and the Superior Court Rules of Civil Procedure are nearly identical. See Super. Ct. Civ. R. 23 (Comment to 2017 Amendments).

Analysis

Pursuant to Superior Court Civil Procedure Rule 23(c)(2)(B), Travelers seeks approval of its proposed Notice Plan for potential class members of this class action. *See generally* Mot. In its Opposition, Sonesta does not contest Travelers’ timeline for notice, the contents of the notice, or the appointment of Angeion Group, LLC as the Administrator to carry out the Notice Plan. Sonesta has therefore conceded these arguments. In any event, the Court finds that the contents of the Email, Postcard, and Long Form notices as well the Class Action Opt-Out Form together satisfy the required elements of Superior Court Rule of Civil Procedure 23(c)(2)(B)(i)-(vii). *See generally* Decl. of Steven Weisbrot; Mot. Exs. B-E.

Additionally, a few of the arguments Sonesta raises in its Opposition to the Motion are now moot issues. *See generally* Opp. For example, Sonesta’s argument that Travel Pass Members should not receive class notice because a forum selection clause deprives Travelers of standing to litigate on their behalf, *see* Opp. at 9, has since been rejected by the Court. *See generally* Order (Oct. 27, 2025).⁷

Sonesta also argues in its Opposition that Travelers’ proposed Notice Plan includes individuals outside of the class definitions, such as those who made Sonesta reservations through an online travel agency, rather than through Sonesta.com. Opp. at 10. This argument is now moot as Travelers represents in its Reply that “Travelers and Sonesta have conferred on this point, and Travelers will identify and omit all individuals for reservations booked through [online travel agencies] from the final notice list.” Reply at 1.

⁷ The Court also finds Sonesta’s argument that Travelers’ Notice Plan demonstrates a “class action is an inferior vehicle for adjudicating this controversy” to be unpersuasive. Opp. at 11. Sonesta already litigated this argument, and the Court subsequently ruled in favor of class certification. *See generally* Order (Dec. 5, 2024).

Accordingly, the Court limits its analysis herein to Sonesta's arguments that the following two other groups of class members are included in the proposed Notice Plan, despite falling outside of the class definitions: (1) individuals with an international address in the proposed National Class, and (2) individuals in the National and District classes who made a Sonesta reservation for business purposes. *See Opp.* at 10-11.

I. Individuals with an international address in the National Class

In its Opposition, Sonesta contests Travelers' proposed notice list because the National Class "includes 222 individuals who ha[ve] an international mailing address," and therefore fall outside of the class definitions. *Opp.* at 10; *see also* Decl. of Sonya Kwon ¶ 11. In its Reply, Travelers states that "Travelers and Sonesta have conferred on this point, and Travelers will identify and omit from the final notice list all individuals who have an international address." Reply at 1-2. Thus, Sonesta's argument with respect to National Class members known to have an international mailing address is now moot.

Sonesta also argues in its Opposition that "the proposed notice list for the National Class includes 5,895 individuals who lack sufficient mailing address information to determine their residency." *Opp.* at 10. Sonesta contends that these customers "[a]t a minimum,...belong in the reverse look up pool" because they might have an international address. *Id.* In its Reply, Travelers "agrees that if [a] reverse look-up determines an individual has an international address, that customer will be excluded from the final notice list." Reply at 1.

Therefore, the question remaining for the Court to resolve is whether Travelers may provide notice to potential National Class members whose address is unknown and cannot be identified through a reverse address look up. Reply at 3. The Court finds such notice to be reasonable.

Of the 12,711 Sonesta customers in Travelers’ proposed notice list for the National Class, 222 individuals (approximately 2%) have an international mailing address. Opp.; Decl. of Sonya Kwon ¶¶ 8, 11. Accordingly, it is likely that only about 2% of potential National Class members whose address is unknown and cannot be identified through a reverse address look up would also have an international mailing address. *See id.* Given this probability, any method proffered by the Court for additional filtering would likely remove qualified class members from the notice list. In its Opposition, Sonesta asserts that “there is no way to confirm whether these individuals are ‘in the United States,’” Opp. at 10; however, any additional filtering of the notice list at this stage would prejudice qualified class members. Furthermore, the inquiries needed to confirm that purported class members are indeed qualified as such in this limited circumstance will be simple to accomplish in the case of a resolution.

For these reasons, allowing notice to be potentially sent to a small percentage of individuals outside the National Class would ensure eligible National Class Members receive “the best notice that is practicable under the circumstances” as well as provide protection of their right to due process. Super. Ct. Civ. R. 23(c)(2)(B). Therefore, the Court finds that Travelers may provide notice to potential National Class members whose addresses are unknown and cannot be identified through a reverse address look up.⁸

⁸ Travelers’ Motion represents that a reverse look up process will be used for “approximately 76,844 email addresses [associated with] potential [District] [c]lass [m]embers who stayed at a hotel outside the District of Columbia but for whom Sonesta’s records lack a home address.” Mot. at 8. Travelers should not send notice to email addresses associated with individuals who stayed at a hotel outside the District of Columbia and for which an address determination cannot be made through a reverse address look up process. Although a very small number of individuals may end up excluded from the notice list because of this limitation, the method for notice under these circumstances will still provide “to class members the best notice that is practicable under the circumstances.” Super. Ct. Civ. R. 23(c)(2)(B).

II. Individuals in the National and District classes who made a Sonesta reservation for business purposes

In its Opposition, Sonesta argues that “Travelers’ proposed Email Notice and Long Form Notice do not adequately disclose to recipients that *only* those individuals who traveled for personal reasons—not business travelers—meet the class definitions in this case.” Opp. at 11 (emphasis in original). Travelers replies that it “agrees to add additional language to the proposed Email Notice and Long Form Notice to clarify that this case only applies to reservations made for personal use,” Reply at 2, and thus Sonesta’s concern is adequately addressed.

Sonesta also argues that Travelers’ proposed notice lists — for the National Class and the District Class — include individuals who travelled for business purposes, even though this category falls outside of the class definitions. Opp. at 10-11. Travelers replies that it “agrees that all customers who stated in their [Sonesta] post-stay surveys that the purpose of their travel was business for all reservations should be omitted from the final notice list.” Reply at 2. Specifically, of the 12,711 individuals in the proposed notice list for the National Class, 911 individuals completed Sonesta’s post-stay survey of which “193 individuals (or approximately 21%) appear to have traveled primarily for business purposes based on their responses.”⁹ Opp.; Decl. of Sonya Kwon ¶¶ 8, 13. Of the 552 individuals in the proposed notice list for the District Class, 46 individuals completed Sonesta’s post-stay survey of which “4 (or approximately 9%) appear to have traveled primarily for business purposes based on their responses.” *Id.*

The remaining question for the Court to address is therefore whether Travelers may provide class notice to potential National and District Class members who did not provide a response to Sonesta’s post-stay survey. The Court finds such notice to be reasonable.

⁹ The Court notes that the parties have reached an agreement as to what constitutes “business travel” for the purpose of using Sonesta’s post-stay surveys for creating notice lists. See Reply at 2 (“The Parties have conferred and generally agree on which post-stay surveys indicate business travel.”).

Sonesta's post-stay surveys indicate that a larger portion of individuals who completed the survey booked Sonesta reservations for personal reasons, rather than for business travel. *See* Opp.; Decl. of Sonya Kwon ¶ 13. It is likely that of the individuals who did not complete the post-stay survey, a majority also booked Sonesta reservations for personal reasons. Given this probability, any method proffered by the Court for additional filtering would likely remove qualified class members from the notice lists. Furthermore, the inquiries needed to qualify class members in this circumstance will be simple to accomplish in the case of a resolution.

For these reasons, allowing notice to be sent to individuals who did not complete Sonesta's post-stay survey would ensure eligible National and District Class members receive "the best notice that is practicable under the circumstances" as well as provide protection of their right to due process. Super. Ct. Civ. R. 23(c)(2)(B). Therefore, the Court finds that Travelers shall be permitted to send notice to all individuals who did not complete the post-stay survey.

Conclusion

Accordingly, and for the reasons set forth above, it is this 27th day of October 2025 hereby:

ORDERED that Travelers' motion to approve its Notice Plan is **GRANTED**; and it is further

ORDERED that the contents of the Email, Postcard, and Long Form notices and the Class Action Opt-Out Form are approved; and it is further

ORDERED that the procedures in the Motion for sending notices are approved, provided they comport with the rulings in this Order including that:

1. Travelers may provide notice to potential National Class members whose address is unknown and cannot be identified through a reverse address look up process, and

2. Travelers shall not send notice to email addresses associated with individuals who stayed at a hotel outside the District of Columbia and for which an address determination cannot be made through a reverse address look up process, and
3. Travelers may provide notice to potential National and District Class members who did not provide a response to Sonesta's post-travel survey; and it is further

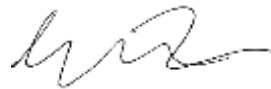
ORDERED that Angeion Group, LLC is approved to act as Administrator for purposes of sending the notices, collecting opt-outs, managing the informational website, and reporting to the Court on these activities; and it is further

ORDERED that within 30 days from entry of this Order the Administrator shall send the Email and Postcard Notices; and it is further

ORDERED that within 90 days from entry of this Order members of the Class must opt out either by mailing the Opt-Out Form to the Administrator or completing the Opt-Out Form online; and it is further

ORDERED that within 104 days from entry of this Order the Administrator shall submit to the Court a report of the opt-outs.

SO ORDERED.



Judge Shana Frost Matini
Superior Court of the District of Columbia

Copies electronically served on all counsel of record