

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

YUBO MIAO	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 24-cv-01345
	)	
UNITED AIRLINES, INC.,	)	
a Delaware Corporation	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendant.	)	

**COMPLAINT**

Yubo Miao, by his attorney, Joseph K. Nichele of Broida and Nichele, Ltd., for his Complaint against United Airlines, Inc., states:

**NATURE OF THE CASE**

1. Yubo Miao (“Miao”) brings this action against United Airlines, Inc. (“United”) for discrimination based on his race and national origin, which has resulted in substantial mental anguish and emotional stress, for which Miao seeks redress pursuant to 42 U.S.C. § 2000d and 42 U.S.C. § 1981.

**PARTIES**

- 2. Miao is a United States citizen of Chinese descent.
- 3. United is a Delaware corporation with its principal place of business located Chicago, Illinois.

**STATEMENT OF JURISDICTION AND VENUE**

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 in conjunction with 42 U.S.C. § 2000d and 42 U.S.C. § 1981.

5. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because United resided in, transacted business in, or had agents in the District or this action arose within this District.

## FACTUAL ALLEGATIONS

6. Miao is required to travel for work and frequently flies with United.
7. On or about June 1, 2023, Miao was scheduled to fly on United Flight 2683, which was traveling from Chicago, Illinois to San Diego, California.
8. When Miao boarded the airplane in Chicago, he observed two flight attendants employed by United as he entered the airplane.
9. When approaching his seat in row 14, Miao had noticed a Caucasian female flight attendant at row 10 staring at him.
10. At that time, there were no other crew members that Miao observed and the aircraft was empty beyond row 15 at the time.
11. When he arrived at his seat, Miao had placed his two suitcases and a lunch bag in the overhead bin and sat down in his seat.
12. Shortly after, the flight attendant approached Miao and told him to move his lunch box to under his seat.
13. Miao grabbed his lunch box and placed it on the empty seat next to him.
14. There were no other passengers in his three-seat section at the time.
15. When the flight attendant told Miao again to put the lunch box under the seat, Miao responded by stating that the box contained food so he would place it under the seat when the other passenger arrived before takeoff.
16. The flight attendant began to yell at Miao and threatened to inform the captain of the plane.
17. Miao immediately placed the lunch box under the seat.
18. A passenger in the row behind Miao told Miao that he thought the flight attendant had acted in a disrespectful manner to Miao.

19. Miao had also noticed that in the overhead bin across from him there were two similar suitcases slightly larger than Miao's and a bag of a similar size to Miao's lunch box.

20. The passenger who brought a similar bag on board was Caucasian.

21. Shortly thereafter, Miao was approached by a United supervisor who informed Miao that he had to leave the plane.

22. The supervisor informed Miao that the flight attendant claimed Miao hit her, and the captain wanted Miao removed.

23. Miao denied that any physical contact occurred between Miao and the flight attendant.

24. The passenger with the similar bag in the overhead bin across from Miao was not confronted by the United flight attendants or the supervisor and no one else was removed from the plane.

25. At no point did Miao make any unwanted physical contact with the flight attendant and was at no point accused of doing so.

26. Miao exited the airplane as ordered by the supervisor.

27. Sometime after the flight, Miao submitted a complaint to United about his experiences alleging racial discrimination during the flight.

28. On or about June 1, 2023, United's Passenger Incident Review Committee ("PIRC") responded by banning Miao from flying on United or any other regional carrier operating as United Express until a further decision was made.

29. On or about July 7, 2023, the PIRC sent another correspondence to Miao claiming it determined Miao made an unwanted physical contact with a United crew member.

30. The PIRC further claimed that engaging in the same type of conduct in the future would result in "serious consequences."

31. At the same time, the PIRC rescinded its ban on Miao and stated he was “welcome to travel on United Airlines” allowing United to enjoy the benefits of Miao’s patronage without correcting any of the retaliation he experienced or implementing any corrective measures on its employees that racially discriminated against Miao.

32. On July 20, 2023, Miao, through previous counsel, sent a demand letter to United regarding Miao’s experiences on flight 2683 and United’s subsequent accusations demanding United:

- A. Overturn and withdraw the PIRC decision issued;
- B. Destroy any and all documentation in its possession that bears any semblance of suggesting that Miao engaged in any inappropriate conduct;
- C. Issue a written apology for what happened on Miao’s previous flight;
- D. Secure a written apology from the flight attendant and the plane’s captain for their roles in Miao’s mistreatment, alongside a commitment that both will undergo sensitivity and discrimination/harassment retraining;
- E. An economic settlement of \$100,000.00 to Miao for the humiliation, embarrassment and mental and physical anguish and suffering he has undergone as a direct result of the incident; and
- F. Reimbursement of Miao’s legal fees.

A true and accurate copy of the Demand Letter is attached hereto, marked Exhibit A, and is incorporated herein by reference.

33. On August 3, 2023, Miao submitted an Air Travel Service Complaint to the Department of Transportation. A true and accurate copy of the Air Travel Service Complaint is attached hereto, marked Exhibit B, and is incorporated herein by reference.

34. On or about August 29, 2023, in an act of retaliation, Miao was stopped by an United employee while attempting to board United Airlines Flight 2182.

35. Miao was not allowed to check into flight 2182 online and was scrutinized for almost 30 minutes by a United counter agent and another employee on the phone with the counter agent.

36. Miao was repeatedly asked if he intended to “follow federal regulations.”

37. There is no reason for a United employee to ask Miao if he would “follow federal regulations” other than as retaliation for Miao filing his August 4, 2023 Complaint with the Department of Transportation.

**COUNT I**  
**VIOLATION OF 42 U.S.C § 2000d**

1-37. Paragraphs 1 through 37 are re-alleged and incorporated as if restated herein.

38. 42 U.S.C. § 2000d states:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

39. United has received federal financial assistance through the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) in order to retain employees during the Coronavirus pandemic.

40. United discriminated against Miao on the basis of his race and national origin by treating him differently than non-asian passengers and having him removed from the plane for no reason while other passengers with similar bags were not.

41. Further, United’s PIRC, which has the authority to institute corrective measures, had actual knowledge of the United employee’s discriminatory conduct.

42. Rather than rectifying the situation, the PIRC subsequently accused Miao of unwanted physical conduct with a crew member of the flight.

43. The PIRC further retaliated against Miao by temporarily banning him from flying with United.

44. The PIRC later permitted Miao to continue flying with United but did not make any efforts to correct the discriminatory actions done by its employees on Miao.

45. United, through the decision of the PIRC, acted deliberately indifferent to the discriminatory conduct of its employees towards Miao.

46. As a result of United's discrimination towards Miao and the PIRC's refusal to correct the discriminatory actions of United's employees, Miao was deeply offended and has suffered humiliation, pain and suffering, and emotional distress because of the discrimination in violation of 42 U.S.C. § 2000d.

WHEREFORE, Yubo Miao demands a trial by jury and prays that this Court enter judgment against United Airlines, Inc. in an amount in excess of \$100,000.00, his attorneys' fees and costs, and any other remedy that this Court deems just and equitable.

**COUNT II**  
**VIOLATION OF 42 U.S.C. § 1981**

1-37. Paragraphs 1 through 37 are re-alleged and incorporated as if restated herein.

38. 42 U.S.C. § 1981 states:

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

39. Miao is a member of a racial minority, as he is an Asian man.

40. Other non-asian passengers with similar bags were not asked to move them, and no others were removed from the flight.

41. Miao complied with the flight attendant's requests, which were not made to any other non-asian passengers with similar bags.

42. Despite Miao complying with the requests made of him, he was removed from the flight.

43. It is clear that United intended to discriminate against Miao on the basis of his race and national origin as other non-asian passengers were not treated the in a similar manner or were removed from the flight despite having similar bags that the United flight attendant took issue with.

44. United further discriminated against Miao when its PIRC falsely alleged that Miao made unwanted physical contact with a United employee and temporarily banned him from flying with United.

45. United reaffirmed its discriminatory actions against Miao by making no corrective measures of its employee's racial discrimination towards Miao despite permitting him to fly with United in the future.

46. Miao formed a contract with United when he purchased a seat on flight 2683.

47. Miao was unable to make use of his contract with United due to their discriminatory treatment toward him by removing him from the flight.

48. United's removal of Miao from flight 2683 was a violation of 42 U.S.C. § 1981.

49. As a result of United's discrimination towards Miao and the PIRC's refusal to correct the racially discriminatory actions of United's employees, Miao was deeply offended and has suffered humiliation, pain and suffering, emotional distress and loss of normal life because of the discrimination in violation of 42 U.S.C. § 1981.

50. United and its employees conduct was willful and done with reckless indifference and disregard to Miao's rights. The conduct was so outrageous an award for compensatory damages is inadequate and punitive damages should be awarded to punish United for its misconduct.

WHEREFORE, Yubo Miao demands a trial by jury and prays that this Court enter judgment against United Airlines, Inc. in an amount in excess of \$100,000.00, his attorneys' fees and costs, and any other remedy that this Court deems just and equitable.

Respectfully submitted,

YUBO MIAO

By: /s/ Joseph K. Nichele  
One of His Attorneys

Broida and Nichele, Ltd.  
Joseph K. Nichele  
Attorney for Plaintiff  
1250 East Diehl Road, Suite 108  
Naperville, Illinois 60563  
(630) 245-1515  
Fax: (630) 245-1565  
[lawyers@broida-law.com](mailto:lawyers@broida-law.com)