

United Ditches Fliers' Bags For Cargo, Suit Says

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Law360, Chicago (July 07, 2014, 1:47 PM ET) -- [United Airlines Inc.](#) was hit with a proposed class action Thursday in Illinois court alleging the carrier routinely dumps passengers' luggage in favor of cargo shipments, despite the fact that customers pay a hefty fee for each checked bag.

The Chicago-based airline's policy of prioritizing lucrative cargo shipments over passengers' bags when a plane approaches its weight limit runs afoul of the contract passengers agree to in their tickets, Gina Spadoni alleges in a complaint filed in Cook County Circuit Court.

The allegations stem from the fact that United, like most airlines, transports cargo in addition to travelers and bags on its passenger flights, and it makes a relatively better profit per pound for the cargo shipments than for luggage, according to the suit. The airline also guarantees a refund to cargo customers if their freight doesn't arrive as planned, but offers no such [assurance](#) to passengers for their bags, it said.

"The removal of checked baggage, rather than cargo, harms passengers, but not United, as United reaps the profit from its transportation of cargo," the complaint said.

Spadoni alleges that she purchased a flight on United from Los Angeles to Chicago in September and paid a \$25 fee for her checked bag, which was within the airline's weight and size guidelines. Before takeoff, however, the airline calculated that Spadoni's plane either approached or exceeded the maximum allowable weight under [Federal Aviation Administration](#) regulations, and purposely sent her bag on a later flight while leaving cargo on board, according to the suit.

A United ticket's "contract of carriage" concerning bags gives the airline a wide berth to send bags on separate [flights from](#) their passengers if transport on the same flight is "impractical," but the preferential treatment of cargo doesn't satisfy this self-imposed standard, Spadoni alleges.

"It was practical, possible and reasonable to transport plaintiff's piece of checked baggage on the same aircraft as plaintiff by removing pieces of cargo from the aircraft's cargo compartment in order to arrive at an acceptable aircraft weight," the complaint said.

Spadoni wants to represent a class of all Illinois residents who purchased a ticket with United since September 2003 and whose baggage was delayed in transit due to weight restrictions when cargo was transported on the same flight.

She seeks unspecified compensatory damages, including a refund of checked baggage fees and for time and money spent locating and obtaining delayed baggage.

United vowed to fight the suit in a statement on Monday.

"We believe this lawsuit is without merit, and we will vigorously defend against it," Jennifer Dohm, a spokeswoman for the company, said in an email.

Spadoni is represented by Thomas A. Zimmerman Jr., Adam M. Tamburelli and Frank J. Stretz of Zimmerman Law Offices PC and Robert A. Clifford and Shannon M. McNulty of [Clifford Law Offices PC](#).

Counsel information for United was not immediately available.

The case is Spadoni v. United Airlines Inc., case number 14CH11119, in the Circuit Court of Cook County, Illinois, Chancery Division.

--Editing by Katherine Rautenberg.