

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

TRAVELERS UNITED)	
2833 Alabama Ave SE #30736)	
Washington, D.C. 20020,)	
)	
Plaintiff,)	
)	Civil Action No. _____
v.)	
)	
KNEAD HOSPITALITY + DESIGN, LLC)	
875 10 th St NW)	
Washington, D.C. 20001)	
)	
Defendant.)	

**COMPLAINT FOR VIOLATIONS OF THE
CONSUMER PROTECTION PROCEDURES ACT**

Travelers United brings this action pursuant to D.C. Code § 28-3905 for injunctive relief and statutory damages against Defendant Knead Hospitality + Design, LLC (referred to as Knead Hospitality + Design) for violations of the District’s Consumer Protection Procedures Act (“CPPA”), D.C. Code § 28-3901, et seq. In support of its claims, Travelers United states as follows:

INTRODUCTION

1. This is a price deception case. For about six months, Knead Hospitality + Design has used an unlawful trade practice called “drip pricing” in advertising its menu items whereby Knead Hospitality + Design initially hides a portion of a menu items total cost from consumers. Knead Hospitality + Design does not have a specific name for this fee on the menu but their menu states “To offset the impact of DC’s Initiative 82 on

independent restaurants, a 3.5% fee has been added to your bill.” People have referred to a fee that reference Initiative 82 as an “Initiative 82 Fee.”¹ The deceptive fee is called an “Initiative 82 fee” on the final bill a consumer receives at Mi Vida.² The surcharge is imposed at all of the Knead Hospitality + Design full-service restaurants in the District including at Mi Vida at The Wharf, which is extremely popular with tourists. One key effect of this price deception is that consumers shopping for the price of dinner the Mi Vida’s website are misled into believing a dinner at Mi Vida at The Wharf is cheaper than it actually is. Mi Vida at The Wharf’s motive in continuing this deceptive practice is pure profit. Knead Hospitality + Design, of which Mi Vida is a part, has likely reaped tens of thousands of dollars over the last year from this deceptive drip pricing. Travelers United brings this action to force Knead Hospitality + Design to advertise up-front to consumers the true prices of its menu items. All mandatory fees controlled by the restaurant must be included in the advertised menu price.

2. Knead Hospitality + Design is a limited liability company (LLC) consisting of multiple restaurants with its headquarters in Washington, D.C. Knead Hospitality + Design owns and manages restaurants throughout the District. District restaurants run by Knead Hospitality + Design include Mi Vida at The Wharf, Mi Vida Chinatown, Mi Vida 14th Street, Succotash, The Grill, Gatsby, Mi Casa, Bistro Du Jour at the Wharf and Bistro Du Jour Capitol Hill.
3. Knead Hospitality + Design also operates three much smaller food operations out of Swingers in Dupont Circle. They operate Lil Succotash, Kneadza Pizza and tuTaco out

¹ Anna Spiegel, *Initiative 82 service fees are popping up in D.C.*, Axios, Jul 24, 2023, <https://www.axios.com/local/washington-dc/2023/07/24/initiative-82-service-fees-dc>

² See Paragraph 35

of Swingers. Swingers describes itself on their website as “Swingers, the crazy golf club, has reinvented mini golf for an adult audience by adding gourmet street food, cocktails and a party atmosphere.”³ These are not full-service sit-down restaurants and they do not have deceptive hidden fees for food items at this mini-golf operation – yet.

4. Knead Hospitality + Design also has a partnership with New York City based bakery Mah-Ze-Dahr to run their one Virginia location. They used to additionally operate the Navy Yard location of this bakery but currently this District location is unfortunately noted as “temporarily closed.” This delicious bakery does not have any deceptive fees – yet.
5. Knead Hospitality + Design offers its food and drink to District residents and tourists. The food is delicious. The service is excellent. The deceptive fees are illegal.
6. Each restaurant in the Knead Hospitality + Design has a menu with prices available online and at the restaurant. Consumers, particularly tourists who are unfamiliar with restaurants in the area, are likely to look online at a menu in advance to quickly see if a restaurant is in their budget. Consumers may compare menus online between different restaurants to pick a restaurant based on price. If the restaurant does not list the true price of a menu item on its’ menu, the consumer is not given the ability to price compare.
7. Knead Hospitality + Design charges an additional mandatory fee it labels on restaurants as “To offset the impact of DC’s initiative 82 on independent restaurants, a 3.5% fee has been added to your bill.” The same language is used at every other full-service Knead Hospitality + Design restaurant in the District. Other restaurant establishments in the

³ Swingers, <https://swingers.club/us/locations/washington-dc> (accessed Jan. 13, 2024)

District have imposed similar deceptive fees with a variety of names.⁴ Bindaas has a 3% “surcharge to cover increased labor and operating costs,” Nara-Ya has a 4% fee and doesn’t even attempt to give a reason and Proper 21 has a 5% “administrative fee.” These function as restaurant resort fees, a total junk fee where the consumer gets nothing other than a deceptive advertised price.

8. All nine full-service Knead Hospitality + Design restaurants in the District have these drip pricing fees. At every restaurant the advertised price of a menu item is listed without the surcharge. The restaurants could simply just increase prices so that consumers knew the price of an item when ordering, but instead consumers are hit with a surcharge when presented with the final bill. Consumers often do not know this surcharge existed before seeing the charge on the final bill. The fee is displayed on only one side of one menu at Mi Vida. The fee is not listed anywhere on other menus, like the dessert menu. On the one side of one menu where the fee is displayed, the fee is at the bottom of the menu which on some of the printed menus looks like it ran out of ink making it hard for many to read.
9. The 3.5% “Initiative 82 Fee” exists to deceive consumers about the actual price of a menu item.
10. This 3.5% Initiative 82 fee is applied to all menu items at every Knead Hospitality + Design full-service restaurant in the District meaning the 3.5% hidden fee applies not just to food items but to alcoholic beverages as well making this deceptive fee subject to the

⁴ Erik Flack, *Many Customers Frustrated Over Extra Fees on Restaurant Bills*, WUSA9, <https://www.wusa9.com/article/news/investigations/what-to-do-about-unexpected-restaurant-fees-dc-attorney-general-warning/65-b8ac01af-2a8f-4ea1-9f2e-479994321378> (accessed Jan. 13, 2024).

Alcoholic Beverage Regulation Administration's (ABRA) licensing requirements⁵ for District establishments that serve alcohol.

11. Travelers United institutes this proceeding to stop Knead Hospitality + Design from engaging in the unlawful trade practices set forth more fully below in connection with its offer and sale of restaurant food to consumers, including its practice of (1) misleading consumers concerning the amount they must pay for an item on the menu, and (2) advertising menu items without the intent to supply them at advertised prices. Travelers United seeks injunctive relief to prevent Defendant from engaging in these and similar unlawful trade practices, statutory damages to deter Defendant and others similarly situated from engaging in these and similar unlawful trade practices, and the payment of costs and attorney's fees. Travelers United also hopes that the District's Alcoholic Beverage Regulation Administration will follow their requirements for alcoholic beverage licenses in the District by revoking the Knead Hospitality + Design's license until they remove all deceptive fees from their menu.

JURISDICTION

12. This Court has jurisdiction over the subject matter of this case pursuant to D.C. Code § 11-921 and D.C. Code § 28-3905.
13. This Court has personal jurisdiction over the Defendant pursuant to D.C. Code § 13-423(a).

⁵ Government of the District of Columbia. District of Columbia Official Code Title 25; Alcoholic Beverage Regulation Administration and District of Columbia Municipal Regulations Title 23; Alcoholic Beverages (Revised August 2022), <https://abca.dc.gov/sites/default/files/dc/sites/abra/publication/attachments/ABRA%20Code%20Book%20-%20Updated%208-22.pdf>

PARTIES

14. Plaintiff is a nonprofit public interest organization for the purpose of promoting interests and rights of consumers empowered to sue and be sued. The mission of Travelers United is to improve and enhance for consumers all modes of travel. We advocate to make sure that consumers are able to travel safely and that they are not taken advantage of at their destination. Travelers United has been instrumental in advocating against hidden fees both federally and locally in the District. Travelers United has met with many members of the DC Council and their staff regarding numerous consumer protection issues in the District. Travelers United has met with the consumer protection division of the Office of the Attorney General in the District to discuss the issue. Nationally Travelers United has worked and met with members of Congress, the National Association of Attorneys General, other consumer advocacy groups and the Federal Trade Commission educating, alerting and advocating against deceptive fees. Travelers United, based in Washington, D.C. and Virginia, has members who reside in Washington, D.C.
15. Defendant Knead Hospitality + Design is a hospitality company that owns and manages a broad portfolio of restaurants throughout the District. It is a District corporation that is headquartered at 875 10th Street NW, Washington, DC 20001.
16. Mi Vida at The Wharf is a restaurant operated by the Knead Hospitality + Design. Mi Vida at The Wharf is located at 98 District Square SW, Washington, DC 20024.

KNEAD HOSPITALITY + DESIGN DECEPTIVE ADVERTISING PRACTICES

17. This action was commenced after just over a half a year of Knead Hospitality + Design charging an “Initiative 82 Fee.” Currently there has been an increased interest in the elimination of “junk fees” on pricing from everything from ticket sales to hotel rooms to menu items.^{6,7,8} Travelers United has sued MGM Resorts, Hyatt, Hilton, Sonesta and Accor hotels for their use of drip pricing in advertising hotel rooms.⁹ Restaurant fees, like the “Initiative 82 fee” are similar to hotel resort fees – guests get absolutely nothing other than a deceptive advertised price.¹⁰ In 2023 Travelers United sued Clyde’s Restaurant Group for charging a deceptive “2023 surcharge” on their menu.¹¹
18. At issue in this case is the growing and continued practice of restaurants advertising one price on their menu but then hitting the guest with a surcharge on the final bill. For instance, Knead Hospitality + Design group’s practice is to initially advertise lower rate for a menu item that does not include the surcharge, but then to include the surcharge in the final charges when the customer gets a bill. The practice means guests think the prices are 3.5% less than they actually are.

⁶ Diane Bartz, Jeff Mason and Douglas Gillison, *Biden Administration Takes Aim at Junk Fees Across the Economy*, Reuters, Oct. 11, 2023, <https://www.reuters.com/world/us/biden-administration-takes-aim-junk-fees-with-new-proposed-rule-guidance-2023-10-11/>

⁷ Chelsey Cox and Emma Kinery, *White House Announces New Efforts To Crack Down on ‘Tens of Billions’ in Junk Fees*, CNBC, Oct. 11, 2023, <https://www.cnbc.com/2023/10/11/white-house-announces-crack-downs-on-tens-of-billions-in-junk-fees.html>

⁸ Christopher Elliott, *Hotels Are Returning Fire in the ‘Junk Fee’ War. Don’t be a Casualty*, USA Today, Aug. 4, 2023, <https://www.usatoday.com/story/travel/columnist/2023/08/04/junk-fees-hotels-fight-them/70514452007/>

⁹ Elaine Glusac, *‘Spending Money to Get Nothing’: The Latest on Resort Fees*, N.Y. Times, Oct. 11, 2023, <https://www.nytimes.com/2023/10/11/travel/resort-fees.html>

¹⁰ Eric Flack and Ruth Morton, *Restaurant Surcharges Skyrocket in DC as Some Owners Now Charge 20% - and That’s Not Including Tip*, WUSA9, Sept. 14, 2023, <https://www.wusa9.com/article/news/investigations/initiative-82-resturant-surcharges-fees-employment-policies-institute-brasserie-liberte-chef-geoff-kenyan-muduffie/65-1147724c-d59c-49f6-9c82-67e21ca6822b>

¹¹ Jessica Sidman, *Lawsuit Against Clyde’s Alleging Deceptive Menu Fees Has Been Dropped*, The Washingtonian, January 5, 2024, <https://www.washingtonian.com/2024/01/05/lawsuit-against-clydes-alleging-deceptive-menu-fees-has-been-dropped/>

19. The Knead Hospitality + Design’s practice of initially advertising only part of a price and then later revealing other charges as the consumer completes the buying process is an example of drip pricing. The White House’s Council of Economic Advisors wrote a blog post titled *How Junk Fees Distort Competition* on March 21, 2023. The post states that drip pricing occurs “where additional costs are ‘dripped in’ as the consumer goes through the shopping process. This means consumers see an initial upfront price but face a higher true price at the end of the purchase process due to (non-government-imposed) fees.”¹² The White House explains that “ultimately, the existence of these additional fees serves to obfuscate the true price for a consumer... The use of drip pricing (and the imposition of additional search costs) makes it more difficult for consumers to compare prices across platforms.”¹³
20. Knead Hospitality + Design operates nine full-service restaurants in the District and each restaurant charges consumers the same deceptive 3.5% “Initiative 82 Fee.” The nine restaurants in the District charging this fee are: Mi Vida at The Wharf, Mi Vida Chinatown, Mi Vida 14th Street, Succotash, The Grill, Gatsby, Mi Casa, Bistro Du Jour at the Wharf and Bisto Du Jour Capitol Hill.
21. Because Knead Hospitality + Design charges the same deceptive fee at all nine of their DC restaurants, this shows that this fee exists to deceive consumers, not to actually provide any additional service or experience to the guest. Some Knead Hospitality + Design restaurants are fancier than others but the fee is not relative to any sort of service or restaurant experience, it’s related to price deception. Knead Hospitality + Design

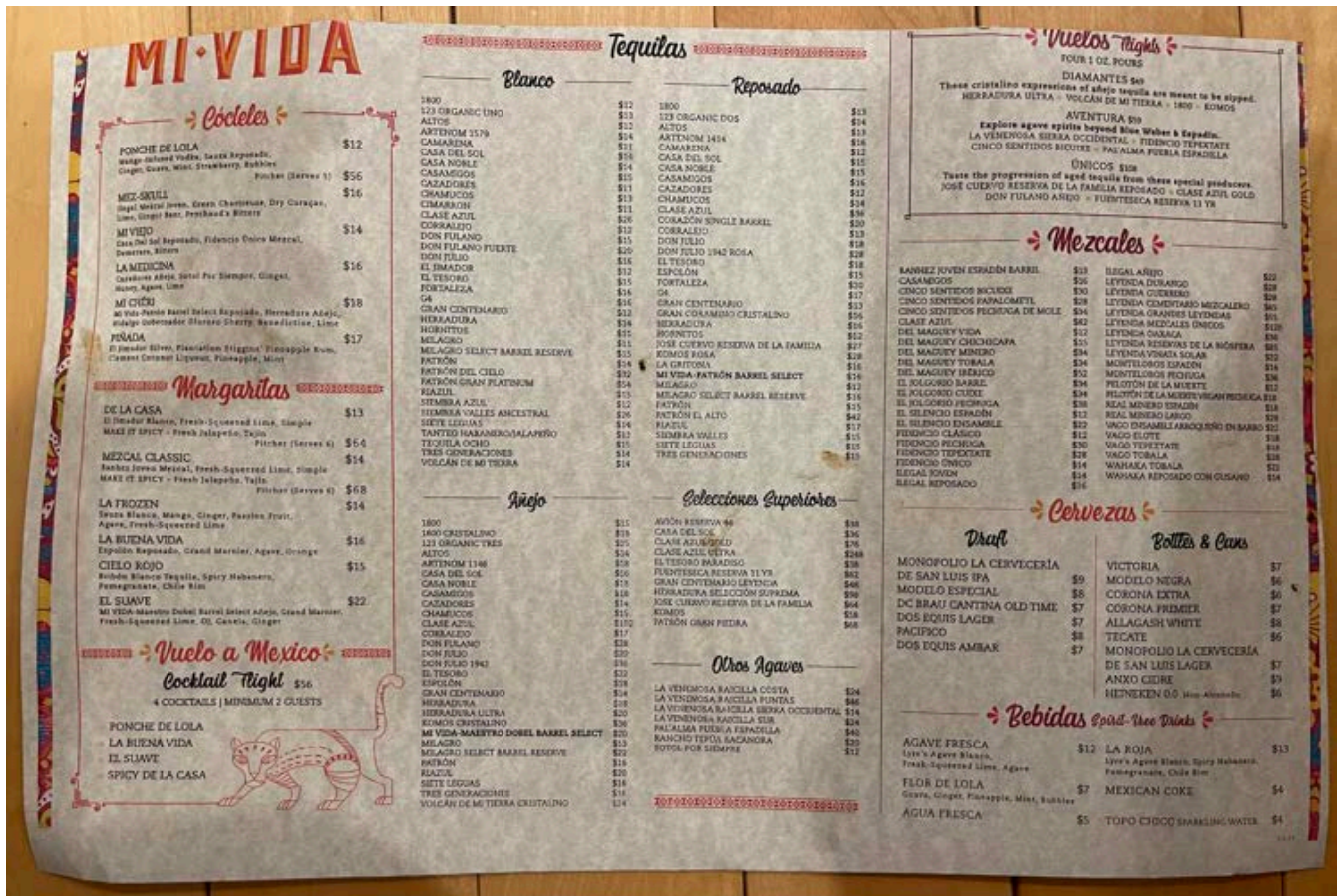
¹² *How Junk Fees Distort Competition*, The White House, Mar. 21, 2023, <https://www.whitehouse.gov/cea/written-materials/2023/03/21/how-junk-fees-distort-competition/>

¹³ *How Junk Fees Distort Competition*, The White House, Mar. 21, 2023, <https://www.whitehouse.gov/cea/written-materials/2023/03/21/how-junk-fees-distort-competition/>

imposes the same deceptive 3.5 percent fee at their highest end restaurant and their most budget restaurant.

22. These deceptive restaurant fees are not just a violation of the District's Consumer Protection Procedures Act (CPPA). These deceptive fees are also a violation of the District of Columbia Municipal Regulations Title 23 Alcoholic Beverages where §25-766 Prohibited statements in advertisements clearly states "Advertisements and written notices or other documents that are displayed or provided to the public that contain false or misleading statements with respect to any material fact shall be prohibited."¹⁴ Any establishment in the District charging a deceptive surcharge on alcoholic beverages is in violation of the District's Alcoholic Beverage Regulation Administration's (ABRA) general provisions for alcohol licenses in the District. A member of Travelers United purchased a de la casa margarita for \$13 on January 11, 2024 but \$13 was not actually the price of that margarita as it had the deceptive 3.5% surcharge. Any restaurant or bar charging deceptive surcharges like the "Initiative 82 Fee" charged at Knead Hospitality + Design restaurants should lose their license to serve alcohol according to ABRA.

¹⁴ Government of the District of Columbia. District of Columbia Official Code Title 25; Alcoholic Beverage Regulation Administration and District of Columbia Municipal Regulations Title 23; Alcoholic Beverages (Revised August 2022), <https://abca.dc.gov/sites/default/files/dc/sites/abra/publication/attachments/ABRA%20Code%20Book%20-%20Updated%208-22.pdf>



The “Initiative 82 Fee” is not even displayed on the Mi Vida alcoholic beverages menu in violation of the District Alcohol Beverage Regulation Administration’s requirements for how alcoholic beverages must be advertised.

23. These deceptive restaurant fees, not part of the advertised price on a menu, have popped up all over the United States in the past year. *The Guardian*, a paper based in The United Kingdom, recently ran an article titled “Covert and Confusing ‘Service Charges’ Anger US Diners: They’re not tips – and sometimes, they’re only revealed on itemized receipts, which patrons call dishonest.” The article goes on to say “service fees have emerged as a confusing new facet of restaurant etiquette. Despite the name, a service fee is not the

same as a tip and does not necessarily go to servers. Instead, the fee ends up in the hands of a restaurant owner, who will spend it however they see fit.”¹⁵

24. *The Guardian* article also points to a Google Spreadsheet originally created for Los Angeles but now sheets exist for Los Angeles, Chicago, San Diego and The District. Anyone with a Google account can log in and add the newest restaurant fee in their city. The “TransparentFee DMV Database [PUBLIC]”¹⁶ lists 180 restaurants charging some sort of fee in the District. *The Washingtonian* also reported recently on this trend of tracking restaurant fees across DC. On January 11, 2024 Jessica Sidman of *The Washingtonian* wrote an article titled “These Helpful Restaurant Tools are Tracking Every Restaurant Fee Across DC. A Reddit-crowdsourced spreadsheet and Chrome extension are bringing more transparency to menu fees.”¹⁷

25. The angst against deceptive restaurant fees is currently a hot topic on reddit.com’s Washington, D.C.-focused subreddit (r/washingtondc). Reddit is a popular online forum where people discuss topics of interest. A subreddit is a topic specific forum on the website reddit.com. Deceptive restaurant fees have been a reoccurring topic for the past ten months. A Reddit user posted an article in April 2023 about how “service fees are about to go big time in Washington, D.C.”¹⁸ and the top comment, upvoted 718 times, is “I know people hate doing math and they want to trick people on prices by adding these

¹⁵ Alaina Demopoulos, *Covert and Confusing ‘Service Charges’ Anger US Diners*, *The Guardian*, Aug. 7, 2023, <https://www.theguardian.com/food/2023/aug/07/restaurant-service-charges-us-los-angeles>

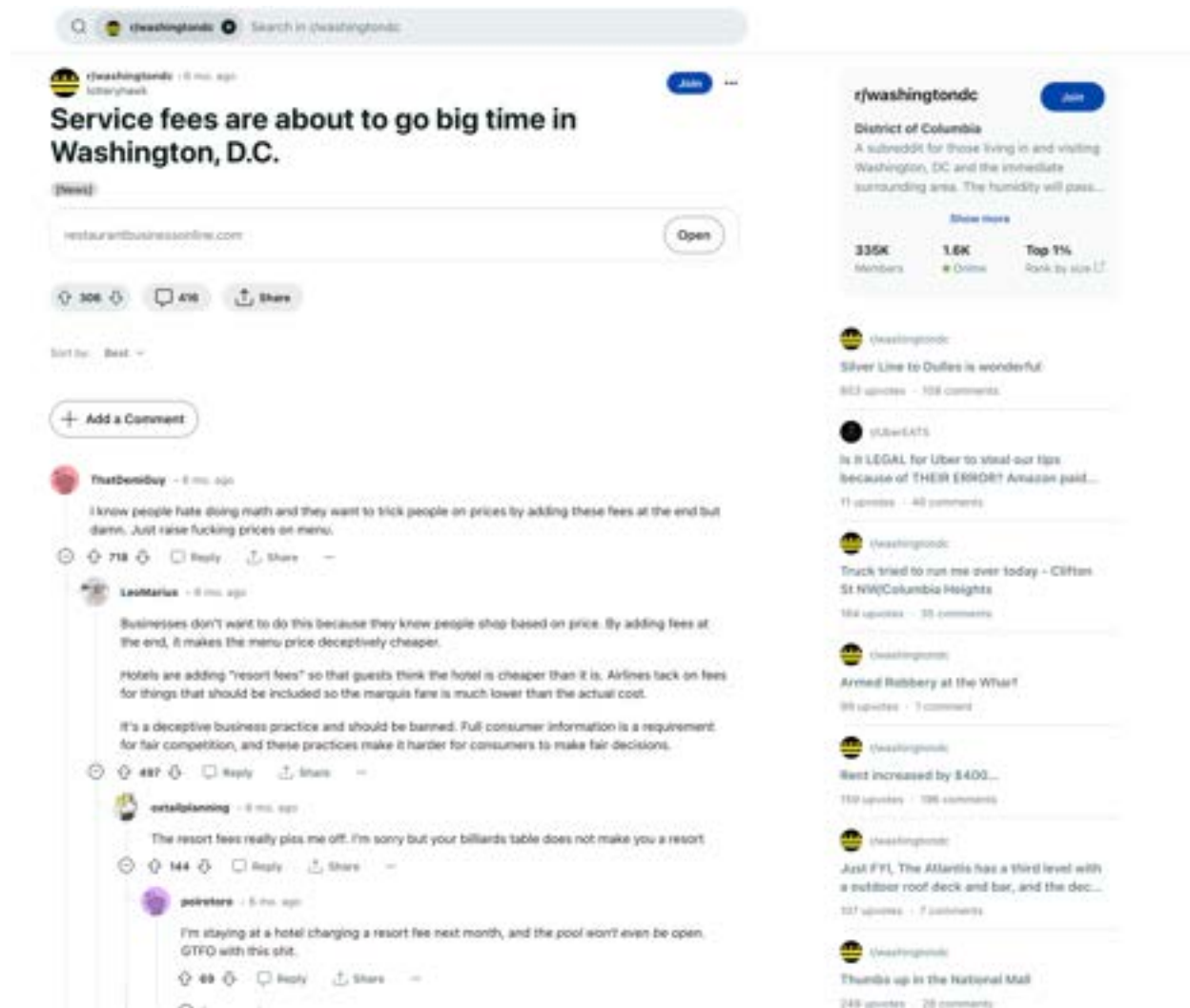
¹⁶ TransparentFee DMV Database [PUBLIC], https://docs.google.com/spreadsheets/d/1EEkbqqO_yJuMLjwTjg8S2JvFWqj2Z9bAv11z-IvhuGE/edit#gid=623535310

¹⁷ Jessica Sidman, *These Helpful Tools Are Tracking Every Restaurant Fee Across DC*, *The Washingtonian*, Janu. 11, 2024, <https://www.washingtonian.com/2024/01/11/these-helpful-tools-are-tracking-every-restaurant-fee-across-dc/>

¹⁸ Peter Romeo, *Service Fees Aare About To Go Big Time in Washington, D.C.*, *Restaurant Business*, Apr. 26, 2023, <https://www.restaurantbusinessonline.com/workforce/service-fees-are-about-go-big-time-washington-dc>

fees at the end but damn. Just raise fucking prices on menu.” The second comment, upvoted 497 times, says “Businesses don’t want to do this because they know people shop based on price. By adding fees at the end, it makes the menu price deceptively cheaper. Hotels are adding “resort fees” so that guests think the hotel is cheaper than it is. Airlines take on fees for things that should be included so the marquis fare is much lower than the actual cost. It’s a deceptive business practice and should be banned. Full consumer information is a requirement for fair competition, and these practices make it harder for consumers to make fair decisions.”¹⁹ Consumers in the District strongly oppose being charged deceptive restaurant fees.

¹⁹ DC Reddit
https://www.reddit.com/r/washingtondc/comments/131p13k/service_fees_are_about_to_go_big_time_in/ (accessed Jan 13, 2024)



The deception of District restaurant fees is a common topic on DC Reddit

26. An “Initiative 82 Fee” is ambiguous and uses misleading language that fails to fully convey to a diner how the fee will be used. A fee based on the passage of an initiative in DC does not disclose how the fee will be used.²⁰ An “Initiative 82 Fee” is in violation of the March 2023 District Office of the Attorney General guidance on restaurant fees and

²⁰ *Consumer Alert: DC Restaurants Are Barred from Charging Deceptive Fees*, Office of the Attorney General for the District of Columbia, Mar. 7, 2023, <https://oag.dc.gov/release/consumer-alert-dc-restaurants-are-barred-charging>

in violation of the Supplemental Business Advisory on Restaurant Fee Disclosure Requirements in the District of Columbia from August 9, 2023.²¹

27. By charging consumers a surcharge in addition to the advertised price on the menu, Knead Hospitality + Design makes thousands of additional dollars in revenue without appearing to increase the price that it advertises. Knead Hospitality + Design's unlawful trade practice has affected District consumers, as Knead Hospitality + Design has charged deceptive surcharge pricing to tens of thousands of District consumers over the years forcing those consumers to pay well in excess of tens of thousands of dollars.
28. Knead Hospitality + Design uses the deceptive fees to specifically mislead tourists²² and those unaware that these deceptive fees have exponentially grown in DC over the past year. People, particularly tourists, may think this fee is a mandatory tax.
29. Knead Hospitality + Design exercises control over the surcharge its restaurants charge. They are charging the same 3.5% deceptive fee at all Knead Hospitality + Design full-service restaurants in the District. This is an extremely successful restaurant group. This restaurant group sets an example for others in the area. If they think can get away with deceptive, illegal restaurant resort fees, others will think they can as well. No business, no matter how powerful the lobbying group behind it, should be able to violate the District's Consumer Protection Procedures Act (CPPA).
30. Knead Hospitality + Design does extremely well for itself. This is not a mom and pop operation. According to Eater, "Knead had an exceptionally busy 2021, expanding its

²¹ *Supplemental Business Advisory on Restaurant Fee Disclosure Requirements in the District of Columbia*, Office of the Attorney General for the District of Columbia, Aug. 9, 2023, <https://oag.dc.gov/sites/default/files/2023-08/OAG%20Supplemental%20Guidance.pdf>

²² Amanda Michelle Gomez, *One year In, Here's How Initiative 82 Is Affecting DC Restaurant Workers*, DCist, Dec 12, 2023, <https://dcist.com/story/23/12/12/initiative-82-one-year-later-dc-restaurant-worker-wages-service-charges/>

D.C. portfolio big time with openings including Navy Yard's glitzy diner Gatsby, Dupont's Tex-Mex oasis Mi Casa and subterranean food hall in London-based mini-golf bar Swingers, and the Wharf's all-day French café Bistro du Jour. Knead also ramped up its DMV partnership with NYC bakery Mah-Ze-Dahr and retooled Penn Quarter's Succotash Prime into a steakhouse-leaning venture with celebrity chef Ed Lee. An entirely new Knead concept in Florida is under construction...with an opening scheduled for early 2023.²³ They are opening multiple restaurants in a year. There is no excuse for the Mi Vida at The Wharf, or any other Knead Hospitality + Design restaurant, to hide a 3.5% fee instead of simply raising their menu prices and being honest with consumers.

31. Two members of Travelers United ate at Mi Vida at The Wharf on Thursday, January 11, 2024 at 6:00pm. They ordered one guacamole for \$14.00, one de la casa margarita for \$13.00, one enchiladas de mole negro for \$23.00, one enchiladas suizas for \$22.00, one volcan de helados for \$12.00, one coffee for \$3.50 and one hot tea for \$3.50.

²³ Tierney Plub, *The Wharf's Mexican Standby Mi Vida Will Add Two D.C. Locales Next Year*, Eater Washington DC, Dec. 22, 2021, <https://dc.eater.com/2021/12/22/22839701/the-wharf-mexican-mi-vida-d-c-locales>



The advertised prices of the purchased menu items at Mi Vida at The Wharf

32. The members of Travelers United were charged the deceptive “Initiative 82 fee” of 3.5% which ended up being \$3.50. This brought their meal to \$94.50 (before tax + tip). The meal would have been only \$91.00 (before tax + tip) if it was based on the actual advertised menu prices. The fee is not listed prominently on the menu. Many consumers would likely not even see that they were going to be charged a deceptive fee.



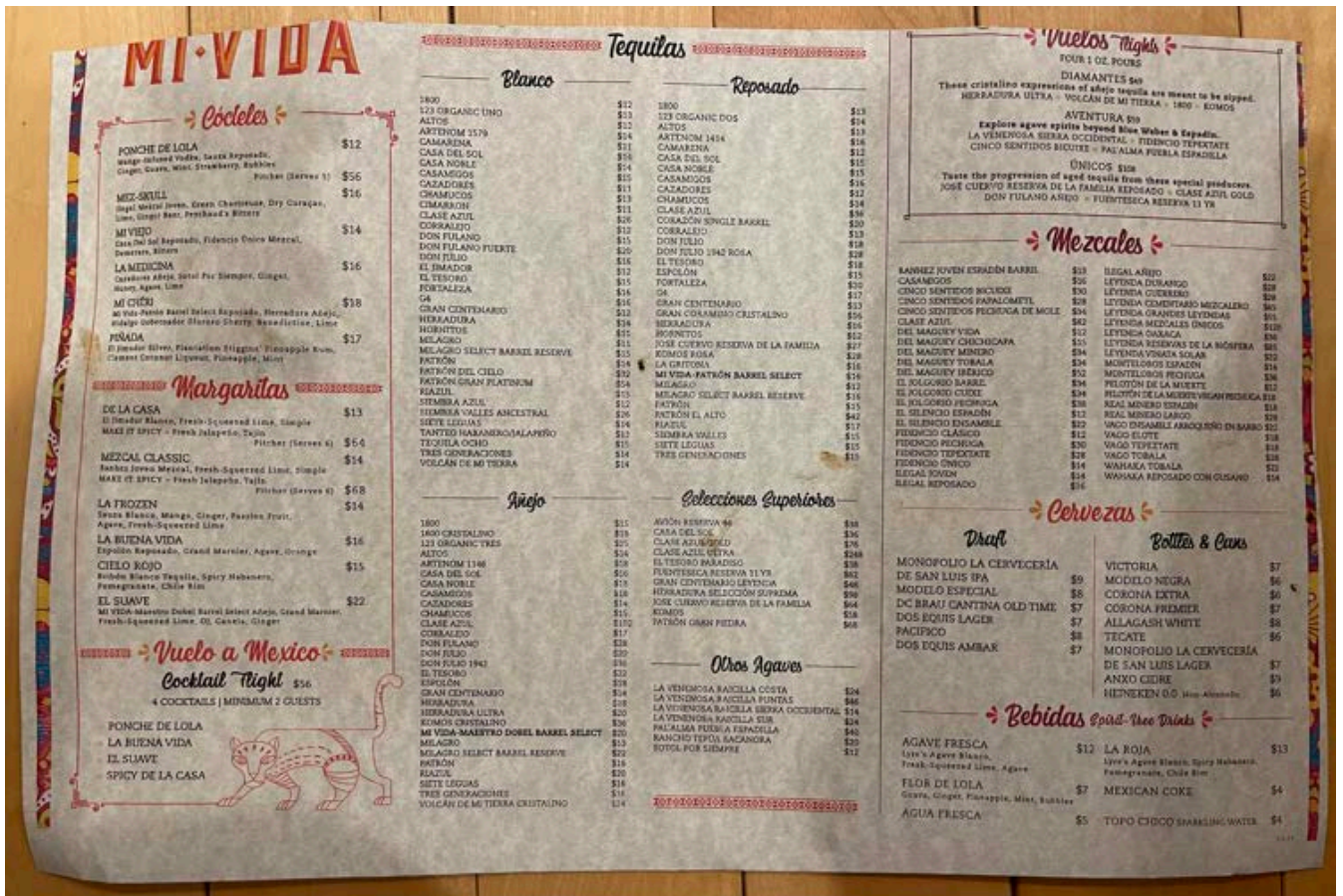
The fee can be hard to read on the one side of the one menu where it is displayed

33. The menu that was presented to the two diners is below. Note that the “Initiative 82 Fee” is only listed on the food one side of the menu despite it being applicable to both food

and alcoholic beverages. There is no disclosure as to what this fee covers.



Food side of the menu



Beverages side of the menu

34. The dessert menu that was presented to the two diners is below. Note that the deceptive 3.5% “Initiative 82 Fee” is not listed on either side of the dessert menu.

→ *Postres* *Postres* ←

CHURROS (6) \$12

Cinnamon & Egg-Soaked Churros,
Cajeta, Chocolate & Raspberry Sauce

FLAN DE ESPRESSO \$9

VOLCÁN DE HELADOS (6) \$12

Zesty Vanilla, Chocolate & Cajeta Ice Creams,
Salted Caramel, Guava Sauce, Pumpkin Seed Brittle,
Pecan Brownie Bits, Whipped Cream

CITRUS TRES LECHES (6) \$10

Citrus-Infused Sponge Cake,
Whipped Cream, Toasted Almonds

CASTEL DE CHOCOLATE (6) \$11

Chocolate Cake, Hazelnut-Pecan Mousse

❖ *Dulce Sueños* ❖

INDULGE IN ALL OF THE ABOVE DESSERTS,
WITH HOUSE MADE ALMOND COOKIES & FRESH FRUIT \$49

SERVES 4-6

TRÍO DE HELADOS \$8

(CHOOSE 3)

ICE CREAM

Zesty Vanilla, Chocolate, Cajeta

SORBET ✓

Strawberry, Mango, Lime

🌿 Vegetarian ✓ Vegan

(G) Gluten: Made with Flour/Wheat



One side of the dessert menu



The other side of the dessert menu

35. Their final bill was \$94.50 before government-imposed taxes and tip.

MI-VIDA

By KNEAD Hospitality + Design
Happy Hour M - F 3PM - 6PM
Lunch M - F 11:30AM - 4PM
Weekend Brunch 11AM - 3PM
Dinner M - F 4PM / Weekends 3PM

Server: Miguel P
Check #80 Table 34
Ordered: 1/11/24 6:03 PM

Guacamole	\$14.00
De la Casa	\$13.00
Enchiladas de Mole Negro	\$23.00
Enchiladas Suizas	\$22.00
Volcan de Helados	\$12.00
Coffee	\$3.50
Hot Tea	\$3.50
Initiative 82 Fee* (3.50%)	\$3.50
Subtotal	\$94.50
DC Tax	\$9.10
Total	\$103.60

Suggested Tip:

20%: (Tip \$20.02 Total \$123.62)

22%: (Tip \$22.02 Total \$125.62)

25%: (Tip \$25.02 Total \$128.62)

Tip percentages are based on the check price before discounts and after taxes.

*A 3.5% FEE IS ADDED TO ALL CHECKS TO HELP OFFSET THE RECENT 50% INCREASE IN THE TIPPED MINIMUM WAGE. THIS FEE WILL BE USED TO HELP PAY OUR SERVERS, BARTENDERS, AND SUPPORT STAFF AND IS NOT A GRATUITY.

Follow @mividamexico
98 District Square SW
Washington, DC 20024
202-518-4656

Violations of the Consumer Protection Procedures Act

1. The allegations in paragraphs 1 through 35 are re-alleged as if fully set forth here.
2. The CPPA is a remedial statute that is to be broadly construed. It establishes an enforceable right to truthful information from merchants about consumer goods and services that are or would be purchased, leased, or received in the District of Columbia §28-3901(c).
3. Travelers United has standing to bring this Count under §28-3905(k)(1)(D)(i) “Subject to sub-paragraph (ii) of this subparagraph, a public interest organization may, on behalf of the interests of a consumer or a class of consumers, bring an action seeking relief from the use by any person of a trade practice in violation of a law of the District if the consumer or class could bring an action under subparagraph (A) of this paragraph for relief from such use by such person of such practice.” Travelers United is a public interest organization, with members in the District, that has done significant advocacy work against deceptive fees across the travel industry, both locally in DC and on the federal level. Deceptive restaurant fees are a trade practice in violation of a law of the District.
4. Restaurant purchases, and the surcharges that come along with restaurant purchases, are consumer goods transactions. They exist for personal, household, or family purposes and a security interest secures the obligation.
5. Knead Hospitality + Design, in the ordinary course of business, offers to lease or supply consumer goods and services, and, therefore, is a merchant §28-3901(a)(3).

6. The CPPA prohibits unlawful trade practices in connection with the offer, sale, and supply of consumer goods and services §28-3904.
7. Knead Hospitality + Design advertisement of prices for their menu items that do not include 3.5% of the price is a misrepresentation of material fact that has a tendency to mislead customers. It is an unlawful trade practice that violates the CPPA, D.C. Code §28-3904(e).
8. Defendant's advertising of menu prices in their restaurants that do not include the "Initiative 82 Fee" constitutes an advertisement or offer without the intent to sell the food and drink items as advertised, which is an unlawful trade practice that violates the CPPA, D.C. Code 14 § 28-3904(h).

PRAYER FOR RELIEF

WHEREFORE, the Travelers United respectfully requests this Court enter a judgment in its favor and grant relief against Defendant, as follows:

- (a) Permanently enjoin and restrain Defendant, pursuant to D.C. Code § 28-3905(k)(2)(D), from engaging in conduct determined to be in violation of the CPPA;
- (b) Permanently enjoin Defendant from advertising menu items that do not include a mandatory surcharge in advertised for food items at its restaurants;
- (c) Order the Defendant to pay statutory damages to Travelers United pursuant to D.C. Code § 28-3905(k)(2)(A), for each and every violation of the CPPA proven at trial;
- (d) Order the Defendant to pay punitive damages in an amount to be determined at trial, pursuant to D.C. Code § 28-3905(k)(2)(C);

(e) Award Travelers United the costs and reasonable attorney's fees for its investigation and this action, pursuant to D.C. Code § 28-3905(k)(2)(B); and

(f) Grant such further relief as the Court deems just and proper.

Jury Demand

Travelers United demands a trial by jury.

Respectfully submitted,

Dated: January 13, 2024

/s/ Lauren Wolfe

LAUREN WOLFE (D.C. Bar # 1048660)
Counsel, Travelers United

2833 Alabama Ave SE #30736
Washington, D.C. 20020

Telephone: 202-713-9596
Email: lauren.wolfe@travelersunited.org