

1 Thomas Alvord, WSBA #61943
The HQ Firm, P.C.
2 450 Alaskan Way S Suite 200 #1823
Seattle, WA 98104
3 Telephone: (385) 440-4127
4 Email: thomas@thehqfirm.com

5 *Attorney for Plaintiff*

6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
8 SPOKANE DIVISION

9 Heather Miller

10 Plaintiff,

11 v.

12 Davison Design & Development, Inc.

13 Defendant.

Case No.: 2:25-cv-459

CLASS ACTION COMPLAINT

JURY DEMAND

14
15 **INTRODUCTION**

16 1. Heather Miller brings this lawsuit against Davison Design &
17 Development, Inc. (Davison) for violations of the Commercial Electronic Mail Act
18 (CEMA), RCW 19.190.060.

19 2. CEMA prohibits companies from sending commercial text messages
20 to Washington residents without consent.

21 3. Miller is a Washington resident. She received two commercial text
22 messages from Davison earlier this year. She never gave permission for Davison to
23 send these messages.

24 4. Davison's unsolicited spam was intrusive and annoying to Miller.

1 5. As the Ninth Circuit has noted, “Being deluged with ‘spam’ . . . text
2 messages is the bane of modern life.” *Borden v. eFinancial, LLC*, 53 F.4th 1230,
3 1231 (9th Cir. 2022).

4 6. To hold Davison accountable for its illegal practices, Miller brings
5 this action individually and on behalf of a putative class of Washington residents
6 similarly situated.

7 **JURISDICTION AND VENUE**

8 7. This Court has original subject matter jurisdiction pursuant to
9 28 U.S.C. § 1332(d) because this is a class action, the aggregate amount in
10 controversy exceeds \$5,000,000, Miller and putative class members are citizens of
11 Washington, and Davison is a citizen of Pennsylvania.

12 8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because a
13 significant portion of the events giving rise to this lawsuit occurred in this district.

14 **PARTIES**

15 9. Miller is a citizen of Washington, residing in Spokane.

16 10. Davison Design & Development, Inc. is a Pennsylvania corporation
17 with its principal place of business in Pennsylvania.

18 **FACTUAL ALLEGATIONS**

19 11. Miller is the sole user of the cell phone number 509-720-3137.

20 12. This is Miller’s only phone number.

21 13. Miller first began using 509-720-3137 in January 2025, when her
22 phone carrier assigned this number to her.

23 14. On March 20, 2025, Davison sent two text messages to 509-720-3137
24 as follows:

i. Hi Jennifer, this is Joanna from Davison. Here's a link to submit your idea: a.davison.com/c35kj

ii. Hi Jennifer, this is Joanna from Davison. Here's a link to submit your idea: a.davison.com/c35kj Reply STOP to unsubscribe. Msg and Data rates may apply.

15. Davison sent both text messages from the short code 81724.

16. Davison sent both text messages at 8:12 a.m. Pacific Time.

17. That same day, Miller responded to 81724 with the message STOP.

18. The hyperlinks in the text messages directed to idea.davison.com.

This webpage contains a prefilled webform with the name of Jennifer B***** and a Spokane, WA address.

19. The presence of a prefilled Washington address in the webform demonstrates that Davison purposefully intended to direct its messages to Washington.

20. Miller does not know anyone named Jennifer B*****, nor has she ever gone by that name.

21. Davison is a company that provides research and development services for people wanting to bring an idea to market.

22. On the website, above the webform, Davison says, "Let us help with your idea." Below the webform, in the footer, Davison says, "Davison's research, development and presentation services are provided for an upfront fee paid by the client and a contingent fee."

23. The purpose of Davison's text messages is to get people to submit the webform so Davison can in turn sell its research and development services.

24. Davison charges between \$395 to \$16,000 for its various services. *See* AMERICAN INVENTOR’S PROTECTION ACT – DAVISON, www.davison.com/legal/aipa (last visited Nov. 12, 2025) (hereinafter Davison AIPA Disclosure).

LEGAL STANDARD

25. Washington’s Commercial Electronic Mail Act provides that “[n]o person conducting business in the state may initiate or assist in the transmission of an electronic commercial text message to a telephone number assigned to a Washington resident” unless the recipient has “clearly and affirmatively consented in advance.” RCW 19.190.060(1), .070(1)(b).

26. A CEMA violation is actionable under Washington’s Consumer Protection Act and establishes both the injury and causation elements of a CPA violation. *See Wright v. Lyft, Inc.*, 189 Wash. 2d 718 (2017).

CLASS ACTION ALLEGATIONS

27. Pursuant to Federal Rule of Civil Procedure 23(b)(3), Miller brings this action on behalf of herself, and a Class of Washington residents similarly situated.

28. Miller proposes the following Class:

All Washington residents (1) who are not Davison customers, and (2) Davison texted (3) between November 12, 2021 through the date of class certification.

29. Miller estimates that the Class has thousands of members, making joinder impracticable.

1 30. Miller estimates that Davison has sent over 10,000 text messages to
2 the Class.¹

3 31. At \$500 per violation, this is over \$5 million in potential damages.

4 32. Questions of law and fact common to the Class members include
5 whether Davison sent the text messages, whether they constitute commercial text
6 messages, and whether Davison had consent to send the text messages.

7 33. Miller's claims are typical because they arise out of the same conduct
8 and legal theory: Davison's commercial text messages to Washington residents
9 without consent.

10 34. Miller is an adequate representative because her interests do not
11 conflict with those of the Class, and she will fairly represent the interests of the
12 Class. Plaintiff's counsel also has no conflict and is experienced in class actions.

13 35. The questions common to the class predominate over individualized
14 questions.

15
16
17 ¹ In the last five years, 576,812 consumers have submitted an idea to Davison. *See*
18 Davison AIPA Disclosure. This would be an estimated 461,449 consumers in the
19 last four years, and because Washington residents comprise 2.3% of the U.S.
20 population, this is an estimated 10,613 Washington consumers in the past four
21 years. Further, Davison says it may send up to 3 text messages per week to each
22 phone number it texts. *See* DAVISON - TURNING NEW IDEAS, INVENTIONS, AND
23 PATENTS INTO NEW PRODUCTS, <https://idea.davison.com/index.php> (last visited
24 Nov. 12, 2025).

1 36. A class action is superior to individual suits because it saves judicial
2 resources, promotes consistency and efficiency, provides a forum for small
3 claimants, and deters illegal activity. Class members prosecuting separate actions
4 is unlikely because of the time and expense required. Damages are statutory and
5 straightforward. There is no difficulty in managing this case as a class action.

6 **FIRST CAUSE OF ACTION**

7 **Violations of the Washington Consumer Protection Act**
8 **On Behalf of Miller and the Class**

9 37. Davison violated the Washington Consumer Protection Act, RCW
10 19.86, by initiating or assisting in the transmission of commercial text messages to
11 Miller and the Class without consent.

12 38. Miller and the Class have been damaged and are entitled to an award
13 of \$500 in statutory damages for each violation. RCW 19.190.060.

14 39. The court should award attorney's fees and costs. RCW 19.86.090

15 **RELIEF REQUESTED**

16 40. Miller requests that the Court grant the following relief:

- 17 a) Certification of the proposed Class;
18 b) Appointment of Miller as class representative;
19 c) Appointment of The HQ Firm, P.C. as counsel for the Class;
20 d) An award of damages, fees, costs, and interest; and
21 e) Orders granting such other relief as the Court deems proper.

22 **JURY DEMAND**

23 41. Miller requests a jury trial as to all claims of the Complaint so triable.
24

1 Dated: November 14, 2025

Respectfully Submitted,

2 /s/ Thomas Alvord

3 Thomas Alvord, WSBA #61943

4 Attorney for the Plaintiff

5 The HQ Firm, P.C.

6 450 Alaskan Way S Suite 200 # 1823

7 Seattle, WA 98104

8 Telephone: (385) 440-4127

9 Email: thomas@thehqfirm.com