

USA TODAY Travel

Judge acts on Southwest lawsuit over expired drink coupons

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A federal judge has thrown out part of a lawsuit filed against Southwest Airlines over the expiration of its free-drink coupons. However, a breach-of-contract claim was allowed to proceed.

[Reuters writes](#) "U.S. District Judge Matthew Kennelly in Chicago said federal airline law preempts claims accusing Southwest of unjust enrichment and violating state consumer fraud laws."

But a breach-of-contract claim against Southwest can proceed, [Reuters](#) reports. The judge also did not honor a request by Southwest to delay the case as the airline awaits the outcome of a similar case in Alabama.

The Illinois suit [was first filed in November](#) by Illinois resident Adam Levitt. He argued Southwest's move to invalidate free-drink coupons that did not have expiration dates printed on them amounted to a breach of contract. The suit was later joined by Herbert Malone of Pennsylvania.

ARCHIVES: [Flier sues Southwest over expired drink coupons](#)
PHOTO GALLERY: [Items fliers have left behind on Southwest Airlines](#)
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Reuters says Levitt attached 45 expired Southwest coupon to his claim while Malone attached 12.

Southwest did not immediately comment on the ruling, but the plaintiffs' lawyer hailed the courts decision to allow the breach of contract claim to proceed.

"The court's ruling has now liberated us to aggressively prosecute this case, which is exactly what we intend," Joseph Siprut, a Chicago lawyer representing Levitt and Malone, is quoted as saying by Reuters.

As for the drink coupons at the center of the suit, Southwest had handed out hundreds of thousands of such coupons over the years. They entitled the bearer to redeem one coupon for a free drink, a value of about \$5 at today's prices.

The coupons – typically collected when a customer earned a frequent-flier award ticket or when they bought a "Business Select" fare – previously did not expire and could be redeemed immediately or saved for a future flight.

But, in 2010, Southwest said it would begin printing expiration dates on new coupons, most of which would become valid only on the day of flight. The airline warned people a year in advance that – as of Sept. 1, 2011 – it would invalidate all old coupons without an expiration date.

ARCHIVES: [Southwest: Old drink coupons have expired](#)

"We've reached a point where being so flexible with drink coupons has put us in a position of having far too many in circulation," Southwest said [in announcing the change in August 2010](#). "To help purge the system of these excess coupons, we will start enforcing expiration dates on coupons over the course of the next year."

Reuters notes "the case is Levitt et al v. Southwest Airlines Co, U.S. District Court, Northern District of Illinois, No. 11-08176."